

CALIFORNIA FISHERMEN'S RESILIENCY ASSOCIATION

1118 6th St.
Eureka, CA 95501

CFRA Board Report #14

December 23, 2022

The CFRA Board of Directors met on Friday, December 16, 2022 @4:30pm via Zoom

The following board members were in attendance:

RB Pincombe, Curtis Wilson, Ken Bates, Linda Hildebrand, Jake Mitchell, Laura Miller, Dick Ogg, John Barnett

Tony Cannia and Sean Hodges were absent.

Guest: Lynette Mullen

1. The Board met with Lynette Mullen, a private independent consultant, for the purpose of interviewing her for the position of Grant manager. This position would include technical support service, OPC Grant administration, other grant applications and designing a website giving public access to all CFRA documents and papers. The board approved contracting with Ms. Mullen on a part time basis as required.

A motion was made by RB Pincombe to hire Lynette Mullen as the CFRA Grant Manager, this was seconded by Jake Mitchell. There was a unanimous vote by the Board.

2. Ken and Linda reported on Justine Kimball's work as CFRA/OPC Grant Administrator to transfer \$40,000 from the "employee" designation to the "subcontractor" designation within the OPC approved CFRA Grant budget. This accounting amendment will allow for more flexibility in contracting for services as required by the grant conditions.

3. Report on Meetings - CFRA Board Members Linda Hildebrand, and Ken Bates attended the following meetings concerning California OSW Development.

— **December 5, 2022**, Brightline Defense sponsored a meeting at the Humboldt Bay Harbor District office that included Crowley Offshore Services, representatives from the California

Coastal Commission, California Fish and Wildlife, California Energy Commission and members of three fishermen's associations.

— **December 5, 2022**, Ken Bates and Linda Hildebrand met with Holly Wyer of the California Coastal Commission, Chris Potter and Jay Staton of the CA Department of Fish and Wildlife - discussion of proposed fishermen's "working group".

— **December 6-7, 2022**, California Lease Sale Auction. RWE and CIP were the winners of the Humboldt Wind Energy Area. We received a brief phone call from Rick Robins of RWE following the announcement of the winners on the Wednesday December 7th.

— **December 6, 2022 @9:00am**, Ken Bates made a PowerPoint presentation to the Humboldt County Board of Supervisors. Topics included: formation of the CFRA, fishermen's positions on OSW developments and long term survival and resilience of California's fishing fleet.

— **December 6, 2022 @9pm**, Ken Bates made the same PowerPoint presentation to the City Council of Eureka. Both presentations were well received

— **December 7, 2022** — Meeting with Ciara Emery, a staff member from Rep. Huffman's office. CFRA updates. Discussion included representation of the fishing fleet with OSW developers.

— **December 8, 2022**, Zoom meeting with California Energy Commission. The purpose of the meeting was to discuss "sea space" for additional OSW sites. This meeting ran for about 4.5 hours. This was a discussion only, and no action was taken. There is a plan to produce 25 gigawatts of power by 2045; in order to accomplish this goal additional WEA's will need to be identified. The consensus was that many parts of the coastal ocean are already utilized, leaving little space for additional wind farms.

— **December 11, 2022**, 2:00pm, Ken Bates representing the CFRA met with the Harbor District Ad Hoc fishermen's subcommittee. This group has serious concerns over perceived CFRA influence over local OSW projects. This meeting was very contentious at times.

December 13, 2022 @ 10am, meeting with Senior Coastal Commission staff and Coastal fishermen's representatives concerning second "industry letter" and Coastal Commission condition #7, formation of the fishermen's OSW working group.

December 16, 2022, Meeting with a representative of the Karuk Tribe to discuss OSW development in order to gain understanding of tribal concerns. It was acknowledged that both fishermen and tribal nations have the same goal: long term resilience for their communities

4. Membership, Inclusiveness and a Draft Bylaw Amendment.

The difficulties of achieving democratic, inclusive membership in fishermen's organizations is not new. In the mid 1950's many fishermen's marketing associations were incorporated to

represent member fishermen by engagement in market negotiations, regulatory issues and fishing port concerns. For the large majority, port fishermen's associations in California have worked together successfully for decades. That being said, there has and continues to be some perceived division between local port associations and "single gear type" fishermen's associations.

During the seven plus years' engagement by port associations in the California OSW development debate with State and federal agencies, the California trawlers have not been engaged at a significant level. In August 2020, the State agencies requested a more unified position for California Port fishermen's associations on OSW policy. It was obvious to HFMA members that the local port association for Humboldt Bay by itself, would not have enough political horsepower to affect state OSW policy or have enough traction to negotiate with OSW developers. To that end, the formation of what is now the California Fishermen's Resiliency Association (CFRA) was discussed by various fishermen's groups with the framework of the CFRA incorporated in mid-January 2022. At the time of CFRA incorporation, Board of Director seats were offered to Fishermen's marketing Association (FMA, trawlers) officers, but FMA had little interest. Subsequently, FMA was sent (along with others) an "Invitation to Participate" (August 2022) to which there was again, no response. While all fishermen will be impacted by OSW at some level, ground fishermen, that is longline and trawl, have the most to lose for the next 30 years. The CFRA Board has two trawl fishermen and one longline fisherman. It would be helpful if an FMA officer would also serve on the CFRA Board.

On Sunday December 11, 2022 at 2:00pm there was an unofficial meeting of fishermen picked by the Humboldt Bay Harbor District to serve at some level on the district ad hoc "fishermen's subcommittee". As CFRA president, I was asked to attend. At that meeting there was significant unhappiness that the CFRA was not including strong enough support for local control of the Regional Management committees (RMC) provision contained in the CFRA bylaws. The entire ad hoc group requested that they become the CFRA Regional Management committee for the Humboldt area. I read the CFRA bylaws out loud and explained that RMC members were to be chosen by port associations and approved by the wider CFRA Board.

