

CALIFORNIA FISHERMEN'S RESILIENCY ASSOCIATION

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Grantee Name: California Fishermen's Resiliency Association

Project Title: Enhancing Industry-to-Industry Cooperation on Offshore Wind Fishing Community Benefit Agreements - Phase 1 Report

Agreement Number: C0210410 (Phase 1)

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Phase 1 Report

The CFRA, operating in California as a 501 (c) 6 Nonprofit Mutual Benefit Corporation, was formed in January of 2022 to establish a single "point of contact" with California State Agencies and offshore non-fishing industrial developers. The CFRA membership now includes the following California Commercial Fishing Associations:

Crescent City Commercial Fishermen's Association
Trinidad Bay Fishermen's Association
Shelter Cove Fishermen's Preservation, Inc.
Salmon Troller's Marketing Association of Noyo
Bodega Bay Commercial Fishermen's Association
San Francisco Crab Boat Owners Association
Half Moon Bay Commercial Fishermen's Association
The Alliance of Communities for Sustainable Fisheries
Commercial Fishermen of Santa Barbara
California Wetfish Producers Association

Santa Cruz Commercial Fishermen's Association
Pacific Coast Federation of Fishermen's Associations

CFRA membership continues to be available to any commercial fishing associations outside of the CFRA member list.

Setting up the CFRA

The purpose of the CFRA is to serve as the “point of contact” and the negotiating legal entity with non-fishing developers of offshore wind energy, telecommunication and energy transmission submarine and subsea cable projects, and other offshore energy and mineral extraction efforts. In particular, the CFRA is focused on negotiating and managing long term Industry-to-Industry Fishing Community Benefit (impact) Agreements with non-fishing developers's projects. To this end, the CFRA via OPC grant funding has established a budget which has allowed the hiring of subcontractors as follows:

1. Legal/paralegal services - Dustin Owens, Esq. of Owens and Ross
2. Organization and grant management services provided by Lynette Mullen (January 1, 2023 through October 31, 2023) and Kraft Consulting from October 24, 2023 to present.
3. Executive Director services are supplied by Clofisco, Inc. Ken Bates, Linda Hildebrand, principals
4. Provide honoraria and travel expenses for up to seven CFRA board members attending virtual or “in person” CFRA board meetings
5. Provide transcripts of CFRA Board Meetings, budgets, and quarterly OPC reports. (The CFRA Board of Directors did not favor the renting and furnishing of an office, but continued to use the office address of the CFRA legal counsel, Owens and Ross office for CFRA business. The board felt that it was irresponsible to spend public funds on these expenses which are at present not necessary.)

CFRA Board Reports - Deliverable 2.2

The CFRA has released twenty-three board reports during the Phase 1 grant time period. Board reports include information on CFRA Board and public outreach meetings, telephone, zoom and “in person” meetings and communication with California State agency staff, OSW developers both in California and on the East Coast and general updates on current wind power and cable projects. The CFRA board reports are public documents sent to over 120 individuals and agencies and are available on the CFRA website. Most importantly CFRA Board reports are the “open window” to CFRA activities and help promote transparent public responsibility.

Draft Fishing Community Benefit (impact) Agreements

As per OPC Deliverable 2.1, the CFRA, working in conjunction with input from the Central Coast Fishermen's Associations and CFRA legal counsel, has produced two draft agreements. They are:

1. **CFRA Fishing Community Benefit Agreement for Offshore Wind Development**
 - a. This draft agreement is designed to minimize and mitigate “to a level of insignificance” the potential disruption of commercial fishing activities throughout

their range by the planning, site survey, installation, operation, decommissioning and removal of all aspects and components of offshore wind power developments conducted by the Developer or the Developer's subcontractors or agents.

2. Fishing Community Impact Agreement for Submarine and Subsea Telecommunication and Energy Transmission Cables.

- a. This draft agreement, based directly on the Central Coast Fisheries/Cable Liaison Committee's 1999 cable mitigation contract, sets "per mile" mitigation assessments for East/West and Coastal telecommunication and energy export cables, provides for observer and guard boat services, lost gear reporting and compensation, overall best practices cable protection, and complies with CFRA bylaws

Both of these industry to industry OPC/State sponsored agreements templates are intended to be employed during the 7CWG process as per SB286.

CFRA White Papers

The CFRA has produced two "White Papers" during Phase 1.

1. **"The Value of Fishing Grounds"** accurately describes, fishery by fishery, the value of harvestable, sustainable fish on an average fishing day and average fishing season on one square mile of California's community fishing grounds. Because CFRA members are not economists, the "Value of Fishing Grounds" does not describe the economic impact of ex-vessel landings, the multiplier effect of fish processing, distribution, and consumption or the pyramid of support business which rely on healthy fishing fleet activities.
2. **CFRA Minimization and Mitigation Plan for Offshore Non-fishing Development in Northern California** is the other Phase 1 White Paper. It is a living document, being expanded in real time, which lists impacts to fishing from non-fishing ocean industrialization, methods of avoidance, and the minimization and mitigation of impacts through the employment of Industry-to-Industry agreements. This document is continually updated as new or pertinent information concerning OSW developments becomes available.

