

DOCKETED

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Submitted On: 8/8/2022
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**CORE Hub Comment on AB 525 OSW Planning Goals “
Supplemental Background Information (Agenda Item 2)**

Additional submitted attachment is included below.

August 8, 2022

California Energy Commission
Docket No. 22-BUSMTG-01
Docket Office
1516 Ninth Street
Sacramento, CA 95814

**Re: Comment on AB 525 Offshore Wind Planning Goals – Supplemental Background Information
(Agenda Item 2, August 10, 2022 Business Meeting)**

Dear Chair Hochschild and Esteemed Commissioners:

The Redwood Region Climate and Community Resilience Hub (“CORE Hub”) appreciates the opportunity submit supplementary background information to our [previous comments](#) dated June 11, 2022 regarding California’s offshore wind gigawatt planning goals for 2030 and 2045.

The additional information attached below includes comments on the Proposed Sale Notice of Pacific Wind Lease Sale 1 for Commercial Leasing for Wind Power on the Outer Continental Shelf released by the Bureau of Ocean Energy Management (“PSN”) submitted on behalf of the CORE Hub and the North Coast Offshore Wind Community Benefits Network on August 1, 2022.

As the CEC sets gigawatt goals for offshore wind generation by 2030 and 2045, we respectfully request that the CEC considers these PSN comments, particularly growing community capacity to engage in healthy development in the years to come.



August 1, 2022

Amanda Lefton, Director
Bureau of Ocean Energy Management
1849 C Street NW
Washington, DC 20240-0001

With a copy to:

Douglas Boren, Pacific Regional Director
Bureau of Ocean Energy Management
Pacific Regional Office
Mail Stop CM 102
760 Paseo Camarillo (Suite 102)
Camarillo, California 93010-6002

Re: Pacific Wind Lease Sale 1 (PACW-1) for Commercial Leasing for Wind Power on the Outer Continental Shelf in California - Proposed Sale Notice [Docket No. BOEM-2022-0017]

Dear Director Lefton,

On behalf of the Redwood Region Climate and Community Resilience (CORE) Hub¹ and the North Coast Offshore Wind Community Benefits Network (the "Network"), we are pleased to submit these comments on the Proposed Sale Notice of Pacific Wind Lease Sale 1 (PACW-1) for Commercial Leasing for Wind Power on the Outer Continental Shelf released by the Bureau of Ocean Energy Management (BOEM) (the "PSN"). Within the time constraints of the public comment period and the Network convening to understand the Proposed Sale Notice and collectively developing a set of comments and recommendations, the following agencies, Tribal Nations, leaders, organizations and governments that have been part of the Network have agreed to sign onto this letter in support of the comments and recommendations made herein.

Tribal Nations: Blue Lake Rancheria; Hoopa Valley Tribe; Trinidad Rancheria; Wiyot Tribe; Yurok Tribe

Community Organizations and Institutions: 350Humboldt; Baykeeper; California Center for Rural Policy at CalPoly Humboldt; Changing Tides Family Services; College of the Redwoods; Environmental Protection and Information Center; Humboldt Area and Wild

¹ The CORE Hub was established by regional leaders in climate resilience, mitigation, and adaptation and is based at Humboldt Area and Wild Rivers Community Foundation, serving California Counties of Humboldt, Del Norte, and Trinity, as well as Curry County in Oregon. Our service area also includes 26 Tribal Nations and Indigenous Territories. Our goal is to become the first proven carbon sequestering rural and Tribal region in the United States. We act toward this goal through planning and policy guidance; facilitating healthy civic dialogue; taking action for equity; promoting accurate, accessible public information; providing research, analysis and technical assistance; project acceleration; promoting traditional knowledge and multi-generational values; and conducting rigorous tracking to document progress and ensure accountability. For more information on the CORE Hub, please visit <https://redwoodcorehub.org/>.

Rivers Community Foundation; Ken Hamik, Board Member, Humboldt County Visitors Bureau; Indian Natural Resources Science and Engineering Program at Cal Poly Humboldt; McKinleyville Family Resource Center; North Coast Small Business Development Center; Dan Reding, Business Manager, Operating Engineers Local 3

Local Governments, Districts and Agencies: City of Arcata; County of Humboldt; Elizabeth Burks, Executive Director, Humboldt County Association of Governments; Chris Drop, General Manager, Manila Community Services District; Peninsula Community Services District; Redwood Region Economic Development Commission

Additionally, several Network partners are independently submitting comments reflecting the CORE Hub Network recommendations outlined here.

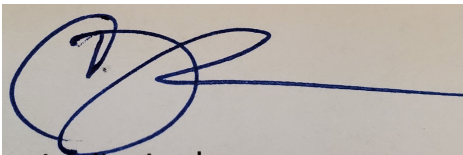
It is an honor to have the opportunity to submit the following comments and recommendations in partnership with so many others in the North Coast region. Thank you for the opportunity. Please do not hesitate to contact us if you have any questions or if you would like to discuss what we have outlined here.

Sincerely,



David Finigan, Vice Chair of the Board of Directors, Humboldt Area and Wild Rivers Community Foundation

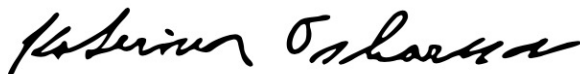
Jana Ganion, CORE Hub Senior Advisor



Charlie Jordan, Chair of the Board of Directors, Humboldt Area and Wild Rivers Community Foundation



Bryna Lipper, CORE Hub Advisory Council Member and Chief Executive Officer, Humboldt Area and Wild Rivers Community Foundation



Katerina Oskarsson, CORE Hub Executive in Residence

For the California North Coast region² (the “Region”) offshore wind provides a tremendous opportunity to fight climate change and promote climate resilience. This also presents an important opportunity to proactively shape the industry in a way that improves community well-being; strengthens partnerships with local communities, Tribal Nations, state and federal agencies; and protects biodiversity. Community-driven development is essential on the North Coast, a region that has experienced long-term harm from a violent boom and bust natural resource extraction economy.

The North Coast is a dynamic place - simultaneously remarkable, challenging, evolving, enduring and beautiful. The North Coast is home to spectacular and expansive swaths of lands and waters that support biodiversity, culturally-significant community and Tribal practices. Small, beach and portside communities support local enterprises, family businesses, and recreational tourism. As we take a leap forward on the development of the offshore wind industry, we must apply and learn from the history of this place, maintain an unwavering commitment to equity, and avoid repeating harmful and grossly inequitable mistakes of past industrial development.

Much of the North Coast’s past economic and infrastructure activities have developed at the expense of the long-term economic, social, and environmental well-being of our communities. The region’s economy has experienced cycles of industries that were devastatingly extractive of natural resources: mining, hunting, farming, ranching, logging, and illegal cannabis production.³ The gold and timber industries, in particular, generated periods of accelerated yet unsustainable economic growth, coupled with land theft and state-sanctioned genocide.⁴ Additionally, the region’s rich river systems have been dammed and diverted for energy production and water sourcing for the state. This history now serves as a cautionary tale of the harms industries can inflict when they develop without long-term, community-centered investments.⁵

I. Overview of comments

Our comments below - including our community-centered recommendations, proposed 50% bid credit package, and request that BOEM give scoring priority to bid credits over all-cash bids **as a clear demonstration of regional partnership and investment** - are guided by dual desires to support climate and energy resilience, while ensuring that this industry develops and operates equitably and sustainably, and in partnership with our communities to address our region’s unique needs and connection with our natural resources. We recommend data transparency, funding for research and monitoring and an adaptive management approach, as needs will evolve over the three decade life of the project. This approach must be rooted in the hierarchy of first avoiding, then minimizing and mitigating adverse impacts on wildlife and habitat. These recommendations are

² The “North Coast Region” encompasses: 1) Humboldt County, 2) Del Norte County, and 3) the Tribal lands of the Bear River Band of the Rohnerville Rancheria, Big Lagoon Rancheria, Blue Lake Rancheria, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Elk Valley Rancheria, Hoopa Valley Tribe, Nor Rel Muk Wintu Nation, Resighini Rancheria, Tolowa Dee-ni’ Nation, Tsnungwe Tribe, Wiyot Tribe, and Yurok Tribe of California, which are the Tribal Nations in each County. Although jurisdictionally independent from each other, these three areas function as one ecosystem through collaborative workforce and education systems, common infrastructure, and a shared history. The region’s history of resource and human exploitation has particularly harmed the region’s Indigenous peoples.

³ Earth Economics. (2018). *North Coast Healthy Watersheds and Vital Communities: Economic Analysis*. North Coast Resource Partnership. Accessed July 2022, from

https://northcoastresourcepartnership.org/site/assets/uploads/2018/06/NCRP_Report_GreenprintAnalysis_v1.pdf

Humboldt County. (2017). *Humboldt County General Plan - Economic Development Element*. Accessed July 2022, from

<https://humboldtqov.org/DocumentCenter/View/61985/Chapter-9-Economic-Development-Element-PDF>

⁴ Cornford, D. (1987). *Workers and Dissent in the Redwood Empire*. Temple University Press. Accessed July 2022 from

https://www.jstor.org/stable/j.ctv6mtdhp.6#metadata_info_tab_contents

⁵ North Coast Resource Partnership. (2018). *Healthy Watersheds, Vital Communities, Thriving Economies: Actionable Strategies for California’s North Coast Region*. Accessed July 2022, from

https://northcoastresourcepartnership.org/site/assets/uploads/2018/06/NCRP_Report_Greenprint_v3.pdf

informed by approximately 200 meetings and conversations over the last six months with Indigenous leaders, local government, local and small businesses, trade unions, education, environmental, and community-based organizations, and specific outreach to underserved communities. An overview of the CORE Hub's outreach, engagement and consultation process is included in Appendix 2. At a high level, our recommendations include:

1. **Community-centered recommendations and 50% bid credit package, including:**
 - 1.1. Support for the **Workforce Training and/or Domestic Supply Chain Development** credit at 20%, with recommended changes to incorporate equity, reflect ongoing work in our region around training, and to expand opportunities to support local workforce and enterprises;
 - 1.2. Support for the **Lease Area Use CBA credit** with an increase to bring the credit percentage to 3%;
 - 1.3. New stipulation requiring creating and funding a **North Coast Community Benefits Fund stipulation** and a credit of 10%, to reflect the unique needs of our region, particularly underserved, and underrepresented communities and Tribal Nations, around housing, other infrastructure and services incorporating recommendations from Condition #5 - Engagement with environmental justice and local communities - contained in the California Coastal Commission's (CCC) Conditional Concurrence;
 - 1.3.1. Creation of a community steering committee, incorporating recommendations from Condition #5 in the CCC's Conditional Concurrence;
 - 1.4. New stipulation requiring creating and funding a **Regional Tribal Capacity Fund** and a credit of 10%, to support Tribal Nations in overcoming capacity constraints grounded in historical dispossession and the disproportionate impact of extractive industries on Tribal lands, cultures, economies, and livelihoods;
 - 1.5. New stipulation requiring creating and funding a **Tribal Fisheries Benefit Fund** and a credit of 3%, to address the specific impacts to Tribal sustenance and cultural fishing; and
 - 1.6. New stipulation requiring creating and funding an **Environmental Monitoring and Research Fund** credit of 4%, to ensure resources to fill key data gaps, address equity and related to new stipulations as outlined directly below in # 5, among others.
2. A new stipulation to ensure meaningful outreach and engagement with environmental justice communities, reflecting recommendations from Condition #5 in the CCC's Conditional Concurrence.
3. Support for, with recommended changes, the Native American Communications Plan to reflect recommendations from Condition #6 in the CCC's Conditional Concurrence, and the history of Tribal Nations in this region.

4. Support for the Project Labor Agreement stipulation, with recommended changes to increase opportunities for local communities, underrepresented communities, and Tribal Nations, and to address community safety.
5. Lease stipulations to strengthen environmental protections, including:
 - 5.1. New stipulations addressing decommissioning
 - 5.2. New stipulations to protect benthic habitat
 - 5.3. New stipulations to address Adaptive Monitoring and Management of Upwelling Impact
 - 5.4. New stipulations to prevent secondary entanglements for wildlife
 - 5.5. New stipulations committing to data transparency, monitoring commitments and creating adaptive management and monitoring plans with reimbursement for certain actions
 - 5.6. Revisions to protected species stipulations to incorporate specific protections around noise, vehicle speed and avian collisions

The comment letter below will lead with a background on the history and current context of the region, followed by the legal and policy support for community-centered recommendations and 50% bid credit package, and associated stipulations (see Tables 1 and 2). As we will demonstrate, our recommended changes to the sale process will ensure the offshore wind energy areas and related industries are developed safely, protect the natural environment, provide for a fair return on investment, and protect national security interests⁶ in accordance with BOEM's authorities under the Outer Continental Shelf Lands Act (OCSLA). These changes also meet federal and state goals and policies around environmental and climate justice, and benefit transfer to Tribal Nations and underserved communities, in alignment with the Justice40 Initiative.

