

CALIFORNIA FISHERMEN'S RESILIENCY ASSOCIATION

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CFRA Board Report # 27

June 28 - September 16, 2024

September 16, 2024

As this report is being written, acoustic site-survey activity on the Humboldt WEA, performed by the "*Ocean Guardian*" has been completed, and RWE Renewables has rescheduled the next phase of geophysical survey work on the Humboldt WEA until 2025. Both the Northern and Central Coast OSW developers are offering funded positions of fisheries representative to individuals and organizations (see items 8/3, 8/12, 8/28, 9/3) Meetings continue unabated both locally and statewide concerning multiple aspects of OSW development and the California Energy Commission is embarking on inquiries about offshore wave energy projects. Also included in this Board Report is the American Clean Power letter to the Coastal Commission which was considered a breach of confidentiality of the ongoing 7C WG process.

June 28 - on June 28th, just after the two day "in-person" Coastal Commission 7C Fishermen's Working Group meeting in Sacramento, American Clean Power, a national energy lobbyist, and the five California OSW developers sent a letter to the Coastal Commission. This letter advocated for "pausing" the 7C process, waiting for "clarification" by BOEM on federal permitting, and included a rationale for declining "industry acceptance of open ended financial liabilities to respond to potentially unforeseen environmental impacts" [from OSW development]. This letter was considered a breach of confidentiality by 7C fishermen's representatives, 7C facilitators and Coastal Commission staff. While the eventual outcome of this breach of confidentiality is yet to be determined, the American Clean Power letter, a public comment, is available on the CFRA Website.

July 8 - CFRA staff met with Redwood Regional Economic Development Corporation (RREDC) in order to establish a \$15,000 line of credit that would help to improve cash flow for the CFRA OPC reimbursement grant.

July 16 - Claire Gonzalez of UC Santa Barbara reached out to the CFRA staff to discuss a potential collaboration with a project that she is working on. She was hoping to set up short interviews with fishermen that would focus on understanding the challenges facing California's

fishermen and exploring ocean management tools that fishermen might perceive as helpful in the face of those obstacles. She was looking for feedback on the framework of the project and any insights we may have with local fisheries and fishermen. There have been several requests of this type from other groups and we are expecting that there will be a follow up with additional information.

July 23 - CFRA staff attended a public meeting for Heavy Lift Terminal sponsored by the Humboldt Bay Harbor District.

July 25 - Meeting with Xodus Consultants. This group is working with Humboldt County to come up with an analysis of offshore workforce and the supply chain, and requested an introduction to the CFRA. Michael Kraft, our grant manager, set up a meeting as they were interested in connecting with the commercial fishermen regarding offshore wind in the region. Our discussion included the impacts to fishermen from OSW, fishermen's current role and engagement in offshore wind, and their perspectives and concerns about the development of this industry.

August 3 - CFRA staff reached out to Vineyard Wind and RWE with a series of questions aimed at better understanding OSW developers advocacy for funding individual "fisheries representatives". The purpose of the questions were for clarification of the developer's intentions as a continued subject of discussion by the CFRA board of directors

August 7 - Golden Gate Fishermen's Association joins the CFRA

August 12 - CFRA Board Meeting Minutes

Roll Call: Jake Mitchell, John Barnett, Dick Ogg, Tony Cannia, RB Pincombe

Consulting Members: Chris Boss, Steve Scheiblauber, Dave Colker

Staff: Michael Kraft, Ken Bates, Linda Hildebrand

Reports

1. Michael Kraft reported on Phase 1 and Phase 2 OPC Grant funding progress.
2. Michael Kraft reported on the Redwood Region Economic Development Council (RREDC) CFRA "Line of Credit", which began on July 8, 2024. This is a follow-up to a motion that was passed at the 6/25/2024 Board Meeting
3. Michael Kraft reported that the CFRA Website upgrade is progressing and should be completed soon.
4. RB Pincombe reported on his experience as the Onboard Fisheries Observer on board the RWE site survey ship.

