

DOCKETED

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**Audubon comments on AB525 Draft Report and May 18, 2022
Workshop**

Additional submitted attachment is included below.



California Energy Commission

Re: Docket # 7-MISC-01 – Assembly Bill 525 Draft Report on Maximum Feasible Capacity of Offshore Wind and Planning Goals for 2030 and 2045.

Dear California Energy Commission (CEC):

Thank you for the draft AB525 Planning report and the workshop on May 18, 2022.

Audubon protects birds and the places birds need, today and tomorrow. Audubon works throughout the Americas using science, advocacy, education, and on-the-ground conservation. Working in collaboration with our more than 450 chapters and 160 campus chapters, 17 state and regional offices, 7 countries, 41 centers, and 23 sanctuaries gives Audubon an unparalleled wingspan that reaches millions of people each year to inform, inspire, and unite diverse communities in conservation action. A nonprofit conservation organization since 1905, Audubon believes in a world in which people and wildlife thrive.

Our 2019 climate science available at <https://climate.audubon.org> reveals that unless we can keep warming below 3° Celsius 389 species of birds in North America will probably go extinct from loss of climate suitability in their wintering or breeding ranges or both.

100% clean energy as fast as possible is our goal to keep warming to 1.5°Celsius to protect our birds. Responsibly sited and operated offshore wind in California plays an important role in reaching our goals in California for 100% clean energy by 2045.

Audubon has been a stakeholder in California's consideration of offshore wind since 2016 and we understand our role as a stakeholder is to facilitate environmentally responsible offshore wind in California as soon as it is feasible and to contribute our scientific knowledge and expertise in conservation of our birds that use the California Current System to the CEC's planning for least impact to our marine biodiversity that includes many species of birds.

Accordingly, we supported AB525 in the California legislature and we support the CEC in the planning effort. The AB525 process is a positive step to ensure the state builds offshore wind in way that is environmentally responsible and net positive for birds.

We reviewed the draft report and attended the May 18 workshop, and we have the following comments for the CEC to consider.

1. Considerations of impacts to avian species should go beyond impacts to marine birds.

CEC's report states, "From the environmental perspective, potential impacts have been identified to pelagic and benthic fish, marine mammals, sea turtles, marine birds, seabed and benthic habitat, water quality, and ocean currents and upwelling" (p. 45-46). However potential impacts to avian species from offshore wind construction and operation are not limited to marine species of birds. Land birds, shorebirds, and bats fly over the open ocean during migration. While these groups of species may spend less time in the marine environment than marine bird species, this does not diminish the potential for impacts from offshore wind to have population-level impacts. Additionally, as transmission planning is also an important piece of the feasibility puzzle, impacts are not limited to birds offshore. Therefore, we suggest this sentence be changed to simply refer to "birds and bats" instead of "marine birds".

2. Technological considerations should include those designed to document and minimize impacts to avian species from offshore wind development.

Collision detection and minimization technologies would better inform the permitting process for offshore wind and potentially influence maximum feasibility if technologies can be adopted that would minimize impacts to wildlife.

To address some of the content of the conversation from the Workshop on May 18, 2022, we do not know the extent of impacts to the environment from offshore wind development, but we do have an idea of the types of impacts likely to occur (as are outlined within the CEC draft report). Additionally, while offshore wind will be an important clean energy resource for California, we do not have evidence to suggest that this is the "lowest impact" energy technology following rooftop solar as stated in the Workshop. However, we can limit the extent of the impacts of offshore wind to wildlife with good planning and siting. It's critical that this maximum feasibility analysis consider impacts to wildlife and the environment and the relative level of those potential impacts across the seascape and landscape. Such information will be crucial to inform identification of sea space, transmission planning, and even permitting.

The draft report states on p.4

CEC staff recognizes that by 2045 there may be sufficient technological developments and related cost reductions driven by innovation in floating offshore wind components such as advanced monitoring systems, mooring systems, flexible cabling, and increased turbine size.

We are engaged in Technical Advisory Committees (TACs) and as grant reviewer for research projects on technologies to detect avian collision at turbines offshore and onshore. Funding for this research is provided by U.S. Department of Energy Wind Energy Technologies Office (WETO) and state and private funders. We would advise that CEC staff not put a date on the feasibility and verification of these technologies that might suggest that the technologies will be available later than sooner. We suggest either removing "advanced monitoring systems" from

this paragraph for one of its own that suggests that progress is currently being made on development, testing and verification of these technologies, or that the 2045 date be removed and replaced with “in the near future”. AB525 does not give a date but does require:

Offshore wind should be developed in a manner that protects coastal and marine ecosystems. The State of California should use its authority under state programs and policies to ensure (1) avoidance, minimization, and mitigation of significant adverse impacts, and (2) monitoring and adaptive management for offshore wind 23 projects and their associated infrastructure.”¹

3. AB525 calls for the seascape analysis to include all waters of California, not just OCS waters.

We appreciate that the report and AB525 emphasize protection of “coastal resources” and “marine ecosystems” which suggests to us that the scope of the forthcoming seascape process should provide least conflict planning with spatial data that includes biological resources from the furthest Outer Continental Shelf waters all the way to the coast. This includes state waters and coastal resources therein that may be affected by offshore wind development even though the focus of AB525 is on offshore wind in federal waters. As AB525 was being written, there was little consideration of developing offshore wind in state waters. That has changed.

Specifically, the recently released modeling study of BOEM using bird sighting data from multiple scientific survey programs and at-sea counts of birds collected between 1980 and 2017 using boat-based and fixed-wing aerial transect survey methods should be used for seascape level planning.²

This study is limited to 33 individual species and 13 taxonomic groups of marine birds throughout the region whereas BOEM Study 2016-043³ analyzes the vulnerability of 81 species of seabird. Therefore the seascape analysis should also look for spatial data on the remaining species as well as tracking data to map movements of birds and bats including trans-Pacific migrant shorebirds (whimbrel, etc), geese (Brant) and other species of birds

¹ Assembly Bill 525 (Chiu, Chapter 231, Statutes of 2021).

² Leirness JB, Adams J, Ballance LT, Coyne M, Felis JJ, Joyce T, Pereksta DM, Winship AJ, Jeffrey CFG, Ainley D, Croll D, Evenson J, Jahncke J, McIver W, Miller PI, Pearson S, Strong C, Sydeman W, Waddell JE, Zamon JE, Christensen J. 2021. Modeling at-sea density of marine birds to support renewable energy planning on the Pacific Outer Continental Shelf of the contiguous United States. Camarillo (CA): US Department of the Interior, Bureau of Ocean Energy Management. OCS Study BOEM 2021-014. 385 p. https://espis.boem.gov/final%20reports/BOEM_2021-014.pdf

³ Adams, J., Kelsey, E.C., Felis, J.J., and Pereksta, D.M., 2017, Collision and displacement vulnerability among marine birds of the California Current System associated with offshore wind energy infrastructure (ver. 1.1, July 2017): U.S. Geological Survey Open-File Report 2016-1154, 116 p., <https://doi.org/10.3133/ofr20161154>.

other than “marine birds” throughout the California Current System and, as recommended above, use “birds and bats” rather than marine birds or seabirds to capture the avifauna that uses the California Current System.

We look forward to working with CEC staff on the final AB525 report and the seascape analysis to inform the final report and to the deployment of environmentally responsible offshore wind in least conflict sites identified by the AB525 report in California waters.

Regards,

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