II. History and Background of North Coast Region

The North Coast region is characterized by expansive areas of ocean, forested mountains, ecologically complex watersheds and rugged river canyons that critically support regional biological diversity. The major inland waterways include the Eel, Elk, Smith, Mad, Van Duzen, Mattole, Klamath, Scott, Shasta, Salmon and Trinity Rivers and Cache and Redwood Creeks. This region consists of conifer forests and oak woodlands dissected by chaparral, riparian forests, and wetlands. The region also includes valley and foothill grassland and woodland communities as well as coastal wetlands and marshlands. In contrast, along the coast, sandy beaches, incredibly rare dune forests, estuaries, lagoons, marshes, and open water bays support important habitat for shorebirds and provide nursery habitats for anadromous, oceanic, and near-shore fish. Humboldt Bay, California's second-largest estuary, is surrounded by an extraordinary dune ecosystem, and feeds into the freshwater streams and rivers which support production of anadromous salmonids, including steelhead and cutthroat trout, coho and Chinook salmon.

North Coast communities share a connection to and strong appreciation for the natural world. Our diverse region includes interconnected Tribal Nations and rural communities, and interdependent ecosystems and riverways. The region shares an appreciation and reliance on the ecosystem through key species, such as eelgrass, oysters, and salmon for social, cultural, and economic purposes, which are threatened by climate change. The region's Indigenous Peoples and Tribal

⁶[Outer Continental Shelf Lands Act, 43 U.S.C. § 29 \(2017\)](#).

Nations have maintained deeply significant and reciprocal relationships with local lands, waters, and ecosystems since time immemorial. Tribal Nations, while facing region-wide infrastructure limitations, are internationally recognized for innovations in climate and energy resilience, and natural resources management. Tribal expertise, responsibilities, interests and experiences should be meaningfully included in the offshore wind development process to ensure that Tribal science, traditional knowledge, and cultural practices lead to development in which these unique ecosystems are protected. The region's economy has traditionally relied on natural resources, yet continues to diversify. Our regional economy is driven by educational infrastructure, a career technical education system through the College of the Redwoods and Cal Poly Humboldt, and continuation of extractive industries, such as mining and logging.⁷ Our rural transportation system is defined by a reliance on cars and limited mass transit, which threatens our natural environment through tailpipe emissions, and contributes to economic and health-related disparities with limited access to affordable transportation over long distances to access services. This current context demonstrates the region's economic, environmental, and cultural assets as well as opportunities to meet persistent needs.

The legacy of violent extractive industries, boom and bust economic cycles, and underinvestment in a primarily rural, Tribal region have created persistent gaps in social and economic infrastructure. These needs are rooted in: (i) a lack of clean, reliable electricity, broadband, transportation, and other infrastructure; (ii) a lack of access to health, childcare and other social services; (iii) a lack of high-quality educational and other career technical opportunities for youth; (iv) a lack of access to healthy food; and (v) a growing housing shortage at all income levels. Today, many communities throughout our North Coast region are considered 'disadvantaged,' 'underrepresented,' or 'environmental justice communities' due to the high proportion of low-income households and census tracts,^{8,9} census 'hard to reach' communities¹⁰, and a high-density of Tribal Lands and Allotments.¹¹ Over 15% of Del Norte and Humboldt residents experience poverty.¹² Humboldt County in particular has a higher poverty rate than the California average.¹³ 27.7% of people in Northern California's Tribal communities lived below the poverty line level in 2019.¹⁴ Several Tribal Nations in the region have high rates of poverty and low median wages. According to the Yurok Tribe, 80% of their members live below the poverty line and have an annual income of just over \$11,000. The

⁷ Earth Economics. (2018). *North Coast Healthy Watersheds and Vital Communities: Economic Analysis*. North Coast Resource Partnership. Accessed July 2022, from https://northcoastresourcepartnership.org/site/assets/uploads/2018/06/NCRP_Report_GreenprintAnalysis_v1.pdf

⁸ North Coast Regional Water Quality Control Board. (2016). *Small Disadvantaged and Financial Hardship Determination for North Coast Region Communities*. https://www.waterboards.ca.gov/northcoast/water_issues/programs/environmental_justice/180921/160726_CPM_ef_Small_Disadvantaged_Communities_Memo_and_Attachments.pdf

⁹ Low income communities and households are defined as the census tracts and households, respectively, that are either at or below 80% of the statewide median income, or at or below the threshold designated as low income by the California Department of Housing and Community Development 2016 state income limits.

¹⁰ CA Department of Finance Demographic Research Unit. (2020). California Hard-to-Count Index Interactive Map. Accessed July 2022, from <https://census.ca.gov/htc-map/>

¹¹ Tribal lands are defined as federally recognized Native American reservations and allotments per the California Native American Heritage Commission. The May 2022 Final SB 535 Disadvantaged Communities Designation by the CalEPA includes, and CPUC/CEC Disadvantaged Community Advisory Group Equity Framework include "Lands Under Federally Recognized Tribes" and "Tribal Lands" respectively as disadvantaged communities. Accessed July 2022 from https://calepa.ca.gov/wp-content/uploads/sites/6/2022/05/Updated-Disadvantaged-Communities-Designation-DAC-May-2022-Eng_a.hp_-1.pdf and https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/infrastructure/disadvantaged-communities/dacag-equity-framework.pdf?sc_lang=en&hash=130F6FD0AEA89095CD0EAC455D0C60EE

¹² *Quick Facts: Trinity County, CA; Del Norte County, CA; Humboldt County, CA*. (2021, July 1). U.S. Census Bureau. Retrieved July 2022, from <https://www.census.gov/quickfacts/fact/table/trinitycountycalifornia,delnortecountycalifornia,humboldtcountycalifornia/PST045221>

¹³ Bohn, S. Danielson, C. and Malagon P. (July 2021). *Poverty in California Factsheet*. Public Policy Institute of California. Accessed July 2022 from <https://www.ppic.org/publication/poverty-in-california/>

¹⁴ Northern CA Indian Development Council. (2021) *Community Needs Assessment*. Accessed July 2022 from <https://www.ncidc.org/sites/default/files/48/csbg/NCIDC%20Community%20Needs%20Assessment%202021%20Final.pdf>

census tract for the Hoopa Valley Reservation has a 95% rate of poverty and 80.69% unemployment compared to other tracts in the state.¹⁵

Health and wellness disparities experienced by communities of color are important to understanding our region and investment recommendations made later in this document. The population of Humboldt and Del Norte Counties includes nearly 30% Black, Indigenous and People of Color,¹⁶ and the average enrolled BIPOC student population in county schools is 46%. In Humboldt, 1 in 8 students come from homes where English is not the primary language¹⁷. By contrast, white educators make up an average of 84% of the total teacher population. In Humboldt County, Indigenous students are suspended at a rate four times the state average for white students¹⁸. Mortality rates for Native people in Humboldt County ages 25-44 are 2-5 times higher than the general population, and the infant mortality rate is 2 times higher than the general population¹⁹. Between 2001 and 2019, 45 hate crimes were reported, which is known to be a significant underrepresentation of peoples' experiences.²⁰ Humboldt County also ranks the 5th highest county in the state for Black/white segregation.²¹ While disparities are significant, there are also key innovations happening here to help heal this place, led by Black, Indigenous and People of Color. For example, there is a growing Indigenous land back movement, demonstrated by the Wiyot Tribe's successful negotiation with the City of Eureka for the return of Duluwat Island to the Tribe. The largest dam removal project in US history, on the Klamath River, has been led by Indigenous leaders and Tribal Nations from this region. Humboldt Asians and Pacific Islanders in Solidarity connects community, celebrates culture, works to daylight past historical atrocities, and influences land use and policy decisions in local government. There are many more examples of creativity, resilience, and innovative change. The stories of BIPOC communities here are rich, complex, and important for BOEM to take into consideration as you shape processes for this next phase of historically significant development.

Paradoxically to the vast expanse of land on the North Coast, residents in our region grapple with an existential housing shortage and an affordability crisis. Humboldt and Del Norte County residents spend an average of 39% and 38% of their income on housing, respectively.²² Rental vacancy rates in Humboldt County were recently as low as 4.2%, indicating limited availability and housing insecurity. Furthermore, the number of people experiencing houselessness in Humboldt County is nearly five times the national average. This is likely an underestimate given data collection challenges.²³ North Coast communities have both a high need for affordable housing and face

¹⁵ OEHHA. (2021). CalEnviroScreen 4.0 Poverty Map. Accessed July 2022 from <https://oehha.ca.gov/calenviroscreen/indicator/poverty>

¹⁶ U.S Census American Community Survey (2018). Accessed July 2022 from <https://data.census.gov/cedsci/> and Stepping Stone Diversity Consulting. (2021) *Baseline Racial Equity Report: Race and the Redwood Coast*

¹⁷ North Coast Journal. Casarez, Iridian. (July 2022) *Barriers to Care: Why Humboldt's Latinx Population is Being Hit Disproportionately Hard by COVID-19*. Accessed July 2022, from

<https://www.northcoastjournal.com/NewsBlog/archives/2020/07/12/barriers-to-care-why-humboldts-latinx-population-is-being-hit-disproportionately-hard-by-covid-19> and Stepping Stone Diversity Consulting. (2021) *Baseline Racial Equity Report: Race and the Redwood Coast*

¹⁸ ACLU, *Failing the Grade: The Status of Native American Education in Humboldt County*, 2020, from

<https://www.aclunc.org/publications/failing-grade-status-native-american-education-humboldt-county> and Stepping Stone Diversity Consulting. (2021) *Baseline Racial Equity Report: Race and the Redwood Coast*

¹⁹ Humboldt County Department of Health & Human Services, Public Health, *2018 Humboldt County Community Health Assessment*.

From <https://humboldt.gov/DocumentCenter/View/71701/2018-Community-Health-Assessment-PDF> and Stepping Stone Diversity Consulting. (2021) *Baseline Racial Equity Report: Race and the Redwood Coast*

²⁰ California Department of Justice Open Justice program. Accessed July 2022, from <https://openjustice.doj.ca.gov/arrests/offenses> and Stepping Stone Diversity Consulting. (2021) *Baseline Racial Equity Report: Race and the Redwood Coast*

²¹ County Health Rankings & Roadmaps, a Project of Robert Wood Johnson Foundation, 2019. Accessed July 2022, from <https://www.countyhealthrankings.org/app/california/2019/rankings/humboldt/county/outcomes/overall/snapshot> and Stepping Stone Diversity Consulting. (2021) *Baseline Racial Equity Report: Race and the Redwood Coast*

²² CA Department of Housing and Community Development. (February 2018). *California's Housing Future: Challenges and Opportunities, Final Statewide Housing Assessment 2025*. Accessed July 2022 from https://www.hcd.ca.gov/policy-research/plans-reports/docs/sha_final_combined.pdf

²³ Humboldt County Department of Health & Human Services, Public Health. (2018). *2018 Humboldt County Community Health Assessment*. Accessed July 2022, from <https://humboldt.gov/DocumentCenter/View/71701/2018-Community-Health-Assessment-PDF>

barriers to access. While new industries like offshore wind have the potential to be regional assets, they will place further burdens on what little housing stock there is, causing displacement and harmful ripple effects through the region, particularly for underrepresented communities. Investments in housing development will be critical to the success of new industries in the region.

Infrastructure needs are great in our region. Many areas are located at the remote end of the existing electrical grid, which imposes challenges on electricity supply stability.²⁴ In addition to acute electricity reliability issues, the region's transmission infrastructure now faces additional risks from the increasing frequency and intensity of extreme weather.²⁵ Other major infrastructure challenges in the North Coast region include aging water treatment systems²⁶ and a need for widespread internet access,²⁷ with rural residents disproportionately lacking internet connectivity.²⁸ In addition to these issues, communities immediately surrounding the port, including Manila, Samoa and Fairhaven, experience deteriorating road conditions, which will be worsened through offshore wind traffic. New industry and residents may exacerbate existing burdens on North Coast communities, especially the underserved.

In addition to infrastructure gaps, Tribal Nations in the region face threats to the safety of their communities. Tribal communities, who were displaced from their land, had their natural resources stolen, and experienced murder and other atrocities, face continued harm.²⁹ California has the 5th highest rate of Missing and Murdered Indigenous Women Girls and Two Spirit People (MMIWG2) in the United States, with 1/3 of all cases in California occurring in Del Norte, Humboldt, and Mendocino Counties³⁰.

