WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

[DRAFT] OFFSHORE ENERGY POLICY

Offshore energy projects use winds, tidal changes, waves, ocean currents, thermal differences and/or other renewable sources to rotate turbine blades attached to generators to create electricity. Turbines can be mounted or anchored on fixed piles or floating devices chained to the seafloor at multiple anchor points per platform. The structures above the ocean surface can range in size from relatively low-profile wave energy devices to offshore wind turbines 1,000 feet or more in total height. These projects can consist of just a single device or many devices resulting in a larger project footprint. Every turbine must be connected to a service platform that collects and relays electricity to shore and serves as a base for maintenance activities. Electricity from the service platform is transmitted through specialized, high voltage undersea cables to an onshore substation that connects to the existing power grid.

Offshore energy projects can also consist of standalone underwater transmission cables that transmit energy from one landmass to another below the mean high-water line.

While generally termed "offshore," these energy projects can be situated in any distance from shore and at any depth pending the logistical constraints related to the receiving structures. Anchored in place for decades, offshore structures have the potential to create habitat and serve as fish aggregating devices.

Definitions
Offshore energy projects use undersea cables and/or thermal, wind, ocean wave, ocean current and other renewable source devices used to generate and/or support the production and/or transmission of electricity.

Purpose
The Western Pacific Regional Fishery Management Council (Council) recognizes that sustainable fisheries require healthy fishing communities, fish stocks, fish habitats and marine ecosystems This developing offshore energy industry can have positive and negative impacts to fisheries in the Council's jurisdiction. Potential impacts could be placed on stock productivity, aggregation of fauna, migration routes, fishing effort, fishing areas/opportunities, Endangered Species Act (ESA) listed species, marine mammals, and essential fish habitat.

Thus, the Council's objective is to encourage potential offshore energy operations to align with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and adhere to the following guidelines:

1. Research and monitoring programs should be established to evaluate the direct and indirect effects of the energy facilities on the environment/ecosystem and the management unit species (MUS) managed through the Fishery Ecosystem Plans (FEPs) for the Western Pacific Region. These research programs should:
    a. Analyze the impacts of existing offshore energy projects.
    b. Establish baseline assessments of elements on which energy projects could have potential impacts and make these assessments available when feasible.
    c. Survey, analyze and document the effects of offshore energy operations on:
        i. Migration patterns of fish and invertebrate marine life, especially MUS identified in the Council's FEPs;
        ii. ESA listed species, marine mammals and seabirds;
        iii. Essential fish habitat and the benthic and water column down to the seafloor;
        iv. Ecosystem and environment (e.g., food); and
        v. Fishermen, fishing industry, indigenous cultural values, and fishing communities on an annual basis.
2. Environmentally responsible, considerations should be made with respect to habitat:
    a. Existing inland and offshore habitats important to marine fisheries should be protected from detrimental physical alterations or degradation to the extent practicable. Coral reef protection is critical for fishery habitat. Damage, disruption and siltation to the coral reef ecosystem should be avoided to the greatest extent possible.
    b. Installation and monitoring plans should be developed for standalone undersea cables and for undersea cables to and from the offshore energy farms and should consider the impact to the bottom substrate that could compromise the benthic habitats. Transmission cables should minimize, to the greatest possible extent, impacts to special aquatic sites. Cables should be periodically monitored after installation to ensure bathymetry and/or benthic habitat is restored, and after large storm and/or meteorological events, to ensure cables remain intact and surrounding areas unaffected.
    c. Potential opportunities to create or augment habitat, mitigate habitat issues and support the health of fisheries should be identified.
3. Best management practices should be employed throughout all phases of offshore energy development and operations. This is in order to avoid adverse impacts on fish, fisheries and habitat to prevent conflicts with other users groups, including commercial, non-commercial fisheries, and other non-fishery activities.
    a. Significant buffers for placement of energy devices should be maintained around all reefs (natural or artificial), hard bottoms, submerged aquatic vegetation and other high value habitats, that include essential fish habitat and habitat areas of particular concern. Buffers for energy devices should be delineated prior to construction so that the design and construction planning can incorporate avoidance measures in advance.

Buffers should be at least 500 meters surrounding these sensitive and valuable habitats.

b. Noise generated by offshore energy facilities should be minimized, including sounds produced during surveys (e.g., survey vessels), construction (e.g., pile driving, hammers) and operations (e.g., spinning turbines).

c. Offshore energy facility locations should avoid or at least minimize conflicts with or restrictions on recreational, for-hire, or commercial fishing activities. To ensure project transparency, the developers should engage early with the community, fishing industry and Federal and state agencies to determine potential area closures that would not negatively impact fishing areas.

d. Offshore energy activities and facilities should consider indigenous and traditional rights. These rights include access to areas and resources, access to indigenous fishing grounds and access to religious/cultural areas. Indigenous participation should be encouraged in the planning, development and/or the project permitting process.

e. Offshore energy operations should develop an "emergency plan" that establishes defined safety, preparation, response and recovery activities including staff training in anticipations of potential disasters to prevent associated problems. Potential disasters (natural or not) include, but are not limited to, tropical storms, floods and hurricanes. Protocols must be established for fuel and chemical spill mitigation for service platforms and support vessels.

f. Offshore wind energy developers should create a reimbursement fund to compensate fishermen for loss of income and displacement of fisheries due to offshore energy activities and/or emergencies.