

CALIFORNIA FISHERMEN'S RESILIENCY ASSOCIATION

1118 6th St.
Eureka, CA 95501

CFRA Comments regarding BOEM Draft Lease Sale Document 7/14/2022

In January 2022, seven Northern California Port Commercial Fishermen's Associations formed the California Fishermen's Resiliency Association, a California nonprofit Mutual Benefit Corporation. The California Fishermen's Resiliency Association now serves as a "point of contact" and negotiator for fishermen with developers of offshore wind power, telecommunication and energy transmission subsea cables, and offshore mineral extraction projects. The CFRA represents all fisheries and gear types through its member fishermen's associations which include the ports of Crescent City, Trinidad Bay, Humboldt Bay, Shelter Cove, Fort Bragg/Noyo, Bodega Bay and San Francisco. Planning is underway to expand the CFRA membership to include California Port Fishermen's Associations of Central and Southern California.

The CFRA is structured to encourage statewide cooperative policies and protocols related to offshore wind power and cable projects in a way that protects fishermen and fishing communities from impacts that result from these developments and allows California to move towards realistic renewable energy goals statewide.

Commercial Fishermen continue to oppose the siting of OSW projects on community fishing grounds.

These are the CFRA comments on the BOEM Draft Lease Sale Document:

1. The Morro Bay and Humboldt WEA's should be classified as "Experimental Demonstration Projects" and be required to actually produce and export electricity at a commercial scale to the grid for three years before any additional WEA's are proposed for California, Oregon or Washington State.
2. Each of the two California WEA's shall contain a two mile wide corridor as per NMFS for scientific survey
3. BOEM and the State must recognize that "WEA site survey work will immediately impact the fishing industry", and so state in all documents.

4. No more data collection buoy anchoring systems shall be abandoned (“decommissioned in place”) on West Coast Fishing Grounds.
5. **Impact to Fishing and Fishing Communities 7C** - “BOEM will work with the Commission and other state and federal agencies to develop and facilitate a working group consisting of fishing organizations and representatives from different regions/ports of the State.....
 - a. **Comment** - the members of the working group should consist of representatives from **Commercial Fishing California Port Fishermen’s Associations**, both within and outside of the potential WEA’s. This proposed working group should have been formed at the beginning of the BOEM process which was started years ago. How long should the fishing industry be expected to wait in hopes that BOEM and State Agencies actually form a working group composed of California Commercial Fishing Port Association? There have already been four years of negative impacts to stakeholders just dealing with the BOEM process.
 - b. **Comment** - If formed, what will require BOEM to follow any working group recommendations for OSW development?

CFRA Comments for the BOEM Draft Fishing Mitigation Document

1. OSW bid credits for the negotiation and execution of a Fishing Community Benefit Agreement (FCBA) need to be significantly expanded from 2.5% to 15-20%. The fishing industry and Coastal Fishing Communities will be recipients of nearly all of the major negative impacts from OSW developments. Raising FCBA bid credits motivates the developers to work directly via industry-to- industry agreements and gives developers significant long term credits to mitigate and minimize impacts to commercial fishing. The 2.5% bid credit does not.
2. Change “Community Benefit Agreement” to “**Fishing** Community Benefit Agreement”. This will exactly delineate which stakeholder group that OSW developers should be working with to avoid, minimize and mitigate the negative impacts of OSW projects.
3. Stipulate that FCBA’s are to be industry-to-industry contracts in which the commercial fishing industry is represented by Nonprofit Mutual Benefit Corporations whose membership is made up of democratic and inclusive multiple port commercial fishermen’s associations
4. **Comment** - Any “Fishing Agreement” template should be directly based on the February 9, 2022 industry letter sent to California State Agencies concerning the specifics for “creating a template and managing entity to address unwanted, adverse impacts on California’s Fisheries from offshore wind development”. (Note: the CFRA was formed via these fishing industry “templates” and embraces the concepts contained therein.)
5. **Comment** - The Humboldt Consistency Determination conditioned a “Community Benefit Agreement” before OSW construction (COP). The condition should exactly state: “that a **Fishing Community Benefit Agreement** be negotiated and executed

between both industries and reviewed by Coastal Commission staff **before any lease sales or survey work begins**".

6. **Lack of Policy, Lack of Enforcement** — Neither the Federal Government, (NOAA, NMFS, BOEM) nor the state agencies of California have any coherent policy to direct offshore development and protect coastal fishing communities from said negative impacts of proposed offshore developments. This lack of policy has been evident during the permitting, installation, and operation of fiber optic telecommunication cable projects in State and Federal waters of California. To date there is no public evidence that there are any draft documents exactly prescribing how, and how not, WEA site survey operations will be allowed to be conducted. Subsequently, like fiber optic cable operations, wind power operators will be given free rein on California's Community Fishing Grounds with no oversight and absolutely no enforceable protocols for said survey activities. The CFRA has been unable to find any evidence that BOEM has the staff, the equipment, or the vessels to enforce compliance by wind power developers as they work at sea. Without coherent, enforceable WEA survey protocols, the result will be chaos on California's Community Fishing Grounds.

Ken Bates, President

For the

California Fishermen's Resiliency Association (CFRA), Board of Directors