One of the qualifying conditions for RMC membership is being a member of a voting port fishermen's association. The FMA officers at that meeting are not members of the CFRA and therefore cannot be legally represented by the CFRA.. Any fisherman can qualify for RMC membership by joining a local port fishermen's association.

The "discussion" evolved into a request from the "group" to amend the CFRA bylaws governing the RMC to better delineate the preference for local representation on any RMC. Please note: In June 2021, thirteen California port fishermen's associations requested bylaw amendments that would allow greater membership in the North Coast Fishermen's Cable Committee (NCFCC). The NCFCC and RTI Infrastructure, Inc., rejected the thirteen association's requests. The CFRA Board is open to consideration of adoption of said RMC amendments based on the theory that by exactly delineating the workings of the RMC provision, these amendments will provide impetus and trust resulting in greater CFRA membership.

I forwarded the group's comments to CFRA legal counsel, Dustin Owens. Dustin drafted possible amendments to the RMC section for CFRA Board consideration. The Board discussed these agendaized proposed amendments at the December 16, 2022 Zoom meeting. Ken Bates made a motion to consider the legal counsel's draft amendments and to allow members of the Harbor District Fishermen's subcommittee the opportunity to inspect the courtesy amendments proposed for the CFRA bylaws. Curtis Wilson seconded the motion. The motion passed by a unanimous vote. **The draft amendments appear below**, and will be taken up by the CFRA Board at a regularly noticed meeting, hopefully before the end of December.

The following draft amendments are in italics, with "additions" highlighted in blue. Text that is to be deleted has a "strikeout" through it.

Dear CFRA Board Members,

I have reviewed and edited the proposed CFRA Bylaw amendments for the section describing the composition and function of Regional Management Committees. The Board may move and vote to adopt these bylaw changes by the form of a board resolution approved by a three fourths majority of the board members. This must be done at a properly noticed meeting,

It is my understanding that the reason for these proposed amendments stem from negative comments from non-member fishermen concerning the operation of the CFRA. The goal of the CFRA is to provide long term benefits to the fishing industry as a whole, and I believe it is important to accommodate non-member fishermen so that the CFRA is inclusive. Without their support, the CFRA will likely struggle. If the CFRA Board is confident that these bylaw amendments will help to allay fisherman's concerns, then I recommend approving them. If it will not allay those concerns, then the Board has the option of dissolving the organization, taking other action, or taking no action. Please keep me informed as to the board action. I can also assist with the drafting of a resolution.

Suggested bylaw revisions:

Bylaw section to be amended 4.17

Regional Management Committees.

The Board shall appoint, by resolution, Regional Management Committees for the following purposes:

- A. *To negotiate industry-to-industry Fishing Community Benefit Agreements ("FCBA" or "FCBAs") **using the CFRA FCBA contractual template** on behalf of the Corporation, subject to the oversight of the **CFRA legal counsel** and approval by the Board of Directors. For purposes of this section an FCBA shall consist of any agreements*

negotiated between fishing and non-fishing industries for the purposes of mitigating impacts of non-fishing development and/or activities that would potentially interfere with the fishing industry.

- B. To manage all aspects of each industry-to-industry Fishing Community Benefit Agreement for the entire lifespan or term so negotiated, subject to review for compliance with CFRA bylaws and protocols and the oversight and approval of the Board of Directors.*
- C. To administer any and all mitigation funds received in connection with the FCBA's negotiated by the regional committee, within the CFRA grant disbursement guidelines as established by the corporation Board of Directors. subject to the oversight and approval of the Board of Directors.*
- D. As per section 4.17, Regional Management Committees are required to keep accurate minutes of each meeting of the committee and are responsible to the Board of Directors to submit and archive all meeting minutes for public access.*
- E. A quorum for a Regional Management Committee shall consist of five out of the total seven regional management committee members.*

Regional Management Committee Fishermen Membership

Each Regional Management Committee shall consist of a minimum of ~~three~~ five members and a maximum of seven. At least one Member shall be an Officer of the corporation. and At least two members shall be CFRA Board Members of fishing associations, with voting Member membership in the corporation, that are located in the geographic region or county(s) affected by the anticipated FCBA and the anticipated impacts that the FCBA is designed to address. Up to four additional members shall be port fishing association members chosen by those port fishing associations in the geographical region or county(s) affected by the FCBA. Regional Management Committee decisions shall be subject to final approval by the Board, unless the Board has specifically designated a power that may be undertaken without such approval. In the case where development spans the offshore areas of multiple California regions or counties, the regional management committee will contain members from each affected port fishing association CFRA members.

In the case of OSW cables crossing multiple regional or county port fishing association fishing grounds, the impacts of those cables shall be the subject of a separate FCBA negotiated and administered by those local fishing port associations, non-inclusive of OSW wind farm development contained within a single county offshore area.

Regional Management Committee Members (Non-voting)

Each regional management committee shall have at least one project manager responsible for representing the developer(s) in a given region or county. Each regional management committee may include one person representing a local municipality, organization, or agency directly involved in OSW development in that county or region.

5. Other Business - There has been some discussion among CFRA member associations as to how to garner more proactive state agency support for the work the CFRA has been doing to engage with and represent fishing fleet and fishing community interests in Northern California since the formation of the CFRA was at the State's request. This has yet to be determined.

Meeting Adjourned at 6:00pm

We would like to wish everyone a safe and peaceful holiday season, and a prosperous New Year.

Ken and Linda Bates
CFRA