5. California Fish and Game Commission received twenty three Marine Protected Area petitions. A comment letter was written and sent on 7/3/2024 from the CFRA supporting the 4 petitions that expanded fishing opportunities in the MPA's.
6. John Barnett reported that the Golden Gate Fishermen's Association is a new CFRA member. The CFRA received a letter from GGFA on August 7 appointing John Barnett as their representative.

Actions Items

1. Fisheries Representative Position Proposal by Vineyard Offshore and RWE.
 - a. A motion was presented to the board by staff: **To decline developer funding at this time for work described in the Vineyard Offshore letter for a Fisheries Representative, but to continue to represent fisheries as per the CFRA bylaws and OPC Grant funding conditions.** The motion passed unanimously after a lengthy discussion.
2. A motion was made by John Barnett: **In consideration of public outreach the CFRA will publish the CFRA/CEC AB525 comment letter concerning Samoa Heavy Lift Terminal in the North Coast Journal and that the board approves the spending of \$1200. Ken Bates and Michael Kraft will draft a letter of introduction to accompany this document.** RB Pincombe seconded the motion. The motion passed unanimously.

August 27 - 7C Working Group, Subgroup 5 - Socioeconomic Impacts - Currently there are ten CFRA members that are active on the 7C Working in Group and are also engaged in the five 7C WG subgroups.

August 28 - 7C Working Group, Subgroup 1 - Best Practices

August 28 - Fisheries Representatives - Meeting with representatives from RWE and Vineyard Wind

This was an additional meeting to listen to developers' proposal to fund "fishery representative" positions as independents subcontracting individuals or through various fishermen's associations. Information gathered at this meeting was presented to the CFRA on September 3, 2024

August 29 - 7C Working Group, Subgroup 3 - Impacts

September 3 - CFRA Board Meeting

This board meeting was concerned with only one subject: OSW developers' proposal to fund "fisheries representatives". Because this proposal and its accompanying non-disclosure agreement is very controversial within the fishing fleet we have posted the entire meeting minutes so that everyone can better understand fishermen's concerns.

1. Roll Call: RB Pincombe, Curtis Wilson, Linda Hildebrand, Ken Bates, Michael Kraft, Jake Mitchell, Tony Cannia, Laura Miller, John Barnett, Lisa Damrosch
Absent: Dick Ogg
2. Discussion of the “Fisheries Representative” position offered by OSW Developer, RWE, and separately from Vineyard Wind
 - a. A history of NDA requests from developers was discussed. Both individual fishermen pursuing lost fishing gear claims and fishermen’s associations engaged in preliminary conversations with non-fishing developers have been asked to sign NDA’s before any significant action could take place. Mr Bill Walter, legal counsel for the Morro Bay Fishermen’s Organization, stepped in to prevent Humboldt Fishermen’s Marketing Association from signing an NDA prior to a meeting with EDP Renewables, an OSW developer. In this case the meeting was called to order and immediately adjourned.
 - b. CFRA staff submitted NDA agreements to the CFRA legal Counsel Dustin Owens for his review. He advised against signing the NDA submitted by RWE Renewables.
 - c. The Board and membership representatives had a second discussion on the negative optics of taking money directly from developers. This included a review of the initial discussion which took place at the August 12 CFRA Board Meeting. These negative optics would be intensified if fishermen ask the CFRA about the contractual agreements containing an NDA with developers as an NDA prevents open and truthful expression of the arrangement between the CFRA and OSW developers. Additionally, the CFRA is funded by OPC to exactly do the job (as a “point of contact”) that the developers are proposing.
 - d. Staff summarized CFRA bylaw language, OPC grant requirements and draft fishing agreement text, reiterating the CFRA’s job as “point of contact.
 - e. Advice from OPC - Michael Kraft reached out to OPC for advice on taking developer funds for a fishery representative position. OPC would allow CFRA to contract with developers, providing there was no conflict with OPC grant deliverables, contract “tasks”, or OPC/CFRA grant billing.
 - f. Member Association comments - Lisa Damrosch, Executive Director of PCFFA and representing the fishermen’s association of Half Moon Bay, was in attendance and able to answer the Board’s questions.
 - i. PCFFA is talking with Morro Bay and Avila about PCFFA taking on the position of Fisheries Representative (FR) for the three Central Coast OSW developers.
 - ii. PCFFA would function as a “pass through” for fisheries information
 - iii. PCFFA would not endorse or promote OSW developers projects and would not relinquish the right to public comment.
 - iv. PCFFA is requesting a “scope of work” from Central Coast OSW developers
 - v. PCFFA has not been presented with an NDA yet.

