

California Coastal Commission

California Offshore Wind Energy Fisheries Working Group Meeting #3

June 11, 2024

Introduction

In accordance with [Condition 7c of the California Coastal Commission's concurrence](#) with the 5 offshore wind energy lease sales issued by the Bureau of Ocean Energy Management (BOEM) and [Senate Bill 286](#), the California Coastal Commission convened the third California Offshore Wind Energy Fisheries Working Group meeting over two days on May 20 and 21, 2024. The goal of the California Offshore Wind and Fisheries Working Group is to develop a statewide strategy for avoidance, minimization, and mitigation of impacts to fishing and fisheries that prioritizes fisheries productivity, viability, and long-term resilience. The strategy is expected to include protocols for communication; best practices for surveys and data collection; a methodology for comprehensive socioeconomic analysis of direct and indirect impacts to fishing; a framework for compensatory mitigation for unavoidable impacts; and a fishing agreement template that memorializes the elements of the strategy.

Meeting Objectives

The third meeting of the Working Group included the following objectives:

- Receive overview of subgroup progress and discuss and provide input on draft text and work products being developed by the subgroups.
 - Draft Surveys and Data Collection Best Practices (Subgroup 1)
 - Draft Fisheries Agreement Template outline (Subgroup 2)
 - Fisheries impacts (Subgroup 3)
- Discuss the project-level socioeconomic analysis, build common understanding of its aspects, and the next steps for the Working Group and subgroups.
- Discuss and develop an approach to preparing draft Protocols for Communication.
- Discuss WG meeting #4 objectives and timing, and identify interim tasks to Working Group members, subgroup members, and support staff as needed.

Meeting Date, Time, and Location

In-person in Sacramento (Warren Alquist State Energy Building), with a Zoom call-in to listen

Monday, May 20, 2024

1:30 pm – 5:30 pm PT.

Tuesday, May 21, 2024

8:00 am – 4:00 pm PT.

Meeting Format

The meeting was conducted in-person at the Warren Alquist State Energy Building in Sacramento over two days. On day one, Working Group members heard updates and provided input on a draft document prepared by the Survey and Data Collection Best Practices to Avoid and Minimize Impacts to the Fishing Industry subgroup and updates from the Impacts subgroup. On day two, the Working Group heard a series of presentations from National Oceanic and Atmospheric Administration

(NOAA) National Marine Fisheries Service (NMFS) that focused on the methodology for comprehensive project-level socioeconomic analysis, from Bureau of Ocean Energy Management (BOEM) on Third-Party Acoustic Monitoring, and from the North Coast and Central Coast lessees on the Fisheries Communications Plans. The Working Group also heard updates on and provided input on the Draft Fisheries Agreement Template. Additionally, the Working Group members were informed of next steps for the existing subgroups, and the development of one new subgroup and a team to draft communication protocols. The subgroups working on Survey and Data Collection Best Practices to Avoid and Minimize Impacts to the Fishing Industry (Subgroup 1) and Impacts (Subgroup 3) will continue their work on the documents. Subgroup 2, which currently focuses on Previous Fishing Agreements will pause, while a new subgroup works to inform the creation of a socioeconomic methodology. Working Group members volunteered to join the new subgroup and drafting team. Working Group members were invited to share questions, comments, and perspectives throughout the meeting.

Key Topics and Themes

Survey and Data Collection Best Practices to Avoid and Minimize Impacts to the Fishing Industry

Major themes of the input and comments received by Working Group members on the draft of the Survey and Data Collection Best Practices to Avoid and Minimize Impacts to the Fishing Industry are included below:

- The document structure includes Introduction to Best Practices, Fisheries Characterization, Survey Planning and Impact Avoidance Measures, Gear Loss Claims Process, and Survey and Site Assessment Permitting.
- Working Group members discussed ensuring consistency across deliverables by identifying the best place to reference certain items, such as gear loss.
- The Working group discusses the need to identify the appropriate level of detail and specificity with the document.
- Working Group members discussed streamlining the communications process between fisheries and developers and minimizing the number of contacts on the developers' side.
- Working Group members discussed two-way communication between developers and fisheries as a best practice.
- Working Group members discussed confirming there is language that acknowledges that some impacts cannot be minimized, mitigated, or avoided.
- The Subgroup will continue to refine the document, and Working Group members will share their level of support (General Support, Qualified Support, Fundamental Disagreement) on the document at the next full Working Group meeting.

