



*Responsible Offshore Development Alliance*

June 28, 2022

Ms. Amanda Lefton, Director  
Bureau of Ocean Energy Management  
45600 Woodland Rd  
Sterling, VA 20116

**Re: Request for Information and Nominations: Commercial Leasing for Wind Energy Development on the Outer Continental Shelf Offshore Oregon; Docket No. BOEM-2022- 0009**

Dear Ms. Lefton:

The Responsible Offshore Development Alliance (RODA) submits the following comments regarding the request for Information and Nominations: Commercial Leasing for Wind Energy Development on the Outer Continental Shelf Offshore Oregon.<sup>1</sup> RODA is a coalition of fishery-dependent companies, associations, and community members committed to improving the compatibility of new offshore development with their businesses. Members of our coalition operate in federal and state waters of the Pacific, New England, and Mid-Atlantic coasts.

It is paramount that offshore wind energy (OSW) development projects, as renewable sources for Oregon's future energy portfolio, be properly sited to protect and preserve existing sustainable industries. There are numerous factors that will be considered in the wind energy area (WEA) identification and leasing processes, but all too often it seems the industry that will be most impacted is only engaged superficially. The commercial fishing industry has not been effectively included in the Oregon planning process to date, nor have the state and federal agencies that make American seafood one of the most sustainably managed food sources around the world. Decisions that will impact fisheries monitoring, surveys, management plans, and protected species are consistently being made without these key constituents. RODA urges BOEM to reconsider this approach and create a model for successful OSW development that avoids unnecessary fishery displacement and conflict.

RODA supports the individual comments submitted by Pacific fishing industry members, including our members, and the Pacific Fishery Management Council. We encourage BOEM to carefully consider these comments and reach out to us and these other organizations as it continues to improve OSW planning and leasing processes. Furthermore, we encourage BOEM to address the concerns raised by the many letters sent by the Oregon Coastal Caucus, Senator Wyden, Oregon's congressional representatives, county commissioners, and port advisory boards identifying the importance of Oregon's fishing industry and the need for robust engagement with

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<sup>1</sup> <https://www.regulations.gov/document/BOEM-2022-0009-0001>.

this important user group.

## **BOEM's Approach to Fisheries Engagement**

We thank BOEM for attending three informational port meetings in Oregon the week of June 13th, 2022 and in particular its direct work with local and regional fishing industry associations to plan these meetings. Past experiences in other regions with OSW have failed to respond to repeated requests for in-person meetings to accommodate the majority of fishermen who are unused to or unable to attend webinars. RODA and other impacted fishery participants have previously asked BOEM many times to spend more time with communities and seafood producers that will be severely impacted by OSW development. This first step of BOEM to begin to increase familiarity with fishing operations and community structures is important, and we strongly encourage BOEM to continue these discussions as a small number of meetings with a community will not provide the agency with adequate information to make informed decisions about fishing and OSW development.

RODA has consistently, for years, offered no less than 40 specific requests to BOEM to improve communication, safety, transmission planning, research, cumulative effects analyses, seafood business longevity, and environmental impacts. We believe that we share these goals with BOEM, although we also urge BOEM to clarify what it considers as its specific fisheries goals. None of these goals are incompatible with advancing OSW so there is no apparent reason to disregard them. BOEM still has significant progress to make in forging working relationships with this constituency that provides food security to our nation.

BOEM, like most OSW developers, is taking a completely unpredictable approach to fisheries, fully dictating who it will or will not meet with and what specific topics to address regarding fishing without discernible rhyme or reason. This Administration has announced no plan for ongoing collaboration or partnership with the industry. Moreover, BOEM's responses to information received through public comment periods have been inconsistent, or absent despite a clear record of common collective requests throughout all stages of the planning process. This approach creates confusion, makes authentic engagement impossible, and exacerbates a growing divide between the select few who will financially benefit from OSW development and the large number of coastal citizens who will suffer direct negative environmental and economic impacts. The "divide and conquer" approach, in lieu of furnishing factual and accessible information, presupposes the approval of Construction and Operations Plans and inflicts further harm to the social fabric of our fishing communities. These communities can work together and with BOEM to solve important and tangible problems but only if those in positions of power afford them the ability to do so in a meaningful way.

RODA respectfully requests that BOEM work throughout the entire process of OSW development off the Oregon coast to address the following action items:

- Remove barriers to participation in planning and permitting processes;
- Ensure navigational safety;
- Support seafood business and community longevity;

- Improve communications with fishermen;
- Understand and minimize environmental impacts;
- Develop solutions for responsible transmission; and
- Enhance research.