Both inland and coastal Tribal Nations³¹ rely on natural resources that will be impacted by offshore wind development, particularly salmon and other anadromous fish in Humboldt Bay and rivers fed by and immediately to the north and south of the Bay for commercial, cultural, and sustenance fishing. However, members of Tribal Nations experience difficulty obtaining salmon, over time because salmon runs are increasingly threatened, endangered, or at risk.³² For Tribes and other entities that rely on fisheries for subsistence, access to even a small quantity of fish is important for food security

²⁴ Schatz Energy Research Center. (2005). *Humboldt County General Plan 2025 Energy Element Background Technical Report*. Accessed July 2022, from <https://humboldt.gov/DocumentCenter/View/63211/Humboldt-County-General-Plan-Energy-Element-Background-Technical-Report-2005-PDF>

²⁵ North Coast Resource Partnership. (2018). *Healthy Watersheds, Vital Communities, Thriving Economies: Actionable Strategies for California's North Coast Region*. Accessed July 2022, from https://northcoastresourcepartnership.org/site/assets/uploads/2018/06/NCRP_Report_Greenprint_v3.pdf

²⁶ Water managers and users in North Coast counties have highlighted aging water treatment systems as a key challenge that must be addressed, and where technical assistance is needed. North Coast Resource Partnership. (May 2019). *Disadvantaged Community & Tribal Needs Assessment Survey & Interview Summary*. Accessed July 2022, from https://northcoastresourcepartnership.org/site/assets/uploads/2019/07/NCRP_DACTI_Needs_Assessment_Summary_2019.pdf

²⁷ Currently, only 83.5% of Del Norte County residents have broadband connections, which leaves many residents without access to this critical resource necessary for much of our daily lives. *Quick Facts: Trinity County, CA; Del Norte County, CA; Humboldt County, CA*. (July 2021). U.S. Census Bureau. Accessed July 2022, from <https://www.census.gov/quickfacts/fact/table/trinitycountycalifornia,delnortecountycalifornia,humboldtcountycalifornia/PST045221>

²⁸ North Coast Resource Partnership. (2018). *Healthy Watersheds, Vital Communities, Thriving Economies: Actionable Strategies for California's North Coast Region*. Accessed July 2022, from https://northcoastresourcepartnership.org/site/assets/uploads/2018/06/NCRP_Report_Greenprint_v3.pdf

²⁹ Abinanti, A., Cavaliere, A., Nulph, A., George, B., Lucchesi, A., Madrid, M., Fisher, A., Ruecker, T., Preciado, V., Smith, J., Balandran, G. (July 2020). *To' Kee Skuy' Soo Ney-Wo-Chek' I Will See You Again in a Good Way Progress Report* (pp. 28). Yurok Tribal Court and Sovereign Bodies Institute. Accessed July 2022, from https://www.sovereign-bodies.org/files/ugd/6b33f7_c7031acf738f4f05a0bd46bf96486e58.pdf

³⁰ Abinanti, A., Cavaliere, A., Nulph, A., George, B., Lucchesi, A., Madrid, M., Fisher, A., Ruecker, T., Preciado, V., Smith, J., Balandran, G. (July 2020). *To' Kee Skuy' Soo Ney-Wo-Chek' I Will See You Again in a Good Way Progress Report*. Yurok Tribal Court and Sovereign Bodies Institute. Accessed July 2022, from https://www.sovereign-bodies.org/files/ugd/6b33f7_c7031acf738f4f05a0bd46bf96486e58.pdf

³¹ 43 U.S.C. § 1331; <https://www.law.cornell.edu/uscode/text/43/1331#i>

³² *Shilling, Fraser; Negrette, April; Biondini, Lori; and Cardenas, Susana. (July 2014). California Tribes Fish-Use*. State Water Resources Control Board and the US Environmental Protection Agency.

and to the continuance of cultural traditions.³³ These fisheries are at risk of potential further impacts by offshore wind energy and related infrastructure development in Humboldt Bay, as well as the larger context of climate change.

As discussed above, our rural and Tribal region is notably different from areas where BOEM may have previously permitted offshore wind development. In particular, poverty, the lack of existing infrastructure, established workforce development programs for emerging jobs, and other landside supports such as housing, healthcare, child care services and environmental restoration and protection must be addressed. A community-centered 50% bid credit package, resulting in direct regional investment to prepare for and partner with offshore wind energy development and related industry as outlined in Table 1 would address the imperative needs of commercial fishermen, Tribal fisheries, Tribal Nations, and the broader North Coast communities described above. This structure would allow currently marginalized and underrepresented communities to be centered in decision-making and enable those communities to monitor impacts and implement community benefits, while addressing future burdens on finite services, housing and other infrastructure related to development of the offshore wind industry.

Potential impacts of the offshore wind industry on the human, marine and coastal environments are front of mind in the North Coast region. Offshore wind projects cannot happen without adequate landside and port infrastructure. The offshore wind project will likely require pier construction for turbine assembly, more reliable frequent and deeper dredging to ensure vessel access to Humboldt Bay, and construction of additional port facilities.³⁴ Fully developing the Humboldt Wind Energy Area will necessitate future electric transmission infrastructure to connect offshore wind generation to California's transmission grid.³⁵ The project and accompanying landside developments can cause impacts to marine mammals, eelgrass, birds, oysters, salmon, and a variety of fish that Tribal Nations and others rely on. Many of these critical resources are already impacted by climate change and outdated resource management practices, so they are ill-prepared to sustain additional impacts. BOEM must also ensure human needs are addressed and further human, marine and coastal impacts are avoided, minimized or mitigated, in a way that centers equity and community decision-making through a robust, well-funded community-centered bid credit package and stipulations that protect the environment.

III. Compliance with Coastal Commission Conditions

A community-centered 50% bid credit package with funded community-led frameworks meets the Coastal Commission's Environmental Justice condition. The package we propose accounts for the existing social and economic landscape for environmental justice and underserved communities on the North Coast. This will allow BOEM and developers to more effectively address these communities' needs, avoid future harm, and achieve state and federal environmental justice policy goals through mutually-beneficial offshore wind development that brings long-term investments and fosters partnerships.

³³ [Conditional Concurrence, page 78](#)

³⁴ [Per Coastal Commission: "...future development related to construction of offshore wind facilities will likely have a variety of effects. Some effects will occur due to the redevelopment of the Redwood Marine Terminal facilities to accommodate offshore wind development and infrastructure buildout for offshore wind energy. Significant development will likely occur at the Humboldt Harbor District, which is closest to the Humboldt WEA and likely to be the location of staging for lease exploration activities as well as future onshore development for infrastructure needs. Industrial activity and development at ports can result in significant environmental burdens for communities of concern living near ports including air, water, noise and light pollution (EPA, 2021). This not only affects residents, but also workers and visitors who might recreate near port areas. (Conditional Concurrence page 112)

³⁵ "Transmission Alternatives for California North Coast Offshore Wind Volume 3: Transmission Analysis" Accessed July 2022 from <http://schatzcenter.org/pubs/2022-QSW-R3.pdf> and related presentation. Accessed July 2022 from <http://schatzcenter.org/pubs/SchatzCenter-NorthCoastOffshoreWind-TransmissionAlternatives-20220525.pdf>

Addressing environmental justice is key to BOEM satisfying the Coastal Commission's consistency determination. The federal Coastal Zone Management Act ("CZMA")³⁶ requires that federal agency activities affecting coastal resources be "carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs."³⁷ The review process used to implement this requirement for federal agency activities and development projects is called a **consistency determination**. The federal government certified the California Coastal Management Program (CCMP) in 1977, and all federal agency activities affecting the coastal zone in California must be consistent with the CCMP.

On April 7, 2022, the California Coastal Commission³⁸ issued a conditional concurrence with BOEM's consistency determination that leasing activities associated with future offshore wind development in the Humboldt Wind Energy Area were consistent to the maximum extent practicable with the California Coastal Management Program, if BOEM agreed to modify the project in accordance with certain conditions.³⁹ As provided in 15 CFR 930.4, if the conditions are not met, the parties can view the State's conditional concurrence as an objection.⁴⁰

Within these conditions, the Coastal Commission raised environmental justice impacts and concerns multiple times, finding that offshore wind and related port development would cause significant environmental harms to communities of concern⁴¹ in the region, including those living in proximity to the port, and those who work or recreate nearby.⁴² The Coastal Commission is required to consider environmental justice as part of its decision on whether to grant or issue a permit under Section 30604(h).⁴³ This is consistent with the Commission's Environmental Justice Policy,⁴⁴ the adopted policy of the state of California, the State Lands Commission, the Federal Government, and the Department of the Interior.

³⁶ 16 U.S.C. §§ 1451-1464, Legal Information Institute. (1990). *16 U.S.C. § 1451 - Congressional findings*. Legal Information Institute. Accessed July 2022 from <https://www.law.cornell.edu/uscode/text/16/1451>

³⁷ Legal Information Institute. (1992). *16 U.S.C. § 1456 - Coordination and cooperation*. Legal Information Institute. Accessed July 2022 from <https://www.law.cornell.edu/uscode/text/16/1456>

³⁸ 15 CFR 930.4 provides for "conditional concurrences" --conditions that, if agreed to during the State agency's consistency review period and included in a federal agency's final decision under Subpart C ... would allow the State agency to concur with the federal action. (emphasis added). " 15 CFR 930.4(1) requires the State agency to provide a concurrence letter that outlines the conditions that must be satisfied, why they are necessary to ensure consistency with specific enforceable policies of the management program, and an identification of the specific enforceable policies.

³⁹ Wyer, Holly. (April 2022). *Re: Consistency Determination CD-0001-22*. California Coastal Commission. Accessed July 2022 from https://documents.coastal.ca.gov/assets/upcoming-projects/offshore-wind/CD-0001-22_Concurrence%20Letter.pdf April 25, 2022 letter from California Coastal Commission to BOEM Re: Consistency Determination CD-0001-22. (Humboldt Wind Energy Area)

⁴⁰ Legal Information Institute. *15 CFR § 930.4 - Conditional concurrences (b)*. Legal Information Institute. Accessed July 2022 from <https://www.law.cornell.edu/cfr/text/15/930.4> 15 CFR 930.4, (b)

⁴¹ Notably, the Commission concluded "that there are communities of concern within the identified geographies of potential impact that may be affected by project impacts who may experience disproportionate burdens, particularly low-income communities. The Commission's analysis of communities of concern in the region identifies that there are several areas near Humboldt Bay with significant Native American populations, communities of color, and low-income communities. Potential impacts to those communities that will be triggered by offshore WEA development both offshore and onshore and the Commission's ability to address those impacts warrant additional consideration." (Conditional Concurrence page 112)

⁴² "...future development related to construction of offshore wind facilities will likely have a variety of effects. Some effects will occur due to the redevelopment of the Redwood Marine Terminal facilities to accommodate offshore wind development and infrastructure buildout for offshore wind energy. Significant development will likely occur at the Humboldt Harbor District, which is closest to the Humboldt WEA and likely to be the location of staging for lease exploration activities as well as future onshore development for infrastructure needs. Industrial activity and development at ports can result in significant environmental burdens for communities of concern living near ports including air, water, noise and light pollution (EPA, 2021). This not only affects residents, but also workers and visitors who might recreate near port areas." (Conditional Concurrence page 112)

⁴³ Coastal Code 3608(4)

⁴⁴ Although this policy is not a "Chapter 3" policy incorporated into the Commission's Coastal Management Program, the Coastal Commission has long used an environmental justice lens when analyzing projects' substantive consistency with policies regarding public access and other coastal resources. Furthermore, the Commission and its Environmental Justice Policy call for analyzing environmental justice issues in applicable staff reports and, when appropriate, proposing mitigation measures to avoid or fully mitigate identified impacts in a manner that is consistent with Chapter 3 policies. (Conditional Concurrence, page

Condition 5 “**Engagement with environmental justice and local communities**” was notably omitted⁴⁵ from BOEM’s draft PSN. We strongly support including each of the Coastal Commissions’ conditions in the final PSN, including Condition 5, to ensure that North Coast communities are involved in and benefit from development.

Condition 5 states:

***Engagement with environmental justice and local communities:** BOEM will require lessees to make reasonable efforts to conduct outreach with local affected communities—and in particular to demonstrate long-term engagement with environmental justice communities, including but not limited to low-income communities and communities of color—on all elements of the lessees’ project development process, including, but not limited to, a workforce plan, survey plan and SAPs, and a construction and operations plan (COP). This engagement should be coordinated to the maximum extent practicable with other Lessees in the region to reduce the burden on communities. The Lessee is strongly encouraged to compensate members of environmental justice communities for their time participating in engagement activities and events. The development of any Engagement Plan should be conducted in coordination with communities and should include strategies to reach individuals with Limited English Proficiency who may be affected by future offshore wind development.*

As part of the Lessee’s engagement with environmental justice communities, the lessee is strongly encouraged to work with the community to develop specific frameworks for community leadership and capacity building. This may include the establishment of lessee-funded independent community-centered and governed working groups that center environmental justice communities to ensure community decision-making at all stages of the project beyond a consultative position. Lessees and environmental justice communities may choose to develop a formal agreement to monitor community impacts and implement community benefits, which may be amended over time to reflect subsequent analysis of impacts and opportunities for environmental justice.⁴⁶

The Coastal Commission further states in its adopted findings that, “(T)he project area’s future exploration and possible development of offshore wind energy can bring a number of benefits to populations along the shore and in Humboldt Bay. **As such, the Commission expects to see future project proposals for this area contain a co-developed community benefits package to ensure that communities of concern receive benefits from offshore wind, including access to clean energy, job training and employment opportunities, and more. This includes but should not be limited to mitigation of impacts to the fishing industry because there may be impacts to communities of concern beyond what will be experienced by those dependent on fishing for their livelihood. There should be targeted engagement and allocation of benefits for Tribes and other communities of concern in the region, particularly low-income households. BOEM’s lessees should engage with these communities to develop community benefits in a form that works for the communities and supports existing low-income families and individuals in an equitable way. There**

⁴⁵ We note that BOEM has asked a question regarding underrepresented communities.

