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RE: Docket No. BOEM-2018-0045

Dear Ms. Thurston:

We appreciate this opportunity to offer comments on the “Call for Information and Nominations for Commercial Leasing for Wind Power Development on the OCS offshore California”. West Coast Fisheries Consultants fully supports, and incorporates by reference, the industry submitted comment letter on this Docket Number. The “Call for Information and Nominations for Commercial Leasing for Wind Power Development on the OCS offshore California” seeks

“comments and information regarding site conditions, resources, and multiple uses in close proximity to, or within, the Call Areas that would be relevant to BOEM’s review of the nominations or to any subsequent decision whether to offer all or part of the Call Areas for commercial wind leasing.”

We write separately to address concerns specific to the North Pacific Albacore fishery, which has historic effort and catch in all three of the Call areas deemed suitable for offshore wind energy projects on the OCS offshore of California. We have both fished for, and work with a number of fishermen (and the trade associations who represent them) who target, North Pacific

## Albacore

Item 6 of the Call (see 83 FR 53103) requests “specific and detailed comments from the public or other interested or affected parties regarding \* \* \* \*

4. **Other uses**, including navigation (in particular, commercial and recreational vessel use), recreation, and fisheries (commercial and recreational).
5. **Additional information** regarding recreational and commercial fisheries including, but not limited to, the use of the areas, the fishing gear types used, seasonal use, and recommendations for reducing use conflicts.” (Emphasis added)

### Other Uses:

#### Navigation (Commercial and recreational vessel use):

We applaud efforts designed to show the importance of the areas to commercial and recreational vessel use. Typically, these efforts focus on data collected from vessels which have Automatic Identification Systems (“AIS”) transponders. However, we firmly believe this provides an incomplete picture, especially here off the California Coast.

Under regulations promulgated by the U.S. Coast Guard, AIS is only required on certain types of vessels. Commercial fishing vessels sixty-five feet or more in length must have a properly installed and functioning AIS device<sup>1</sup>. By and large, most commercial fishing vessels operating off the California coast are less than 65 feet. While vessels less than sixty-five feet are permitted to have AIS, they are not required to do so. Given the recent proliferation of web-based apps which broadcast AIS data to anyone with a smartphone or computer, many fishermen have chosen to not install AIS or they turn it off once away from areas which are heavily trafficked.

Additionally, the regulations requiring AIS of certain vessels went into effect on March 1, 2016. It is highly unlikely that AIS will be a valuable dataset for estimating historic commercial fishing vessel use within the Call areas.

#### Fisheries:

All three Call areas (Diablo Canyon, Morro Bay and Humboldt) have historic effort and reported catch from the North Pacific Albacore fishery – both commercial fishing vessels and commercial passenger-carrying fishing vessels (“CPFVs”). On January 17, 2019 we submitted a data request to the California Department of Fish and Wildlife (“Ca DFW”) asking for total catch in the Call Areas for the timeframe 1978 – 2017<sup>2</sup>. The Ca DFW has created a grid-system for identifying catch location(s), called Fishing blocks. These Fishing blocks represent a designated spatial grid of 10-minute latitude x 10-minute longitude numbered areas. The Fishing blocks associated with the three Call areas are as

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<sup>1</sup> See 33 CFR 164.46

<sup>2</sup> CPFV data was not available for 1978 and 1979.

follows<sup>3</sup>:

1. Diablo Canyon: Blocks 634, 635, 636, 650, 625, 626, 627, 628, 617, 618, 619
2. Morro Bay: Blocks 611, 612, 613, 604, 605, 606, 563, 564
3. Humboldt: Blocks 214, 206, 207, 136, 137, 130

Reported catch from the Call areas (in metric tons (“mt”) for commercial fishing vessels and total fish for the CPFV fleet) is as follows:

Diablo Canyon: 1,317.2 mt for the commercial fleet and 12,774 fish for the CPFV fleet

Morro Bay: 227.2 mt for the commercial fleet and 8,234 fish for the CPFV fleet

Humboldt: 57.3 mt for the commercial fleet and 161 fish for the CPFV fleet.

The overburdening of facilities, within ports and harbors, that serve the commercial fishing industry is also a concern. Our operations, and those who serve our industry (buyers, processors, mechanics, fuel docks, etc), necessarily requires adequate space. This space must be located as close to the water as possible in order to minimize disruptions. This includes the ability to access and utilize dock space at all hours and to be free from interference by large numbers of supply and maintenance vessels that will likely be required by offshore energy development. There is a very real concern that shoreside operations supporting renewable energy on the OCS will supplant and/or require relocation of facilities serving the commercial fishing industry.