## **Prioritization of Improved Fisheries Data and Increased Resources for Research and Monitoring**

Sustainable American fisheries rely on monitoring and data collection activities tailored toward answering key *fisheries* management questions, under the “best available science” mandate of the Magnuson-Stevens Act. This means available data is typically not well-suited to inform fine-scale OSW planning or test hypotheses related to its environmental impacts. This is particularly true when considering available socioeconomic data for fisheries and OSW. A recent European Parliament report determined “co-locating activities at sea requires an integrated assessment of ecological and socioeconomic costs and benefits,” but that “good practice examples of co-existence and co-location still are scarce” and there is “a clear gap of economic and socio-cultural impact assessments for the impact of [offshore renewable] expansion on fisheries.”<sup>2</sup>

Because existing federal data gives an incomplete picture of fisheries effort on the individual (or cumulative) project scale, it is necessary for BOEM to work with fisheries experts and the industry to evaluate and augment these data sets. For example, knowing where fleets operate can be difficult as most fishing vessels do not use Automatic Identification Systems (AIS), and Vessel Monitoring Systems (VMS) block-areas used by fisheries managers are often too large for fine-scale resolution. Many fisheries have very limited reporting requirements from which to derive spatial information at all. To put a finer point on it, the best source of information regarding fishing effort is the fishing industry itself. These experts’ local ecological, business, and community knowledge must be included in planning discussions or this information will not be effectively available for informed OSW development.

In addition to understanding the limitations of existing data to describe the spatial needs of potentially impacted fisheries, new research and monitoring efforts to characterize the specific environmental effects of OSW to fisheries resources must begin immediately. This will require resources to establish baseline data collection and monitoring plans compatible with future development. Such research must commence on a concurrent timeline to OSW planning studies in order to be informative to site selection; currently it lags by many years or more.

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<sup>2</sup> Stelzenmüller, V. et al., 2020, Research for PECH Committee – Impact of the use of offshore wind and other marine renewables on European fisheries. European Parliament, Policy Department for Structural and Cohesion Policies, Brussels. Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/652212/IPOL\\_STU\(2020\)652212\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/652212/IPOL_STU(2020)652212_EN.pdf)

Depending on the interannual variability of a given fishery and other factors, a minimum 3 to 5-year pre-construction data collection time series is necessary to establish baseline normal environmental and economic-driven fluctuations. This time frame is even longer for stocks with low reproduction rates or those highly sensitive to ecosystem conditions. Again, these timelines do not correspond with the projected pace of OSW development off of Oregon.

Industry members, agencies, and scientists involved in fisheries management must be consulted in developing monitoring plans to ensure appropriate methodologies are utilized and that results fulfill fishery management needs. These include the Pacific Fishery Management Council (PFMC), NMFS' Southwest & Northwest Fisheries Science Centers and West Coast Regional Office, OR Department of Fish and Wildlife, CA Department of Fish and Wildlife, WA Department of Fish and Wildlife and representatives from fleets, associations and communities that will be impacted. In particular, BOEM needs to consult with the PFMC to understand how Call Areas will impact essential fish habitat and other sensitive areas under its management authority.<sup>3</sup>

Understanding and quantifying displacement of effort is extremely important as the subsea cable networks and anchoring systems of floating structures will make OSW areas de facto closure areas to most commercial fishing. As highlighted throughout this letter, it is also necessary to analyze effects to shoreside businesses, industries and communities beyond those that occur on the water, which will be impacted by shifting effort or impacts to vessel operators and crew. Additional factors beyond direct displacement that ought to be better understood, and may require research, include socio-economic impacts, increased transit time, market effects, traffic interactions and port access, and cumulative impacts from multi-project build outs, among others. As stated above, efforts to understand and analyze these factors should be planned and undertaken at the same time, or ideally prior to, identification of Wind Energy Areas.

### **Navigational Safety**

The approaches followed by BOEM in evaluating maritime safety in light of OSW development to date pose far too great a risk of dangerous outcomes. With the various planned or anticipated activities that will congest Pacific fishing grounds a careful, forward-thinking approach to analyses is dire. Especially when it comes to navigational safety, the oft-touted "all-of-government approach" that includes BOEM and the United States Coast Guard (USCG) consultation during project permitting must be far more holistic and clearly structured.