⁴⁶Conditional Concurrence, [Adopted Findings](#) p. 10.

*are many ways to do this, and community benefits agreements or packages is one way to articulate and agree to these benefits.*⁴⁷ [Bold emphasis added.]

The conditions set forth by the Coastal Commission support our community-centered recommendations and 50% bid credit package, as outlined in Tables 1 and 2, to achieve environmental justice goals. Our proposal effectively addresses the needs of environmental justice communities in the North Coast. This proposal will also create structured, clear pathways for BOEM and developers to more effectively engage these communities, satisfying federal and California state policy.

IV. State Environmental Justice Requirements

As discussed, the California Coastal Commission recommends community benefits packages, similar agreements, and targeted community engagement as strategies to address environmental justice⁴⁸ impacts from offshore wind development in Humboldt Bay. The Commission “*expects BOEM, future lessees, and/or developers of offshore wind infrastructure to identify and address environmental burdens that may affect environmental justice communities in the region, ensure protections for safety of Native American Tribes and local communities, and develop community benefits packages, agreements, or other mechanisms to ensure that benefits are provided to affected communities and ensure meaningful engagement during all stages of offshore wind generation.*”⁴⁹ Our proposed community benefits package and expanded credits will help BOEM and developers align with the Commission’s goals by creating provisions that protect and engage “underserved” or “environmental justice” communities in the North Coast.

The Coastal Commission’s Conditional Concurrence analysis for offshore wind in the Humboldt Wind Energy Area identified a number of “communities of concern”⁵⁰ that could experience environmental harm from the proposed wind project and associated port buildout. Many North Coast communities experience poverty, insufficient housing and other infrastructure, and significant portions of Tribal lands in the region. While the Coastal Commission has identified communities in the areas under their limited geographic purview, we recommend aligning with applicable state agency policies with jurisdictional overlap with the wind project and associated infrastructure, such as the State Lands Commission, the California Coastal Commission, Ocean Protection Council, and the California Public Utilities Commission (CPUC).⁵¹

⁴⁷ [Conditional Concurrence, page 121. Adopted Findings](#), pp. 121-22.

⁴⁸ In California, environmental justice refers to the “fair treatment and meaningful involvement of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies”. CA State Legislature. (2019). AB 1628. https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1628

⁴⁹ “Offshore wind generation off the coast of California has the potential to bring several benefits to the state and the North Coast. However, without consideration of environmental justice at all stages of development and measures for meaningful engagement and accountability, communities of concern in the region may experience inequitable distribution of the project benefits and burdens. At a high level, the Commission expects BOEM, future lessees, and/or developers of offshore wind infrastructure to identify and address environmental burdens that may affect environmental justice communities in the region, ensure protections for safety of Native American Tribes and local communities, and develop community benefits packages, agreements, or other mechanisms to ensure that benefits are provided to affected communities and ensure meaningful engagement during all stages of offshore wind generation, as described by Conditions 5 and 6.” (Conditional Concurrence, page 123).

⁵⁰ Coastal Commission used “communities of concern” to refer to low- income communities, communities of color, and other populations with higher exposure and/or sensitivity to adverse project impacts due to historical marginalization, discriminatory land use practices, and/or less capacity to mitigate adverse impacts (Conditional Concurrence, page 114), ...quantitative indicators used to identify communities of concern include the percentage of low-income households (either through the low-income definition from AB1550 or twice the federal poverty level), 2housing burden, population of color, and linguistically isolated households. Conditional Concurrence, page 114

⁵¹ California’s Public Utilities Commission (CPUC) [Environmental and Social Justice Action Plan \(“ESJ Action Plan”\)](#) defines Environmental and Social Justice Communities as those where residents are predominantly communities of color or low income, underrepresented in the policy setting or decision-making process, subject to a disproportionate impact from one or more environmental hazards, and likely to experience disparate implementation of environmental regulations and socio-economic investments in their communities. No map is

Specifically, the CPUC’s definition of environmental and social justice communities is helpful when looking at the broader North Coast region and potential impacts. This definition (along with an updated CalEnviro Screen 4.0)⁵² recognizes “Cal Enviro Screen Disadvantaged Communities”, Tribal lands, and low-income households and census tracts. It also considers residents with “access” and “functional needs”⁵³ and those with other medical vulnerabilities, communities that experience disproportionate challenges with affording utility service, unhoused individuals, or Indigenous populations.⁵⁴ Additional factors considered by state and federal agencies, including through the Justice40 process, include: educational attainment outcomes; and access to affordable and sustainable housing, clean and reliable electricity, broadband, transportation, food, childcare, medical care, and other social services.

As applied, much of the North Coast Region, particularly rural areas, Tribal lands, and communities currently living and working near the Humboldt Bay Harbor and Port, should be considered underrepresented and environmental communities. Therefore, BOEM and wind developers must prioritize engaging these communities in the offshore wind development process and seeking mutually-beneficial development activities in support of these residents.

V. Federal Environmental Justice Requirements

The community-centered recommendations and 50% bid credit package (see Table 1), with a strong community decision-making structure, in addition to addressing the Coastal Commission’s environmental justice condition, aligns with federal environmental justice policies. In particular, our proposed increased bid credit percentages advance Justice40 aims by directing a proportion of federal revenues from developer bidders as benefits and investments to directly serve underserved communities.

Executive Order 13985 — Advancing Racial Equity and Support for Underserved Communities Through the Federal Government — directs government agencies to advance equity and address past harms for communities that are historically marginalized, and face disproportionate poverty or inequality through intentional resource investments. EO 13985 states that: “each agency must assess whether, and to what extent, its programs and policies perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups. Such assessments will better equip agencies to develop policies and programs that deliver resources and benefits equitably to all.” As articulated in sections 6-8, the aim is to equitably direct program benefits to and engage with underserved communities, which the strong community benefit bid credit structure we propose would achieve.⁵⁵

Justice40 Initiative — established under EO 13990, Section 223 — directs the federal government to ensure 40% of federal investments benefit “disadvantaged communities,” or those who are

perfect, but these communities typically include but are not limited to, Disadvantaged Communities, Tribal lands, and low-income households and census tracts.

⁵² CalEnviro Screen 4.0 incorporates the [Disadvantaged Community Designation update](#), including low-income, hard-to-reach census tracts and tribal lands. This was in response to public comment on the previous version.

⁵³ [California Office of Access and Functional Needs](#)

⁵⁴ California Public Utilities Commission. (April 2022). *Environmental and Social Justice Action Plan*. Accessed July, 2022 from <https://www.cpuc.ca.gov/ESJactionplan/n>

⁵⁵ Biden, Joseph, The United States Government. (January 2021). *Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. The White House. Accessed July 2022 from <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>

“marginalized, underserved, and overburdened by pollution”.⁵⁶ Clean energy, training and workforce development programs are covered under this initiative.⁵⁷ BOEM is already a participating agency with one existing, covered program, indicating precedent for the agency’s compliance with Justice40.⁵⁸

Our proposed expansion of community benefit bid credits (see Table 1) is consistent with the above climate crisis and environmental justice policy goals. The proposed credit package of 50% when accounting for bid credit discounts, would provide an approximate 40% benefit to Tribal nations and underrepresented communities, aligning closely with Justice40 aims. Our recommendations will ensure that federal investments in wind energy and the related project benefits flow to communities most affected by climate change.

The **Department of the Interior (DOI) Equity Action Plan**, responds to the mandate in EO 13985, Section 6, and outlines policies the DOI should follow to equitably allocate resources, program benefits, engage underserved communities, and approach agency decision making. This plan includes specific guidance on how the agency must collaborate with Tribal communities, and increase economic opportunities for Tribal businesses or “small and disadvantaged businesses.”⁵⁹

Our community-centered recommendations (Tables 1 and 2) closely align with Action 2 of the DOI Equity Action Plan, which bestows the “power of procurement to contract with and support small and disadvantaged businesses, which will help narrow the racial wealth gap.” This specifically includes increasing economic opportunities for businesses owned by Tribal members, and underserved groups.⁶⁰

Achieving the ambitious and necessary equity goals above requires agency action and alignment with these federal priorities. The inclusive community benefit bid credits, including specific support for Tribal Nations and PLAs, can help BOEM advance equity in its programs and investments, and increase economic opportunity for underserved and Tribal communities.

Executive Order 13175 — Consultation and Coordination With Indian Tribal Governments — “charges all executive departments and agencies with engaging in regular, meaningful, and robust consultation with Tribal officials in the development of Federal policies that have Tribal implications.” BOEM’s meaningful engagement of Tribal communities at every stage of this process is critical given the social, cultural, environmental, and economic implications of wind energy projects for North Coast Tribes, as described in section II.⁶¹

Executive Order 14008 — Tackling the Climate Crisis at Home and Abroad — directs actions that will accelerate clean energy development in an environmentally, economically, and socially responsible manner. EO 14008 states, “Agencies shall make achieving environmental justice part of

⁵⁶ The White House. (2022). *Justice40*. Accessed July 2022 from <https://www.whitehouse.gov/environmentaljustice/justice40/>

⁵⁷ Executive Office of the President, Office of Management and Budget. (July 2021). *Interim Implementation Guidance for the Justice40 Initiative*. Accessed July 2022 from <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

⁵⁸ Department of the Interior. (n.d.) *Justice40 Initiative*. Accessed July 2022 for <https://www.doi.gov/justice40-initiative>

⁵⁹ Biden, Joseph, The United States Government. (January 2021). *Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. The White House. Accessed July, 2022 from <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>

U.S. Department of the Interior. (April 2022). *U.S. Department of the Interior Equity Action Plan*. Accessed July, 2022 from <https://www.doi.gov/sites/doi.gov/files/eo13985-02-10-2022-doi-equity-action-plan-final-with-cover.pdf>

⁶⁰ U.S. Department of the Interior. (April 2022). *U.S. Department of the Interior Equity Action Plan*. Accessed July, 2022 from <https://www.doi.gov/sites/doi.gov/files/eo13985-02-10-2022-doi-equity-action-plan-final-with-cover.pdf>

⁶¹ Biden, Joseph, The White House. (January 2021). *Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships*. Accessed July, 2022 from

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/>

their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related, and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts”.⁶²

Executive Order 13990 — Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis — addresses impacts related to climate change and environmental justice from energy development on public lands.

Section 2.e of this order requires consultation and engagement with Tribal officials and environmental justice advocates. The Tribal-specific provisions, such as the Regional Tribal Capacity Fund and enhanced Native American Tribes Communication Plan, and expanded community engagement structures we propose align with this directive. Our recommendations allow BOEM to meaningfully engage with underserved and Tribal communities and are consistent with federal policy, which help ensure the long-term success of new wind energy projects.⁶³

VI. Legal and Policy Support for New and Revised Lease Stipulations and Bid Credits

1. Outer Continental Shelf Authorities support Bid Credits and Lease Stipulations to protect the environment and communities.⁶⁴

Congress has declared that “the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public,” which may be developed “subject to environmental safeguards.”⁶⁵ Subsection 8(p) of the OCSLA authorizes the Secretary of the Interior to “grant a lease, easement, or right-of-way on the outer Continental Shelf for activities ...if those activities ... (C) produce or support production, transportation, or transmission of energy from sources other than oil and gas.” BOEM’s regulations state that the agency: “*will evaluate the potential effect of leasing on the human, marine, and coastal environments, and develop measures to mitigate adverse impacts, including lease stipulations.*”⁶⁶ BOEM has authority under 30 CFR § 585.211(b) to consult and to develop lease stipulations and other factors to address the human environment, defined as: “*physical, social and economic components, conditions and factors which interactively determine the state, condition and quality of living conditions, employment and health of those affected, directly or indirectly, by activities occurring on the Outer Continental Shelf.*”

Furthermore, under Subsection 8 (p), it is appropriate for the Secretary of the Interior, through BOEM, to create and apply a “50% community-focused” bid credit package to incentivize developers to make investments in local communities, Tribal Nations, Tribal fisheries, commercial fisheries, environmental research and monitoring, local workforce and domestic supply chain. Subsection 8(p)(4) of the OCSLA sets forth certain requirements that the Secretary “shall ensure” are met when

⁶² Biden, Joseph, The White House. (January 2021). *Executive Order on Tackling the Climate Crisis at Home and Abroad*. Accessed July 2022 from <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>

⁶³ Biden, Joseph, The White House. (January 2021). *Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. Accessed July 2022 from <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/>

⁶⁴ Congress enacted the Submerged Lands Act in 1953, which set the federal government’s title and ownership of submerged lands at three miles from a state’s coastline. The Outer Continental Shelf Lands Act (OCSLA), also passed in 1953, provides for federal jurisdiction over submerged lands of the Outer Continental Shelf (OCS) and authorized the Secretary of the Interior to lease those lands for mineral development. In 2009, the Department of the Interior (DOI) announced final regulations for the OCS Renewable Energy Program, which was authorized by Section 388 of the Energy Policy Act of 2005, authorizing the Secretary of the Interior to offer leases, easements, and rights-of-way on the OCS for offshore renewable energy activities. BOEM was established under DOI Secretarial Order 3299 (August 29, 2011), to exercise the conventional and renewable energy-related management functions of the Minerals Management Service, including but not limited to, activities involving resource evaluation, planning, and leasing authority.