### **Additional Information:**

As noted above, the Call areas are utilized by U.S. commercial fishermen and the CPFV fleet. The commercial fishery has both a troll and a bait-boat<sup>4</sup> component. Typically, the early season (June through August) is predominately troll, while the remainder of the season (August – October/November depending on weather) is predominately bait-oriented. The fishery, while under no set open or close dates, does not typically operate between December and May due to the albacore’s migratory patterns and weather patterns off the U.S. West Coast. The fishery is prosecuted in a way that makes it incompatible with wind energy facilities. We target albacore when they are near the surface. We are heavily reliant upon our sonars, fathometers and vision when searching for fish. Our success is based on finding areas where albacore aggregate, which varies by the day depending on prevailing ocean conditions. The troll aspect of the fishery requires a captain’s full attention looking for bird-life, fish breaking the surface of the water and signs of bait species on their electronics. Having to navigate, and avoid, wind-farm infrastructure (large network of cables, etc) while trolling ten to twenty lines up to an eight-of-a-mile behind a vessel will functionally makes these areas de-facto closures.

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<sup>3</sup> For Diablo Canyon and Morro Bay see - <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=144496&inline;> for Humboldt see - [https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=144495&inline.](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=144495&inline)

<sup>4</sup> Bait boats use live bait to attract the school to the vessel, where they can be harvested much quicker and efficiently. This is the preferred method later in the season when schools of albacore tend to be larger and less spread out.

We are also concerned whether on-the-water infrastructure necessary for offshore wind energy production will be deemed a Fish Aggregating Device. A Fish Aggregative Device (“FAD”) is defined as “a manmade raft or other floating object used to attract tuna and make them available to fishing vessels.”<sup>5</sup> Rules and regulations surrounding fishing effort on or around FADs in the Eastern Pacific Ocean are implemented by the National Marine Fisheries Service in accordance with Resolutions adopted by the Inter-American Tropical Tuna Commission. Moreover, FADs do not increase abundance of fish stocks; but rather operate as a collection point for bait fish and other species which use the FAD for safety purposes. As tuna aggregate around FADs, those fish will not be available to us outside of the lease area itself. This would, in effect, make fish attracted to FADs unavailable to the fishery.

We are unaware of any studies or analysis on the potential impacts of wind farms, and their necessary infrastructure, on migratory patterns of albacore, other fin fish species, marine mammals and/or sea turtles. This is particularly concerning as our fishery currently operates predominantly within the U.S. Exclusive Economic Zone; whereas in the past, a significant portion of catch occurred on the high seas. If such studies have not been undertaken, we request BOEM commission such an analysis.

Based on the above, we recommend removal of the Diablo Canyon and Morro Bay areas from those currently being considered as suitable for offshore wind energy production. If, however, BOEM may only reconsider one of the proposed sites – we would ask that the Diablo Canyon Call are be prioritized for removal.

At a very minimum, to protect US albacore fisheries, we ask that any potential OCS lease contain the following provisions:

- Minimization, to the extent possible, the amount of infrastructure which floats on the sea surface and any cables, in the water column or buried under the seabed, associated with that infrastructure;
- Lessee vessel traffic, to and from the offshore facility, be restricted when vessels targeting North Pacific albacore are fishing in the area. Exceptions for emergency repairs on the offshore infrastructure;
- A recognition that land-based infrastructure supporting wind farm operations is not a coastal-dependent use requiring space on or adjacent to the water to be functional.
- Lessee to establish a Fishing vessel and gear loss mitigation fund/policy, using a transparent and inclusive process including fishing industry input, so that any interactions between offshore wind farm infrastructure and fishing vessels, which result in damage to those vessels or fishing gear (through no fault of their own), is avoided and compensated.
- Lessee to engage with the fishing industry, from the earliest stages of the leasing process and throughout the life of the project, regarding matters including site design, layout, and technology selection to avoid impacts to fishing to the greatest extent possible, to provide for safe and direct transit to fishing grounds, and to establish

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<sup>5</sup> See 50 CFR §300.21.

common principles for mitigation for any residual fisheries impacts that cannot be avoided or minimized.

We appreciate your consideration of our comments. We are supportive of renewable energy provided it does not displace the albacore fishery, nor any other fisheries which are reliant upon access to the Call areas.

Kindest regards,

Mike Conroy

CC:

Chuck Tracy, Pacific Fishery Management Council

Jennifer Lucchesi, California State Lands Commission

Cassidy Teufel, California Coastal Commission