USCG is currently conducting a Pacific Coast Port Access Route Study (PAC-PARS) to consider whether existing or additional routing measures are necessary to improve navigation safety due to factors such as planned or potential offshore development, current port capabilities and planned

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<sup>3</sup> See comments submitted by the PFMC (not yet posted).

improvements, increased vessel traffic, existing and potential anchorage areas, changing vessel traffic patterns, effects of weather, or navigational difficulty. While this should be an extremely valuable exercise, previous PARS for the U.S. Atlantic have resulted in analyses and conclusions with limited utility as they simply defer critical issues back to BOEM. BOEM in turn, has never conducted any regional or cumulative assessments related to navigational traffic and safety. Instead it only reviews project-specific Navigation Safety Risk Assessments that are regionally uninformative, supplemented by the PARS.<sup>4</sup>

This feedback loop has led to the approval of multiple Atlantic projects without either agency ever conducting a measured analysis of the following topics:

- Turbine layout patterns
- Radar interference
- Transit lanes or buffer areas
- Funneling analysis
- Search and rescue (SAR) policies
- Cable burial depth requirements
- Fishing spatial operational needs
- Anchorage in sensitive habitats

We urge BOEM to work closely with USCG to clarify roles and responsibilities and ensure that these topics are scientifically evaluated in advance of any decisions on lease boundaries or locations.

### **Specific Considerations for Call Area Identification**

RODA's membership includes many of the fishing associations and individual fishermen operating off the Oregon coast. We have worked with our members to identify certain key concerns regarding these call areas from those members and the fishing vessels and shoreside businesses they represent. This is not an exhaustive list of all requests and concerns held by these fishing professionals and are specific to the WEA identification process. These requests and analyses should be considered in this phase of OSW planning and not left until later phases of project review.

#### *Programmatic Analyses for the West Coast*

The fishing industry strongly requests BOEM and its partner agencies conduct a programmatic environmental impact analysis for all existing and potential OSW development areas for the West Coast, from California to Washington in advance of any additional WEA designations. As the

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<sup>4</sup> Mehdi, R. A.; Schröder-Hinrichs, J. U.; Overloop, J. V.; Nilsson, H.; Pålsson, J. Improving the coexistence of offshore wind farms and shipping: an international comparison of navigational risk assessment processes. *WMU Journal of Maritime Affairs*, [s.l.], v.17, p. 397–434. 2018.

current BOEM process leaves environmental impact statements to the very end of the permitting process and only looks at impacts from individual projects, a programmatic approach would better inform avoidance, minimization and mitigation measures. A better understanding of the cumulative environmental, economic, safety, and transmission effects from multiple projects will result in improved leasing decisions—particularly since the leasing stage presents the single most important opportunity to avoid and minimize impacts.

Related to this, because of expected cumulative impact from multiple projects, the fishing industry vehemently rejects any future siting of OSW development between the Northern California Humboldt Wind site and the proposed call areas of Southern OR in this solicitation, including a possible area of interest off of Del Norte county.<sup>5</sup> Vessels from both Oregon and California often have multiple permits to supplement each other during times when their primarily target fishery is unavailable. This means displacement can have differing levels of impact on an individual vessel, sector and industry-wide.

#### *Repeated Request for Consideration of Call Area Sites Beyond 1300m*

The current Call Areas are only within the 1300 meter depth contour despite numerous fishing industry members stating that siting beyond this depth *may* reduce conflicts with many fisheries. To be absolutely clear, siting in deeper water would not eliminate interactions with fisheries off of Oregon. Fishing industry members merely request consideration of call areas in deeper water to fully understand what feasible technological and risk reduction may occur if such development were considered. Particularly, albacore tuna and other highly migratory species, as well as whiting fisheries, would still have interactions in waters deeper than 1300 m and strong consultation and input from those sectors would be absolutely necessary, but other sectors may have reduced interactions. Seafood producers and harvesters amongst our membership are disappointed that BOEM did not include these requested areas in the Call Areas, and echo the recent congressional letter requesting a re-issuance of these Call Areas including sites at these greater depths.

#### *Impacted Species*

Information on species that reside in, or migrate through a proposed Call Area, is absolutely necessary for any analysis. It is therefore difficult to evaluate the appropriateness of any call areas without background information on which species could be impacted, including any protected resource species.