⁶⁵ 43. U.S.C. § 1332(3)

⁶⁶ Legal Information Institute. (2014). *30 CFR § 585.211 - What is the Process for competitive issuance of leases?*. Legal Information Institute. Accessed July 2022 from <https://www.law.cornell.edu/cfr/text/30/585.211>

granting leases, easements, and rights-of-way for energy development “from sources other than oil and gas, including (in part): “(A) *safety*; (B) *protection of the environment*;... (F) *protection of national security interests of the United States*; and (H) *a fair return on investments of the United States*.”⁶⁷ Ensuring a fair return to the federal government is only one of 12 factors that are under the discretion of the Secretary to weigh the goals of OCSLA, and the definition of “fair return” should be defined broadly to include revenues for structural supports for under-resourced rural/Tribal regions hosting the development of these industries.

2. The Secretary of the Interior has broad discretion to design and implement bid credits and stipulations

The Secretary of the Interior has broad discretion to interpret OCSLA Subsection 8(p)(4) and to balance among goals. This includes creating bid credits to incentivize developers to make investments in local communities, Tribal Nations, Tribal fisheries, environmental research, commercial fisheries and local workforce, and domestic supply chain. The Department of the Interior’s Principal Deputy recently concluded in M- 3706 (Secretary’s Duties under Subsection 8(p)(4) of the Outer Continental Shelf Lands Act When Authorizing Activities on the Outer Continental Shelf) “*that subsection 8(p)(4) of OCSLA imposes a general duty on the Secretary to act in a manner providing for the subsection’s enumerated goals. The subsection does not require the Secretary to ensure that the goals are achieved to a particular degree, and she retains wide discretion to determine the appropriate balance between two or more goals that conflict or are otherwise in tension. OCSLA subsection 8(p)(4) therefore requires discretionary balancing among its several factors, and the subsection’s text plainly leaves “striking the proper balance . . . up to the Secretary of the Interior,”* so long as that balance is rational.⁶⁸

It is rational for the Secretary to employ terms that incentivize investments in Tribal Nations, natural resources and underserved communities through mechanisms such as the North Coast Regional Fund Credit, Regional Tribal Capacity Fund Credit, Environmental Research and Monitoring Fund, Lease Use Area Fund and Tribal Fisheries Fund, as these satisfy multiple Subsection (p)(4) requirements, including: (A) safety, (B) protection of the environment, and (F) protection of the national security interest. Moreover, as described above these incentives are consistent with other Department of Interior and Federal directives and policies around Tribes, climate change and underrepresented communities. In several key decisions related to the Administrative Procedures Act, courts have generally deferred to administrative agencies and their actions.⁶⁹ Moreover, it is well-settled that the Secretary has similar discretionary powers in oil and gas contexts to balance

⁶⁷ [43 U.S.C. § 133](#). These include in full:” (A) safety; (B) protection of the environment; (C) prevention of waste; (D) conservation of the natural resources of the outer Continental Shelf; (E) coordination with relevant Federal agencies; (F) protection of national security interests of the United States; (G) protection of correlative rights in the outer Continental Shelf; (H) a fair return to the United States for any lease, easement, or right-of-way under this subsection; (I) prevention of interference with reasonable uses (as determined by the Secretary) of the exclusive economic zone, the high seas, and the territorial seas; (J) consideration of— (i) the location of, and any schedule relating to, a lease, easement, or right-of-way for an area of the outer Continental Shelf; and (ii) any other use of the sea or seabed, including use for a fishery, a sealane, a potential site of a deepwater port, or navigation; (K) public notice and comment on any proposal submitted for a lease, easement, or right-of-way under this subsection; and (L) oversight, inspection, research, monitoring, and enforcement relating to a lease, easement, or right-of-way under this subsection.”

⁶⁸ [Secretary’s Duties under Subsection 8\(p\)\(4\) of the Outer Continental Shelf Lands Act When Authorizing Activities on the Outer Continental Shelf \(M- 37067\)](#)

⁶⁹ The Administrative Procedures Act sets a high standard for an agency to be found “arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law” *Fisheries Survival Fund v. Jewell* (D. D.C. 2018) and further discussed in *Delaware Riverkeeper Network v. FERC* 753 F.3d 1304, 1313 (D.C. Cir. 2014) (quoting *Motor Vehicle Mfrs. Ass’n of the U.S., Inc. v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983)).

bidding factors.⁷⁰ In other words, both legislative and judicial history favors flexibility and agency discretion to create new and revised lease stipulations as well as bid credits.

The Secretary's broad discretion is already demonstrated by the establishment of size of lease areas for offshore wind. 43 U.S.C. Sec. 1337(b)(1) states that lease areas are to not exceed "five thousand seven hundred and sixty acres, as the Secretary may determine, unless the Secretary finds that a larger area is necessary to comprise a reasonable economic production unit."⁷¹ Given that PAWC-1's five lease areas total over 450,000 acres, the Secretary has already exercised considerable discretion under OCSLA.

The multi-factor bidding format provides further areas of discretion to the Secretary of the Interior to incorporate additional bidding credits that provide benefits to Tribal nations, natural resources and underrepresented communities. The multi-factor bidding format gives BOEM the authority to weigh a variety of factors, including but not limited to "**technical merit, timeliness**, financing and economics, **environmental considerations, public benefits, compatibility with State and local needs**, cash bonus, rental rate, and an operating fee rate."⁷² [Bold emphasis added.] The proposed 50% community-centered bid credit package addresses public benefits, environmental considerations, and compatibility with State and local needs and requirements.

3. Community-centered stipulations and a 50% bid credit package will satisfy BOEM's requirement to *protect the environment* under (p)(4)(B).

A 50% bid credit package addressing and supporting the creation of a local inclusive workforce, specific funds for Tribal and commercial fisheries, an Environmental Research and Monitoring Fund, a North Coast Community Benefits Fund, the Lease Use Area Fund and Regional Tribal Capacity Fund, with community-led steering structures would collectively satisfy BOEM's requirement to *protect the environment* under (p)(4)(B).⁷³ This combined stipulation and bid credit package, together with the enhanced environmental stipulations outlined in Tables 1 and 2 would additionally contribute to addressing BOEM's requirement to mitigate impacts to the environment. ("*We will evaluate the potential effect of leasing on the human, marine, and coastal environments, and develop measures to mitigate adverse impacts, including lease stipulations.*"⁷⁴ "*We will consult to develop measures, including lease stipulations and conditions, to mitigate adverse impacts on the environment.*"⁷⁵)

As noted, boom and bust cycles and historic underinvestment in the primarily rural, Tribal North Coast have caused a range of infrastructure and services needs in the region, which the proposed funds could address. The creation of a North Coast Community Benefits Fund will help address the direct and indirect adverse impacts caused by demand from the influx of new workers on the limited housing that currently exists by protecting against displacement, and bolstering social services, programs, and facilities. Bid credits to support a local workforce and create a local domestic supply chain, which require specific commitments to hire from local underrepresented communities and

⁷⁰ In *Watt v. Energy Action Education Foundation*, 454 U.S. 151 (1981) courts determined "The receipt of fair market value . . . is only one of many general considerations" and OCSLA "requires experimentation with at least some . . . new bidding systems, but leaves the details to the Secretary's discretion." Furthermore, in *Commonwealth of Mass. v. Andrus*, 594 F.2d 872, 889 (1st Cir. 1979) courts found "[W]here . . . interests conflict . . . , the Secretary must determine which interests must give way, and to what degree, in order to achieve a proper balance," a task that "rules out a policy based on sacrificing one interest to the other."

⁷¹ [43 U.S.C. § 1337\(b\)\(1\)](#).

⁷² [30 CFR § 585.220\(a\)\(4\)](#).

⁷³ The human environment is defined by BOEM to mean "*the physical, social and economic components, conditions and factors which interactively determine the state, condition and quality of living conditions, employment and health of those affected, directly or indirectly, by activities occurring on the outer Continental Shelf*" 43 U.S.C. § 1331(i)

⁷⁴ 30 CFR 585.211(b)(2)

⁷⁵ 30 CFR 585.211(b)(3)

Tribal Nations, will additionally protect the human environment⁷⁶ by improving quality of life for residents. The creation of an Environmental Research and Monitoring Fund would play a role in addressing BOEM's requirements to protect the marine and coastal environment, while providing pathways to related environmental monitoring and research STEM jobs for underrepresented communities and Tribal Nations. These measures provide additional environmental and climate benefits by reducing emissions and other air and water impacts caused by the shipping industry.

a. Community-centered stipulations and a 50% bid credit package will satisfy BOEM's requirement to *protect the national security interest* under (p)(4)(F).

Stipulations and credits to support a local workforce and create a local domestic supply chain and the PLA commitment will, in addition to protecting the human environment,⁷⁷ also advance "*protection of national security interests of the United States.*"⁷⁸ Investments in training to create a local, nimble, skilled workforce with mastery of safety protocols, and the ability to construct, and continuously operate and maintain sophisticated offshore wind turbines and supporting landside infrastructure will protect national security interests by creating a stable, clean domestic power supply and reducing the risk of supply chain and labor shortage disruptions.

Investments in climate resiliency, local clean and reliable electricity and other infrastructure which may be products of the North Coast Community Benefits and Regional Tribal Capacity Funds, will protect the national security interest by bolstering the region against the impacts of increasing climate-related disasters. Climate resilience investments in particular are a national security issue. As an example, the microgrid on the Blue Lake Rancheria was credited for saving multiple lives during recent PG&E shutoffs.⁷⁹ Executive Order (EO) 14008 — Tackling the Climate Crisis at Home and Abroad⁸⁰ — links addressing climate change to national security, stating the Administration's policy that "climate considerations shall be an essential element of United States foreign policy and national security."⁸¹

It is likely lessees will be consortiums which include a wide array of international developers and investors. While international / U.S. business partnerships for energy development are commonplace, regional community-led structures (including governance structures and fund management) will help ensure regions are resourced to engage in protecting national security interests, including offshore and onshore infrastructure, in cooperation with lessees and state and federal agencies.

b. Community-focused stipulations and credits will satisfy BOEM's requirement to *protect safety* under (p)(4)(A).

⁷⁶ Legal Information Institute. (2021). 43 U.S.C. § 1331 - Definitions (pp. 4)(B). Legal Information Institute. Accessed July 2022 from <https://www.law.cornell.edu/uscode/text/43/1331#>

⁷⁷ Legal Information Institute. (2021). 43 U.S.C. § 1331 - Definitions (pp. 4)(B). Legal Information Institute. Accessed July 2022 from <https://www.law.cornell.edu/uscode/text/43/1331#>

⁷⁸ Legal Information Institute. (2021). 43 U.S.C. § 1331 - Definitions (pp. 4)(F). Legal Information Institute. Accessed July 2022 from <https://www.law.cornell.edu/uscode/text/43/1331#>

⁷⁹ <https://www.washingtonpost.com/climate-solutions/2020/01/01/amid-shut-off-woes-beacon-energy/>

⁸⁰ Biden, Joseph, The United States Government. (January 2021). *Executive Order on Tackling the Climate Crisis at Home and Abroad*. The White House. Accessed July 2022, from

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

⁸¹ The EO goes on to note that: "[i]t is the policy of my Administration to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure. Successfully meeting these challenges will require the Federal Government to pursue such a coordinated approach from planning to implementation, coupled with substantive engagement by stakeholders, including State, local, and Tribal governments.

This community-focused package of stipulations and bid credits will also provide for safety under (p)(4)(A). A local trained and skilled workforce is essential for safe construction, operation and maintenance of sophisticated onshore and offshore infrastructure and other critical support facilities. The North Coast Community Benefits Fund, Environmental Research and Monitoring Credit and Regional Tribal Capacity Fund credits, can provide the investments in training and education necessary to ensure members of local communities and Tribal Nations can obtain quality jobs, through these credits along with the existing workforce, domestic supply chain credits and the PLA commitment, as updated with our recommended edits to capture the regions interest and needs.

c. An expanded package of bidding credits satisfies the OCSLA’s highest responsible bidder requirement, mandating the consideration of multiple factors.

OCSLA authorizes BOEM to grant each lease to the “highest responsible qualified bidder.”⁸² When making the “responsibility” determination, BOEM must ensure that the planned development effectively manages the impacts on the immediate jobsite and lease area, as well as the broader “human environment,” defined, as discussed, to mean “the physical, social, and economic components, conditions, and factors which interactively determine the state, condition, and quality of living conditions, employment, and health of those affected, directly or indirectly, by activities occurring on the outer Continental Shelf.”⁸³ A “responsible” bidder is one that makes a long-term commitment and investment in the regional community and workforce, including Native American Tribes, underrepresented communities, and natural resources. An expansive and inclusive bid credit which includes credits for funding for local communities and regional Tribal Nations is an effective and comprehensive way to ensure this long-term commitment from developers.⁸⁴

d. Community-centered bid-credits and PLA structures fulfill BOEM’s requirement to hold OCS in the national interest.