Impacts to Fisheries

Major topics and comments from Working Group members related to the update on Impacts to Fisheries subgroup work are included below.

- Working Group members discussed assumptions of cables suspended in the water column.
- Working Group members discussed the need to identify the level of certainty or confidence for each impact.

- Working Group members discussed the need for flexibility when identifying impacts and avoidance, minimization, and mitigation strategies, and for developing strategies that address uncertainties.
- Working Group members highlighted the importance of discussion social impacts.

Previous Fishing Agreements Template

Major topics and comments from Working Group members discussed on prior fishing agreements and templates are included below.

- Working Group members discussed the need to clearly identify the two parties to the agreement and their respective responsibilities.
- Working Group members discussed what the agreement should cover and ensuring the agreement is not duplicative of the lease.
- Some Working group members asked for clarification on how the agreement should be written to not conflict with the bid credit of Community Benefit Agreement.
- Working Group members discussed modifying the language or making edits to the document so that it includes a wider representation of fisheries such as processors and charter boat operators.

Methodology for Comprehensive Project-Level Socioeconomic Analysis

Major topics and comments from Working Group members discussed during expert presentations on the project-level socioeconomic analysis from NOAA are included below.

- There were four expert presentations from NOAA. The presenters and Melissa Errand, an economist with Northern Economics, were available to answer questions.
 - Doug Christel presented lessons learned from the East Coast and reviewed the Atlantic offshore wind status.
 - Angela Silva presented compensation fund types.
 - Lisa Pfeiffer and Allen Chen from the NOAA Fisheries, Northwest Fisheries Science Center presented on socioeconomic analysis for fisheries on the West Coast.
- Working Group members discussed potential ideas for resiliency and noted the Castle Wind agreement as a reference to build from.
- Some Working Group members noted some concerns about having applicable data for areas with fewer fishermen, considering non-confidential threshold rules for data.
- Some working Group members suggested aligning the socioeconomic analysis with the Work Group goals.
- Working Group members confirmed the next step is identifying the questions used to guide the socioeconomic analysis.

Third-Party Acoustic Monitoring

Major topics and comments from Working Group members related to the presentation from BOEM on Third-Party Acoustic Monitoring are included below:

- Stanley Laback, BOEM, presented the 2023 Rand report and provided an overview on the sonar vessel noise survey technical report and responses from BOEM. He also reviewed

BOEM's studies high resolution geophysical sources including Crocker and Fratantonio (2016), Halverson and Heany (2018), and Heany and Halverson (2021).

- Working Group members asked questions about compliance for third-party survey work, AUV sound output, and sound impact on whale behavior.

Protocols for Communication and Fisheries Communications Plan

Major topics and comments from Working Group members related to the presentations on the North Coast and Central Coast Fisheries Communications Plans (FCPs) and protocols for communication are included below:

- North Coast lessees and Central Coast lessees presented on their respective FCPs, and the Working Group discussed how the FCPs could inform a statewide strategy for communications protocols.
- Working Group members discussed the importance of two-way communication.
- Working Group members discussed the strategy approach for communications should be focused regionally or statewide.
- Working Group members noted the need for flexibility in communication approach to meet the needs and preferences of each group or individual.
- Working Group members highlighted the FCPs are living documents and can be modified and adjusted as needs change throughout the project and as new lessons are learned.

Planning for Working Group Meeting #4

Major themes of the input and comments received from Working Group members on planning for Meeting #4 are included below.

- Working Group members asked for clarity on Community Benefit Agreements and bidding credits from the developers.
- Working Group members asked for more information from BOEM on future studies that BOEM is considering.
- Subgroups will continue to meet between full Working Group meetings to advance Site Assessment Survey Best Practices and Impacts to Fisheries. The subgroup working on Fisheries Agreement Template will be on pause as subgroup members submit written comments and the California Coastal Commission staff incorporate feedback heard at the Working Group meeting.
- Two new subgroups will be formed to work on the Methodology for Comprehensive Project-Level Socioeconomic Analysis and Communications Protocols.
- Throughout the discussions, Working Group members discussed the need to address overlap across deliverables by building consistency and identifying the appropriate level of detail and cross referencing across deliverables.