CFRA Website

The CFRA has launched an informational website for industry, state agency and public use.

Briefing on website page contents

The CFRA website, as of January 2024, is serviceable but would benefit from a professional upgrade which would improve searchability and organization. This upgrade will also add new sections and functions to the current website.

In addition to the narrative pieces described below, the site contains photographs consistent with the maritime theme of our work.

The **Home Page** has basic information on the organization: organizational charter, goals, member associations, etc.

The **Draft OSW Docs** page currently contains only one item: a draft fisheries communication plan

The **Public Comment** page has posts of over a dozen public comment letters that the CFRA has submitted to public agencies.

The **7C Fishermen's Working Group** page contains the purpose of the 7C working group and how it came to be, along with a link to the participants of the 7C working group. We have chosen to post public comment letters specific to the 7C group on this page, rather than with the organization's other public comments.

The **Work Product** page has links to several in depth reports: a white paper on the value of North Coast fishing grounds, two draft fishing community benefit agreements, the North Coast Fisheries Mapping Project, and the CFRA Minimization and Mitigation plan.

The **Impacts** page begins with a bullet list of likely potential impacts, and then has links to work products that are redundant with those on other pages.

The **About** page provides basic information on the CFRA, with links to subpages with board member and executive team biographies, and currently, twenty three CFRA board reports.

Current Challenges

1. **Fishing Community Benefit Agreements** — The title “FCBA” is technically a misnomer. The prospect of executing industry-to-Industry Agreements between fishing based nonprofit organizations and OSW/Cable developers is put forth by the fishing industry and codified into law by SB286 (McGuire 2023) to minimize and mitigate the negative impacts of ocean industrialization to California fisheries. While there may be economic benefits to certain coastal stakeholders, there is no “benefit” to fisheries or Fishing Communities reliant on uninterrupted fishing activity by the intrusion of non-fishing offshore development on California's community fishing grounds. A more appropriate title should be “Fishing Community Impact Agreement”, which accurately reflects the contents and purpose of the agreement. As of this date, there is unrelenting resistance by OSW developers to discuss or even admit to the fact that there is and will be very significant negative impacts, lasting for generations of fishing families, when the fishing grounds are converted to offshore wind farms.
2. **OSW Developer Resistance** - Developer “fisheries affairs managers” continue to avoid any substantive conversations with fishermen's associations concerning industry to industry agreements, and there has been no progress on this subject. Additionally,

developers have been careful to isolate fishing industry groups from mid to upper level project managers, even though these company representatives are attending both state and local venues to further the permitting to their individual OSW projects.

3. **California Coastal Commission 7C Fishermen's Working Group Process** The first 7CWG meeting took place on December 6, 2023. Fishermen were hoping for a closely spaced set of meetings to develop best practices, rules and mitigation agreements soon in light of the fact that developers are planning site survey activities on the five WEA's and inshore cable areas this coming spring of 2024. It seems obvious from the first 7CWG meeting and the requests to schedule the next meeting in mid-February, that there will be a very extended timeline in the possible development of a "statewide strategy" to avoid, minimize and mitigate OSW impacts — even as those impacts are occurring presently. This slower than expected (by fishermen) timeline will present substantial fiscal and temporal difficulties to the functioning of the CFRA in its goal to negotiate and execute industry to industry agreements during the permitting process. Fishermen have significant concerns and questions including:

- What results will come from the 7CWG and the Coastal Commission process two or three years down the road?
- Will the Coastal Commission, working under legislative guidance of SB286, mandate through enforceable rule making permit conditions that OSW developers engage with established fishing industry nonprofits as partners in facilitating the co-existence of non-fishing ocean industrialization and California's fishing industry and tribal subsistence harvests?
- Based on extensive work done by the CFRA (operating with funding from OPC) will the Coastal Commission define what an industry to industry agreement is, who is represented, who it engages, is it inclusive and democratic and lastly, will the Coastal Commission oversee and enforce said agreements?

4. **Fishermen's Immediate Concerns** - Fishermen working in or adjacent to the five California WEA's and proposed export cable lanes are panicking that no enforceable rulemaking will be produced before OSW site survey operations begin in early 2024. Many of the State Agencies responsible for OSW permitting activities have no authority, ability, or financial assets to oversee OSW operations on the ocean. Additionally, extreme resistance to Industry-to-Industry agreements by OSW developers leave little resources for fishermen to mitigate OSW impacts. Because of these facts, all parties to this action should be aware that any resolution to the difficult problem of ongoing OSW impacts and mitigation may be further away timewise than first proposed.

Thank you.

Ken Bates, Executive Director

California Fishermen's Resiliency Association for the
CFRA Board of Directors