Stipulations that support investments in Tribal Nations and underrepresented communities, and environmental protections are consistent with recent federal and agency policies and directives. Under the OCSLA, the federal government is required to hold the OCS in “the national interest”,⁸⁵ which shall be leased consistent with market competition and other “national needs”. These needs include recent federal commitments to advancing climate action, environmental justice, workforce development, domestic supply chain support, and strengthening nation-to-nation relationships. Our community-centered recommendations, 50% bid credit package, and PLA stipulations will support BOEM’s compliance with numerous executive directives (described above) to promote equity, and engagement with Tribes and impacted communities.

4. Increased environmental protections will address BOEM’s requirements to protect the environment

⁸²Legal Information Institute. (2021). *43 U.S.C. § 1331 - Definitions* (a)(1). Legal Information Institute. Accessed July 2022 from <https://www.law.cornell.edu/uscode/text/43/1331#>

⁸³ Legal Information Institute. (2021). *43 U.S.C. § 1331 - Definitions* (i). Legal Information Institute. Accessed July 2022 from <https://www.law.cornell.edu/uscode/text/43/1331#>

⁸⁴ Legal Information Institute. (2021). *43 U.S.C. § 1331 - Definitions* (a)(1). Legal Information Institute. Accessed July 2022 from <https://www.law.cornell.edu/uscode/text/43/1331#>

⁸⁵ §1332 (3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be made available for expeditious and orderly development, subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs

We strongly urge BOEM to incorporate environmental avoidance, mitigation and monitoring measures directly into the Final Sale Notice, rather than wait for including protective measures in future environmental permits. Additionally, the lease should include stipulations for all stages of development and operations, from site assessment through decommissioning. It is critical that BOEM employ and clearly states its commitment to adhering to the mitigation hierarchy of avoidance, minimization and mitigation, together with strong commitments to monitoring impacts, and enforcement measures and penalties for non-compliance. It is crucial that BOEM look at the entirety of the project – including the associated portside development and interconnecting the generation to electric grid infrastructure – when determining the project and its impacts. The stipulations we outline in Tables 1-2 are designed to protect wildlife, including marine mammals, sea turtles and avian species from risk of vehicle collision, underwater and other noise, and secondary entanglements, and birds from risk of secondary entanglements and collisions. They are also designed to protect key habitats, including benthic habitat, which support biodiverse marine communities, Tribally and/or commercially important fisheries and nutrient cycling. Each of these measures are imperative to include as stipulations applying to all phases of development. It is likewise imperative to have full data transparency, robust information about the environmental baseline together with continuous data collection and a role for the community to partner in the development and implementation of environmental data and adaptive management of the project(s).

VII. Conclusion

The North Coast Region's assets, and characterization as an environmental justice community, present a critical opportunity to responsibly develop the offshore wind industry and help BOEM comply with state and federal policy directives through a 50% bid credit package, expanded regional engagement structure, and Tribal and workforce stipulations (see Table 1 and 2). As evidenced above, our community-centered recommendations and 50% bid credit package ensure that leases will satisfy the Coastal Commissions Conditional Concurrence (Condition #5). Including this omitted condition is crucial to protecting communities from additional poverty and infrastructure burdens, and meaningfully including them in the decision-making process. However, our communities should no longer endure an unsustainable baseline. In addition to curbing potential future harms, the expanded bid credit structure also aligns BOEM's lease with federal environmental justice policies, particularly Justice40, by transferring approximately 40% of bid payments as investments into historically underserved communities to improve long-term well-being. Furthermore, our recommended changes to the sale process will ensure this new industry is introduced safely, protects the natural environment, provides for a fair return on investment and protects national security interests⁸⁶ satisfying OCSLA.

We believe community-centered stipulations and a 50% bid credit package not only support BOEM's state and federal policy mandates, but offer win-win solutions, creating trust, good will and public/private strategic partnerships at the outset of what will be a long relationship. Future wind projects are more likely to succeed in the long-term if our communities can meaningfully benefit from and participate at all stages. BOEM and developers can achieve these aims by incorporating our recommendations, which center local communities in decision-making, direct early and foundational investments to local social, physical and economic infrastructure, and improve relationships with Tribal Nations. Further, a simplified bid credit package focused on payments into targeted funds for specific results to be determined by the community may help to streamline the auction bidding and scoring process for both BOEM and bidders.

⁸⁶[Outer Continental Shelf Lands Act, 43 U.S.C. § 29](#)

Early investment directly in our communities through the community-centered recommendations and 50% bid credit package outlined below will provide the structure, capacity and resources for positive and ongoing engagement with the lessees and state and federal agencies. Without these investments we run risks of repeating the past mistakes of previous extractive industries.

VIII. Proposed revisions and new stipulations

Table 1 and Table 2, below, provides a high-level summary of proposed revisions to existing terms in the PSN. For more detailed legal and policy backing, please refer to **Sections III-VI**.

Table 1. Proposed Revisions

Proposed Revisions - represented in bold text		
	Proposed Revisions	Legal and Policy Backing
i.	<p><i>Proposed Revision:</i> ii. 20 Percent Bidding Credit either for Workforce Training or Supply Chain Development or a Combination of Both</p> <p>Contributions to workforce training must be aimed towards targeted hire groups to the maximum extent possible. Targeted hire groups are defined as local residents who are Tribal members, Black Indigenous and People of Color; transgender and nonbinary people; or those who have potentially career-limiting circumstances, such as income (at or below 100% of the Federal Poverty Level); history of involvement with the criminal justice system; English language learners; workers in the process of applying for residency or citizenship; protracted unemployment (six months or more); low level of literacy; people with disabilities; custodial single parents; former foster youth; no high school diploma or GED; and older adults. Contributions must also consist of one or more of the following: (i) Contributions in support of local union apprenticeships, labor management training partnerships, stipends for workforce training, or other technical training programs or institutions focused on providing skills necessary for the planning, design, construction, operation, maintenance, research, monitoring, compliance or decommissioning of offshore wind energy projects in the United States; (ii) Contributions toward maritime training necessary for the crewing of vessels to be used for the construction, servicing, and/or decommissioning of wind energy projects in the United States; (iii) Contributions toward training local, targeted hire groups in skills or techniques necessary to manufacture or assemble offshore wind components, subcomponents or subassemblies. Examples of these skills and techniques include welding; wind energy technology; hydraulic maintenance; braking systems; mechanical systems, including blade inspection and maintenance; or computers and programmable logic control systems; (iv) Contributions toward</p>	<p>DOI Equity Action Plan and Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” which established the plan</p> <p>Justice40 Initiative: “to deliver at least 40 percent of the overall benefits from Federal investments in climate and clean energy to disadvantaged communities.”</p> <p>Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad”</p>

training **local workers** in any other job skills that the Lessee can demonstrate are necessary for the planning, design, construction, operation, maintenance, **research, monitoring, compliance** or decommissioning of offshore wind energy projects in the United States, **(v) Contributions towards training local, targeted hired groups in the skills necessary to support a local monitoring and research workforce. Examples of these skills include: biology, archaeology, and natural and cultural resource management. This would include specific investments in science career pathways for members of local Tribal Nations and partnerships and program funding for local educational institutions with specific programs to support members of local Tribal Nations, (vi) Contributions towards partnerships with Tribal Nations, creating supporting Tribal Economic Enterprises, and Tribal Employment Rights Offices (or equivalent offices at non-federally recognized Tribes), and (vii) Contributions towards language skills training and translation services to support local English as a Second Language (ESL) workers.**

For the Humboldt Wind Energy Area, “local” shall be defined as first: Humboldt and Del Norte counties and the Tribal Nations within these geographies, followed by members of Tribal Nations within Northwest California followed by residents in the Counties of Mendocino, Trinity, and Siskiyou Counties. (Tribal Nations’ commitments which shall be determined in consultation with California’s Native American Tribes in the region).

As proposed, contributions to domestic supply chain development must consist of one or more of the following: (i) Contributions supporting the development of a **local, regional, and** domestic supply chain for the offshore wind industry, including manufacturing of components and sub-assemblies and the expansion of related services, **with an emphasis on opportunities to create jobs and ownership opportunities for local underrepresented communities and Tribal Nations;** (ii) Contributions to domestic tier-2 and tier-3 offshore wind component suppliers, including suppliers of components specifically needed to develop **offshore** wind technology, and domestic tier-1 supply chain efforts, including quay-side fabrication; (iii) Contributions for technical assistance grants to help **local and domestic** manufacturers re-tool or certify (e.g., ISO-9001) for offshore wind manufacturing; (iv) Contributions for the development of Jones Act-compliant vessels for the construction, servicing, and/or decommissioning of wind energy projects in the United States; (v) Contributions to establish a new or existing bonding support reserve or revolving fund available to all businesses providing goods and services to offshore wind energy companies, with **specific**

focus and targets on reaching, serving and supporting local disadvantaged businesses, local minority-owned businesses and Tribally-owned businesses, at all stages of development; (vi) Contributions to support businesses committing to local, targeted hiring and training when manufacturing offshore wind components; (vi) Other Contributions to supply chain development efforts that the Lessee can demonstrate further the manufacture of offshore wind components or subassemblies, or the provision of offshore wind services, in the North Coast, the Pacific and the United States.

An additional stipulation would require Lessees to establish a Statement of Goals in which the Lessee would describe its plans for contributing to the creation of a robust and resilient **local, regional and domestic U.S.- based offshore wind industry supply chain, with an emphasis on opportunities to create jobs and ownership opportunities for local underrepresented communities and Tribal Nations. The Statement of Goals will include a specific section detailing how the Lessee's efforts will increase opportunities for Native American/Tribally-owned Economic Enterprises, in alignment with Department of Interior policy. This will include plans for training of a local skilled manufacturing workforce, including commitments to targeted hire groups (based on definition above), especially from Tribal communities, commitments to trainings, courses, apprenticeship, and pre-apprenticeship programs designed specifically to support local underrepresented communities and Tribal Nations, including specific training commitments for members of local Tribal Nations and underrepresented communities and off-ramp provisions (such as additional training investments if targeted hiring goals are not met), methods to address barriers to participation such as language access or lack of reliable access to: childcare, transportation, broadband or other technology and personal protective gear (PPG). This Statement of Goals should include specific language detailing how the lessee will procure services from small and disadvantaged businesses, supporting Department of Interior and other federal policy commitments to contract with these target communities and eliminate wealth gaps. This statement will specifically address how the lessee will partner with Tribal Nations, Tribal Economic Enterprises, and Tribal Employment Rights Offices (or equivalent offices at non-federally recognized Tribes) and provide pathways and opportunities for ownership for Tribal Nations. Lessee would be required to provide regular progress updates on the achievement of those goals to BOEM, and BOEM would make those updates publicly available.**

ii.	<p>8. Enforcement: <i>Bid Credits, Generally: Enforcement of stipulations, bidding credits, and environmental impacts of the offshore wind leases are critical to the North Coast region, where past compliance and enforcement frameworks have been under-resourced and severely unequal to the task of holding powerful private industry interests accountable. Transparency and engagement with Tribal Nations, state and local agencies as well as local and underserved communities are critical to bring benefits to the North Coast. Enforcement mechanisms and coordination should be designed as disparate frameworks and designed and resourced to last throughout the total lease period. BOEM should coordinate with California state, Tribal, regional, and local government bodies to ensure critical environmental monitoring and enforcement is upheld. Enforcement bodies should include but are not limited to the California Coastal Commission (CCC), California State Lands Commission (CSLC), tribal government entities, local government bodies, and local non-governmental organizations, organizations or entities identified as the recipients of start-up funds, Annual Payments or Bid Credit Payments under the BFF, lease or lease addendum, or the Community or Tribal Steering Committees, once formed, each have the right to enforce.</i></p> <p><i>Bid Credits:</i> The commitment for the bidding credits would be made in the BFF and included in a lease addendum that would bind the lessee and all future assignees of the lease. If BOEM were to determine that a lessee or assignee had failed to satisfy the commitments made in the BFF or lease addendum or if a lessee were to relinquish or otherwise fail to develop the lease by the tenth anniversary date of lease issuance, the amount corresponding to the bidding credit awarded would be immediately due and payable to the Office of Natural Resources Revenue (ONRR) with interest from the date of lease execution. In the case that enforcement is used, 90% of the fees, including interest, collected by ONRR should be invested into the programs and funds agreed upon or outlined in the bidder’s BFF or lease addendum. If no specific programs or funds were identified, the funds should be directed to the regional community fund, if applicable. The interest rate would be the underpayment interest rate identified by ONRR. BOEM could, at its sole discretion, extend the documentation deadline beyond the COP, FDR or the 10-year timeframe. If BOEM fails to enforce the terms of the BFF, lease or lease addendum, those organizations or entities identified as the recipients of start-up funds, Annual Payments or Bid Credit Payments under the BFF, lease or lease addendum, or the Community or Tribal Steering Committees, once formed, each have the right to enforce.</p>	OCSLA 8(p)(4)(H) (fair return on investment)
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iii.	<p><u><i>Proposed Revisions: Protected Species (Vehicle Speed, Collisions with Avian Species)</i></u></p> <p>In May 2022, BOEM published a Final Humboldt Wind Energy Area EA, that included the most current Measures to Minimize Potential Adverse Impacts to Birds and Typical Mitigation Measures for Protected Marine Species. BOEM shall include as lease stipulations the most current version of these measures from either the Final Morro Bay Wind Energy EA, as updated from consultation processes undertaken for/applicable to this lease sale, as appropriate, and apply these over the life of the project (characterization/site assessment-through decommissioning). Any additional protective measures arising from consultation processes undertaken for/applicable to this lease sale would be likewise incorporated into the leases as lease stipulations over the full life of the project. Lease stipulations shall clearly state that lessees shall first avoid, then minimize and mitigate, potential environmental impacts from all stages of offshore wind development-including site assessment, construction operation and decommissioning and these stipulations shall apply to all project aspects, including activities necessary to construct, operate and interconnect the project, such as port buildout and related activities or improvements to interconnect the generation, and to all contractors and subcontractors working on any aspect or stage of the project. These measures for protecting birds and marine life will be based upon the most up-to-date information on population, habitat and use from baseline data, and lessee shall commit to continuous monitoring over the life of the project, which shall inform an Adaptive Management and Monitoring Plan to cover all stages of the project, including decommissioning.</p> <p>Specific recommended measures include:</p> <ul style="list-style-type: none"> ● Support for BOEM’s current mitigation measure that vehicles will travel at speeds no more than 10 knots, but applied over the full life of the project. ● Support for BOEM’s current mitigation measure of a Vessel Strike Avoidance Zone, with 500 feet for sighted whales, but recommend project-associated vessels maintain a distance of 100 meters for other marine mammal species during all phases of activities. ● Strengthening BOEM’s Measures to Minimize Potential Adverse Impacts to Birds, by including stipulations that require lessee to: 	<p>OCSLA</p> <p>Federal Endangered Species Act, Marine Mammal Protection Act, Magnuson-Stevens Fisheries Conservation Act</p> <p>Coastal Commission Conditional Concurrence, Condition 1)F)i. Marine Wildlife Protection and Monitoring Measures, California Coastal Management Plan; California Endangered Species Act</p> <p>Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad”</p>