The Call Areas have significant overlap with Pacific whiting and bottom trawl groundfish grounds and BOEM must diligently work with these fleets to understand their operational needs and historic coverage. As noted in the comments provided by the Pacific Fishery Management Council,

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<sup>5</sup> NREL conducted a cost of floating offshore wind energy off CA study in 2020 using 5 areas of interest, including a Del Norte study area. Full report available here: <https://www.nrel.gov/docs/fy21osti/77384.pdf>

constraints of bycatch regulations often direct the fleets to operate in areas that may have lower biomass but produce less bycatch. Given the specificity of fisheries, fisheries management requirements, and the strategic decisions made by fishermen, it is necessary for BOEM to develop fishery-specific criteria for no-build areas and to understand business needs through a clear public process prior to drawing lease lines.

Of particular concern is the lack of research and understanding on how large export cables and associated EMF and heat will affect regional fish stocks, including iconic species such as Dungeness crab and salmon species. There remain a multitude of unanswered scientific questions for how these species will interact with, or how their behavior will change, with the introduction of floating turbines and cables.

### *Critical Habitat for Protected Species*

The proposed call areas overlap with humpback whale critical habitat (both endangered Central America DPS and threatened Mexico DPS) as designated by NOAA Fisheries.<sup>6</sup> Critical habitat is essential because scientists and managers have determined it to contain habitat features essential to the conservation of the species. Disruption of migration or other important behaviors could potentially have population-level impacts. The proposed call areas also overlap with the range for short-tailed albatross, listed by the USFWS as endangered. Interactions between fishing gear and this species can shut down a fishery for the year due to strict accountability measures in fisheries management. Threats posed by OSW will not only impact the short-tailed albatross population, but will likely have knock-on effects to fisheries.

This is especially concerning because OSW projects are intended to be long-term to allow developers to recoup their investments, meaning disruption could occur for decades. BOEM must not unreasonably rely on whales and other protected species to rapidly adapt to these conditions instead of responsibly overseeing the design of renewable energy projects to accommodate protected species and their environment.

### *Upwelling*

Upwelling is the driver for the productivity of the California Current Large Marine Ecosystem and harvested species. Recent studies on the impacts from floating OSW turbines on atmospheric circulation have been conducted for California, but as the findings are dependent on the unique conditions of a prospective area, we do not know how upwelling will be altered in the potential Oregon Call Areas.<sup>7</sup> We strongly urge BOEM to support analyses to understand impacts to

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<sup>6</sup> There is also overlap with the recently revised CH for Southern Resident Killer Whales. See - <https://www.federalregister.gov/documents/2021/08/02/2021-16094/endangered-and-threatened-wildlife-and-plants-revision-of-critical-habitat-for-the-southern-resident>

<sup>7</sup> See Raghukumar, K., Chartrand, C., Chang, G., Cheung, L., & Roberts, J. Effect of Floating Offshore Wind Turbines on Atmospheric Circulation in California. *Frontiers in Energy Research*, 660.

upwelling and ecosystem effects from any call areas off the Oregon coast before delineating lease areas.

## Concluding Requests

Repeatedly, we have heard time and time again the large scale OSW deployment without a strong understanding of the project specific AND cumulative environmental and economic impacts that will result from the industrialization of ocean space is irresponsible. Fishing communities and businesses with extensive knowledge of the Call Areas have requested a **slow down** in the process and urge the importance of a **reasonable development timeline**, with the earliest projects being smaller in scale and paired with extensive research to properly analyze impacts to the marine ecosystem, seafood industry and coastal communities.

Sustainable seafood harvested off Oregon provides a nutritious source of protein to coastal communities, urban communities, rural communities, and underserved communities and we must ensure that OSW development does not undermine the fishing industry's ability to provide it. Oregon coastal communities think of seafood as their economic engine; it is not simply about the ex-vessel revenue at the dock, but all the support services, the community businesses, restaurants, schools and families that rely on seafood harvesting. We hope to partner with BOEM and other relevant agencies to ensure the longevity of the Oregon seafood industry and the thousands of jobs it provides and supports.

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Thank you for your consideration of these comments. RODA and its members look forward to working with BOEM, nationally and in the Pacific, to establish, and participate in, a transparent and predictable public participation process. In the meantime, our members' clear, consistent, and reasonable suggestions for improvements to OSW planning and permitting, and requests for specific mitigation measures, are well documented through hundreds of previous submissions and sign-on letters that are equally applicable to federal waters off of Oregon as to the U.S. Atlantic. Please do not hesitate to reach out if we can provide additional information or clarification.

Sincerely,



Lane Johnston, Programs Manager



Annie Hawkins, Executive Director



Fiona Hogan, Research Director  
Responsible Offshore Development Alliance