- vi. **PCFFA is open to further fishing industry discussion, and has not made any decisions yet**
- vii. **Chris Voss recommended PCFFA fill a single Fisheries Representative position for all of California.**
- viii. **Ken Bates mentioned that Northern developers have offered HFMA and FMA similar contracts (with NDA's) with the intent of "getting some money to these fishing associations". It is unclear where the two associations stand.**
- ix. **Both Jake Mitchell and John Barnett repeated the position taken by the Board on August 12, 2024, that the CFRA should continue to decline OSW funds for a Fishermen's Representative position at this time and advised that staff should finish and send the draft letter to the developers stating the board position.**
- g. **The conversation concluded with a general consensus to :**
 - i. **Continue to represent member associations and fisheries concerns as the "point of contact.**
 - ii. **Work with member associations and PCFFA to coordinate and present a united position concerning Fishery Representative positions**
 - iii. **We would ask the 7C Working Group to take up a discussion of OSW Fisheries Representatives.**

September 9 - The CFRA responded to the developers' proposal, declining developers funds, but agreed to continue to represent it's fifteen member associations and fishermen's concerns. A copy of this letter is available for inspection on the CFRA website

September 10 - Humboldt Area Saltwater Anglers (HASA) joins the CFRA. The CFRA now has 16 member associations.

September 12 - CFRA staff attended a BOEM sponsored focus group led by Ellen Eillis Norton and Tracey Mangin of UCSB entitled "Incorporating Fishermen's Knowledge: Changing Ocean Conditions & Offshore Wind Farm Development" .The goal of this focus group was to incorporate the knowledge, experiences, and perspectives of commercial fishermen into ongoing research on the socioeconomic impacts of changing ocean conditions and offshore wind farm development to West Coast fisheries and fishing communities. Participants were asked to identify and prioritize mitigation strategies that may be the most impactful for their local fisheries and fishing community.

The information discussed at this focus group will result in a "literature review" report that is shared with the Bureau of Ocean Energy Management (BOEM) that could inform the development of community benefit agreements and construction and operation plans for West Coast offshore wind farms. The report would inform BOEM about impact and possible mitigation solutions.

Fishing Representatives at this meeting continued to repeat the same concerns shared with BOEM and California State agencies for the past six years and asked specifically that the report reflect fishermen's frustrations with their communications with BOEM.

The report to BOEM is not due for completion until 2026. In our opinion, this report to BOEM will have little effect and that BOEM will most likely continue to ignore fishermen's concerns. One of the presenters revealed to us that she is soon leaving the project to take a job with BOEM. There seems to be a significant conflict of interest in that the principal researcher tasked with producing a non-biased report on fishing impacts is now taking a job with BOEM, yet promises to "stay involved with the focus group report."

September 12 - OPC Webinar to talk about 30x30

As per Chris Voss, commercail fishermen of Santa Barbara, CFRA staff attended the OPC 30x30 public meeting held at 5:30 pm. The meeting was lightly attended (10 people) mostly representing local environmental organizations. CFRA staff expressed concerns that :

1. California has the most restrictive fishing regulations worldwide. Yet another round of fisheries closures will have significant negative cumulative impacts on coastal fishing communities.
2. Closures and marine protected areas have no affect on biodiversity or ocean climate resilience or human pollution. MPA's did not stop abalone wasting disease, kelp die-off, starfish mortality or the formation of urchin barrens.
3. "Ocean protection" as advocated for by 30x30 will have no impact or reduction on human pollution, both point and non-point sources pouring into the California Coastal Ocean.
4. It is difficult to lend any support for the 30x30 initiative as presently designed.

"They are not here to save the whales, they are here to make money."

Scott Galloway, NY Times

Thank you for taking the time to read through this report. If you have any questions please do not hesitate to call or email us.

Ken Bates, Linda Hildebrand, Executive Directors
California Fishermen's Resiliency Association