	<ul style="list-style-type: none"> ○ Install anti-perching devices on all structures. ○ Immediately report bird and bat fatality data to the United States Fish and Wildlife Service (USFWS) and make it publicly available. ○ Reduce artificial lighting on offshore wind project elements to the maximum extent possible while maintaining human safety and federal regulations, including avoiding high-intensity lights, using the fewest lights, reducing lighting intensity during times birds are likely to be present, using on-demand transportation lighting systems and planning lighting intensive work during daylight. ○ Minimizing collisions through automated, smart or seasonal curtailment or other strategies to avoid collision. ○ Installing bat deterrent strategies. ○ Monitoring collisions using technologies such as radar, acoustic, and other collision detection technologies to avoid risks and document impacts to birds and bats, including incorporating collision detection technologies into turbine design, with all collision data made immediately available to USFWS and the public. 	
iv.	<p><u><i>Proposed Revision: Native American Tribes Communications Plan (NATCP)</i></u></p> <p>BOEM proposes to revise the NATCP requirements in previous commercial leases to require the Lessee(s) to work with BOEM and the California Native American Heritage Commission to identify Tribes with cultural and/or historical ties to the Lease Areas and invite those Tribes to provide leadership in and collaboratively develop the NATCP. The NATCP would also include protocols for unanticipated discovery of any potential pre-contact archaeological resource(s) and for hiring Tribal monitors. This NATCP would include recommended forms of communication including identifying Tribal liaisons at BOEM and the lessees who are based in the region, any gaps (such as broadband, or Tribal staff capacity that make coordination with lessees or agencies difficult), as well as the lessees’ or BOEM’S commitments to address these gaps (funding, staff, etc). BOEM will have staff within 25 miles of the lease areas, including those from its Environmental Justice and Tribal Affairs departments, for the duration of the leases. The NATCP would also include requirements that BOEM,</p>	<p>Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments”</p> <p>Executive Order 14053, Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People</p> <p>Department of the Interior Equity Action Plan mandated under Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government”</p> <p>Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad”</p>

	<p>lessees and their representatives attend training designed by Tribal Nations with cultural and/or historical ties to the Lease Areas, on their culture, history, best practices for relationship building and concepts such as Tribal sovereignty and self-determination, ecological knowledge and land return. Also required is training on how large scale energy development can exacerbate rates of Missing and Murdered Indigenous People and measures developers must take to minimize this risk. Crucially, it will be important for the lessees and BOEM to ensure that participant Tribal Nations have the capacity and resources to provide paid staff to provide leadership level engagement in early activities related to development of the NATCP, including engagement with the lessees to develop a draft NATCP that must be presented by the lessees to the Tribal Nations within 120 days of full execution of the leases (an estimated ~150-180 days from the lease auction). Recognizing that co-developing the NATCP will be time and resource intensive, the lessee shall pay the cost of California’s Native American Tribal Nations for participating in creating and implementing the NATCP, and for their time participating in engagement activities and events post implementation.</p>	
v.	<p><u>Proposed revision: Project Labor Agreements (PLAs) and Supply Chain</u></p> <p>BOEM is committed to a clean energy future, workforce development and safety, and the establishment of a durable domestic supply chain that can sustain the U.S. offshore wind energy industry. To advance this vision, BOEM is proposing two lease stipulations, one that would encourage construction and operations efficiency for projects and the other that would contribute towards establishing a local and domestic supply chain for offshore wind:</p> <p>1. The first stipulation would require Lessees to make every reasonable effort to enter into a PLA, with the potential of multiple PLAs or multi-trade PLAs, covering the construction and operations and maintenance stages of any project proposed for the Lease Areas, and associated infrastructure development. The PLA provisions for the construction and operations of an offshore wind project would apply to all contractors in order to create a robust local skilled and trained workforce. These PLAs should include commitments to local and targeted hire groups. Targeted hire groups are defined as local residents who are Tribal members, Black Indigenous and People of Color; transgender and nonbinary people; or those who have potentially career-limiting circumstances, such as income (at or below 100% of the Federal Poverty Level);</p>	<p>OCSLA Subsections 8(p)(4)(A), 8(p)(4)(B), and 8(p)(4)(F)</p> <p>DOI Equity Action Plan, and Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” which established the plan</p> <p>Justice40 Initiative: “to deliver at least 40 percent of the overall benefits from Federal investments in climate and clean energy to disadvantaged communities”</p> <p>Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad”</p> <p>Buy Indian Act Implementation, “provides the Department with authority to set aside procurement contracts for Indian-owned and controlled businesses”</p>

history of involvement with the criminal justice system; English language learners; workers in the process of applying for residency or citizenship; protracted unemployment (six months or more); low level of literacy; people with disabilities; custodial single parents; former foster youth; no high school diploma or GED; and older adults. We recommend a commitment of at least 25% local and targeted hires and no less than 25% of all hours worked in the construction and operations and maintenance stages of any project proposed for the Lease Areas, and associated infrastructure development, on a craft by craft basis be worked by local and targeted hires.

For the Humboldt Wind Energy Area, “local” shall be defined as first: Humboldt and Del Norte counties and the Tribal Nations within these geographies, followed by members of Tribal Nations within Northwest California followed by residents in the Counties of Mendocino, Trinity, and Siskiyou Counties. (Tribal Nations’ commitments which shall be determined in consultation with California’s Native American Tribes in the region). The PLA shall include commitments to establish training, pre-apprenticeship, and apprenticeship programs. These PLAs should specifically support local underrepresented communities and Tribes and include solutions for robust participation in key opportunities such as targeted apprenticeship and pre-apprenticeship programs, and methods to address barriers to participation such as: accessibility, cultural and language alignment, or barriers to childcare, transportation, broadband or other technology, equipment and personal protective gear (PPG). Additionally, PLAs should include “off-ramp” provisions for operators and contractors who are unable to meet the PLAs hiring requirements. These provisions should invest in and create pathways for a future local workforce to meet hiring requirements, such as directly funding pre-apprenticeship programs with local academic institutions and/or job training service providers. Apprenticeship and pre-apprenticeship programs in partnership with Tribal Nations, and those who offer translation or bilingual programs should be prioritized. These off-ramp provisions are critical to nurture and expand the local skilled and trained workforce for offshore wind.

2. The second stipulation would require Lessees to establish a Statement of Goals in which the Lessee would describe its plans for contributing to the creation of a robust and resilient **local, regional and domestic** U.S.-based

	<p>offshore wind industry supply chain, with an emphasis on creating jobs and ownership opportunities for local underrepresented communities and Tribal Nations. The Statement of Goals will include a specific section detailing how the Lessee’s efforts will increase opportunities for Native American/Tribal/Indian-owned Economic Enterprises, in alignment with Department of Interior policy. This will include plans for training of a local skilled manufacturing workforce, including commitments to targeted hire groups (based on definition above), especially from Tribal communities, commitments to trainings, courses, apprenticeship, and pre-apprenticeship programs designed specifically to support local underrepresented communities and Tribal Nations, including specific training commitments for members of local Tribal Nations and underrepresented communities and off-ramp provisions (such as additional training investments if targeted hiring goals are not met), methods to address barriers to participation such as: accessibility, cultural and language alignment, or barriers to childcare, transportation, broadband or other technology, equipment and personal protective gear (PPG). This Statement of Goals should include specific language detailing how the lessee will procure services from small and disadvantaged businesses, supporting DOI policy commitments to contract with these target communities and eliminate wealth gaps. This statement will specifically address how the lessee will partner with Tribal Nations, Tribal Economic Enterprises, and Tribal Employment Rights Offices (or equivalent offices at non-federally recognized Tribes) and provide pathways and opportunities for ownership for Tribal Nations. Lessee would be required to provide regular progress updates on the achievement of those goals to BOEM, and BOEM would make those updates publicly available.</p>	
vi.	<p><u>Proposed Revisions: Research and Monitoring Access, Data Transparency, Monitoring, Adaptive Management and Mitigation Plan:</u></p> <p>This stipulation would make explicit reservations of the right to access the lease area for purposes of future research and biological monitoring and other activities, and the free sharing of lessee-obtained environmental and biological data with the public.</p>	<p>Conditional Concurrence Coastal Commission Condition 1.(f)(i) ⁸⁷ Marine Wildlife Protection and Monitoring Measures, Coastal Zone Management Act, California Endangered Species Act</p> <p>Marine Mammal Protection Act, Migratory Bird Treaty Act, Federal Endangered Species Act, Bald and</p>

⁸⁷ Note-these are limited to the scope of pre-construction activities per the scope of the federal action but must be applied going forward.

<p>This stipulation would clarify that biological data or analysis, including raw data, analysis, surveys, and reports will not be considered proprietary information and all biological information collected from the site assessment, pre-construction, construction, operations and/or decommissioning of the wind project will promptly be made available to US Fish and Wildlife Service and the public, including all incidences of observed marine debris and entanglements and all incidences of collision fatality. This information is critical to informing an adaptive management strategy.</p> <p>This stipulation would also require the lessee to develop and implement robust plans for monitoring individual and population-wide effects on species of wildlife for the full life of the project, from site assessment to decommissioning. Monitoring plans must include sufficient baseline data to assess development impacts in a Before After Control Impact (BACI) design strategy. Monitoring plans shall address: noise, biophysical processes, oceanographic data (upwelling, water quality etc.), and wildlife (including transect surveys and other methods to assess potential changes in distribution, behavior and migratory patterns of wildlife before and after construction). This stipulation requires that project design and siting would be informed by the baseline and other biological studies and data relevant and applicable to this area.</p> <p>The lessee shall, within 180 days of lease execution begin preparation of an Adaptive Management and Mitigation Plan, which will be informed by baseline data and identify any data gaps. This plan will be developed in consultation with the Adaptive Management Committee for the relevant Wind Energy Area. This Committee shall be composed of local Tribal Nations, federal and state natural resource agencies, community-based organizations, local and statewide environmental organizations, and local wildlife experts. The goal of this committee is to inform and enforce an Adaptive Management and Mitigation Plan, and the Committee shall review and approve the Final Adaptive Management Plan, as well as any changes to the Plan. This Committee shall work in collaboration and close coordination with, and include leadership from, the Community Steering Committee.</p> <p>This plan would be informed by 2-5 years of data as required by BOEM pursuant to the SAP and COP, together with the requirement for continuous data collection around noise, entanglement, benthic habitat changes, and habitat displacement. The plan will also include clear, objective standards or “triggers” that would require adaptation of</p>	<p>Golden Eagle Protection Act, Federal Endangered Species Act Magnuson-Stevens Fishery Convention and Management Act</p>
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	<p>project construction and operation procedures to minimize or avoid impacts to wildlife. These triggers could include new information or changes in wildlife populations or interactions between wildlife and the project. Adaptation could include operational changes or new technology as it develops. This stipulation would allow developers, if they experience demonstrable economic losses under a power purchase agreement as a result of environmental curtailment or other measures taken to avoid or minimize biological impacts in response to biological triggers as required under the Adaptive Management and Monitoring Plan to receive a lease payment credit from BOEM for that amount, with documentation, up to five percent (5%) of their annual lease payment.</p>	
vii.	<p><u>Proposed Revision: Lease Area Use CBA credit percentage increased to 3%, with a 90% financial commitment.</u></p> <p>“The second bidding credit proposed would allow a bidder to receive a credit of 3% of its cash bid in exchange for a commitment to enter into a new CBA with a community or stakeholder group whose use of the geographic space of the Lease Area, or related landside industries, or whose use of resources harvested from that geographic space, is directly impacted by or experiences disproportionate economic pressure from the Lessee’s potential offshore wind development. The CBA is intended to mitigate potential impacts to the community or stakeholder group from renewable energy activity or structures on the Lease Area, and particularly to assist fishing and related industries to manage transitions, gear changes, or other similar impacts which may arise from the development of the Lease Area.”</p> <p>These increased percentages reflect the need for support for the workforce in commercial fishing and related landside industries that may experience impacts from offshore wind development in the Wind Energy Areas, routes of cabling to shore, and port activities that conflict with or place economic pressures on port operations of commercial fishing and related supply chain. Winning bidders make a financial contribution of at least 90% of the bidding credit cash value.</p>	<p>Eureka Fishing Community Strategic Plan, October 2019</p> <p>Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad”</p>

Table 2. Proposed New Terms

Community-Centered Recommendations and 50% Bid Credit Package		
	New Term	Legal and Policy Backing
i.	<u>New: Winning bids will be those that use bid credits</u>	

<p>ii.</p>	<p><u>New: North Coast Community Benefits Fund Stipulation and Bid Credit</u></p> <p>We propose a North Coast Community Benefits Fund to provide investments and grants in regular funding cycles to address community impacts from the offshore wind project and the changing needs of North Coast communities. The North Coast Community Benefits Fund would be administered under the leadership of a Community Steering Committee. Resources from the fund will be used to make key community investments and to cover costs of administering the fund, including those associated with work of the Steering Committee and any staff.</p> <p>We propose that the North Coast Community Benefits Fund be resourced by a combination of activities including a stipulated minimum payment and bidding credits to recognize and incentivize additional investments by Lessees. A portion of the ongoing operating fee will also be dedicated to the Fund for the full term of the lease.</p> <p>North Coast Community Benefits Fund Stipulation</p> <p>We propose a North Coast Community Benefits Fund stipulation for bidders to commit in the BFF or CBA Addendum to make an initial payment in the form of \$5M or 50% of 10% of the final cash value of lease, whichever is greater (the “North Coast Community Fund start up payment”), into the North Coast Community Benefits Fund at the time of lease execution and no later than the submission of a Lessee’s first Facility Design Report (FDR). In addition to the start up payments, a minimum annual ‘operating payment’ in an amount equal to 20% of the lessees’ annual payments to BOEM (the “Annual Contribution”) shall be paid directly into the North Coast Community Benefits Fund for the duration of the lease (the “Annual Contribution”).</p> <p>Payments made by the Lessee will be deposited in a fund managed by a party identified by the initial Community Steering Committee, and approved by BOEM, or if no party is identified or the Community Steering Committee has not yet formed, by state entity to hold for the purposes set forth by the North Coast Community Benefits Fund, with payments subsequently transferred to the fund manager selected through a solicitation for grantmaking and management.</p> <p>North Coast Community Benefits Fund Bid Credit</p> <p>We propose a North Coast Community Benefits Fund bid credit that would allow a bidder to receive a credit of up to ten</p>	<p>Coastal Commission Conditional Concurrence Condition #5; Justice40 Initiative</p> <p>Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government”</p> <p>Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad”</p> <p>Executive Order 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis”</p>
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	<p>percent (10%) of the value of its cash bid for making additional financial commitments as follows:</p> <p>(a) The greater of \$5 million or 50% of 10% of the final cash value of lease (the “support payment” will be due within the first decade of the lease, unless the lessee chooses to make payments earlier), and</p> <p>(b) Committing in the BFF or CBA Addendum to additional contributions of up to an additional 40% of 10% of the cash value of the bid (“North Coast Community Fund Additional Operational Payment”) under this bid credit into the North Coast Community Benefits Fund within 10 years of the date of the lease execution.</p> <p>c) For commitments of a) and b) above, bidders can receive up to a 10% bid credit.</p> <p>Additionally, recognizing that services, infrastructure, community protections against harm, and education are some of the North Coast Region’s greatest needs and are ‘long-lead items’ that require years of investment and early contributions to the North Coast Community Benefits Fund, financial contributions made earlier should receive credits above the 10% described in c) above. For example, contributions made within 30 days of lease execution would receive a 1.25:1 credit; contributions made in the first five years afterwards would receive a 1.10:1; and contributions made in later years would be given a 1:1 credit. Here, 1 is the 10% bid credit minus the 10% discount.</p>	
<p>iii.</p>	<p><u>New: Community Steering Committee</u></p> <p>This stipulation requires the lessee to fund a community-led steering committee composed of representatives from underrepresented communities, regional Tribal Nations, local governments, representatives of community-based organizations, and other regional constituencies to focus on impacts and benefits from the offshore wind region. Committee members should have demonstrated a long-term commitment to furthering social justice, supporting worker voice and good jobs, and building power with historically disadvantaged groups. The Committee would be established through a community driven process administered by a local organization or collaborative with</p> <ul style="list-style-type: none"> • a demonstrated commitment to racial equity • proven success in convening and administering local and regional strategic cross sector collaborative initiatives focused on large scale community change and investments 	

	<ul style="list-style-type: none"> • proven record of community funding management and distribution <p>This Committee would coordinate across participating constituencies to advance a regional vision and roadmap for offshore wind development which would include engagement of communities and lessees.</p> <p>The Community Steering Committee would have the authority to set its own by-laws, select its own chair and vice-chair, form subcommittees, and develop and maintain a well-functioning governance structure.</p> <p>In the North Coast region, the Community Steering Committee would be funded through the North Coast Community Benefits Fund, as would related staffing and other administrative and operating expenses related to the work of the Steering Committee and the Fund. In the North Coast region, the Committee would also serve as the governing board for the North Coast Community Benefits Fund, overseeing fund administration, the work of the fund administrator, informing and approving the development of strategic plans, annual plans, and fund distribution.</p>	
iv.	<p><u>New: Regional Tribal Capacity Fund Stipulation and Bid Credit</u></p> <p>This fund recognizes Tribal sovereignty, self-determination, and other rights of Native American Tribes within California, and within the impacted area of the offshore wind energy areas and related activities, and the specific and intentional historic harms to these Tribal Nations from the federal and state government. It also recognizes the capacity constraints keeping many Tribal Nations from participating in offshore wind and related economic opportunity, policy, and regulatory processes.</p> <p>The Regional Tribal Capacity Fund would be administered and jointly governed by a Regional Tribal Steering Committee in each region, or by an entity operating at the behest of and representing each region’s respective Native American Tribal Governments. Resources from the Fund will be used to make key community investments and to cover costs of administering the fund, including those associated with work of the Regional Tribal Steering Committee and any staff.</p> <p>To adequately resource the Regional Tribal Capacity Fund, a combination of stipulations to provide initial funding and bid credits for additional financial commitments should be included. A portion of the ongoing operating fee will also be dedicated to the Fund for the full term of the lease.</p> <p>Regional Tribal Capacity Fund Stipulation</p>	<p>Justice40 Initiative Conditional Concurrence Conditions 5 + 6 Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad” Executive Order 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis”</p>

We propose that the Regional Tribal Capacity Fund stipulation for bidders to commit in their BFF or CBA Addendum to make an initial payment of \$5M or 50% of 10% of the total cash value of the lease, whichever is greater, into the Tribal Capacity Fund at the time of lease execution and no later than the submission of a Lessee's first Facility Design Report (FDR). Additionally, a minimum 'operating payment' in an amount equal to 20% of the lessee's annual payments to BOEM for the duration of the lease (the "Annual Contribution") shall be paid directly into the Regional Tribal Capacity Fund for the duration of the lease (the "Annual Contribution").

Payments made by the Lessee will be deposited in a fund managed by a party identified by the Regional Tribal Steering Committee, and approved by BOEM, or if no party is identified or the Regional Tribal Steering Committee has not yet formed, by a state entity for the purposes set forth by the Regional Tribal Capacity Fund, with payments subsequently transferred by the state entity to the fund manager selected through a solicitation for grantmaking and management.

Regional Tribal Capacity Fund Bid Credit

The Regional Tribal Capacity Fund bid credit would allow a bidder to receive a credit of ten percent (10%) of its cash bid for making additional financial commitments as follows:

(a) The greater of \$5 million or 50% of 10% of the final cash value of lease (the "support payment" will be due within the first decade of the lease, unless the lessee chooses to make payments earlier) and,

(b) Committing in the BFF or CBA Addendum to additional contributions of up to an additional 40% of 10% of the cash value of the bid ("Regional Tribal Capacity Fund Additional Operational Payment") under this bid credit into the Regional Tribal Capacity Fund within 10 years of the date of the lease execution, and

(c) For commitments of a) and b) above, bidders can receive up to a 10% bid credit.

Additionally, recognizing that many Tribal investment needs and interests are 'long-lead items' that require years of investment and early contributions to the Tribal Regional Capacity Fund, financial contributions made earlier should receive credits above the 10% described in c) above. For example, contributions made within 30 days of lease execution would receive a 1.25:1 credit; contributions made in the first five years afterwards would receive a 1.10:1; and

	<p>contributions made in later years would be given a 1:1 credit. Here, 1 is the 10% bid credit minus the 10% discount.</p>	
<p>v.</p>	<p><u>New: Tribal Fisheries Benefit Fund Stipulation and Bid Credit</u></p> <p>This fund recognizes the unique connection Native American Tribes in California have with Pacific fisheries, and specifically their reliance on salmon and anadromous fish for cultural and sustenance fishing and other lifeways. This fund is also responsive to the relative lack of engagement Tribal fisheries have with state and federal agencies.</p> <p>Tribal Fisheries Benefit Fund Stipulation</p> <p>Lessees should make a minimum contribution of the greater of \$1M or 50% of the cash value of 3% of the final cash bid of the lease(s) at the time of lease execution and no later than the submission of a Lessee’s first FDR.</p> <p>Tribal Fisheries Benefit Fund Bid Credit</p> <p>Additionally, a bid credit of up to three percent (3%) should be available to bidders with a financial guarantee for 40% of 3% of the total cash value. This bid credit will address impacts to Tribal fisheries and provide resources for Tribal fisheries to participate in adaptive management efforts.</p>	<p>Federal Endangered Species Act, California Endangered Species Act.</p> <p>30 CFR 585.211(b)”</p>
<p>vi.</p>	<p><u>New: Coordinated Electricity and Broadband Planning</u></p> <p>During the study and planning phases of transmission and/or distribution grid upgrades for the offshore wind project, proponents and agencies will work with Tribal Nations, local governments and local environmental and community-based organizations (or Community and Tribal Steering Committees) to identify opportunities to use transmission studies and upgrades to provide electricity and climate resilience benefits to communities lacking access to clean, renewable and reliable electricity, and where feasible, will facilitate these efforts.</p> <p>Project proponents and agencies shall communicate and coordinate with Tribal Nations and local governments and organizations working on broadband deployment (and, if applicable, Community and Tribal Steering Committees) to align construction opportunities that are suitable for both installation of electrical transmission technology and broadband conduit or cables, and where possible collocate broadband and electrical transmission lines and other infrastructure.</p>	<p>Justice40 Initiative</p> <p>California Middle Mile Initiative</p> <p>CPUC Environmental and Social Justice Plan</p> <p>Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad”</p>

vii.	<p><u><i>New: Targeted Outreach and Engagement with Environmental Justice Communities</i></u></p> <p>This plan would establish requirements and best practices that developers must follow to respectfully, effectively, and equitably engage with underserved communities in the North Coast. As state and federal policy indicates, EJ communities must be actively engaged to ensure they meaningfully shape and benefit from offshore wind development. The EJ plan, to be developed by the Community Steering Committee in coordination with community-based organizations and representatives from local communities, would mirror the expanded community engagement requirements with Tribes proposed through the NATCP revisions. Beginning with the state definition of North Coast underserved communities (see section III), the Steering Committee would establish a more nuanced, local definition. The plan would include protocols for both communications and engagement activities with target communities, using the California Public Utilities Commission’s Environmental and Social Justice Action Plan, the State Lands Commission and Coastal Commission’s EJ Policy as a starting point⁸⁸. It should require that communications: are written in accessible, plain language without the excessive use of technical language; are translated into highly-spoken languages in the area (e.g. Spanish, Hmong, Lao); are compatible with text-to-voice technologies; rely on pictures and visuals when possible; and are culturally-sensitive to the experiences of the diverse communities across the North Coast. Community engagement activities would require the following to ensure that EJ community members can equitably engage: take place in spaces that are ADA compliant; are in culturally appropriate and commonly used spaces in the target community; host locations should be accessible by public transportation or transportation assistance offered where public transit is not accessible; meetings and events should offer simultaneous interpretation in highly-spoken languages other than English (e.g. Spanish, Hmong, Lao); events should take place on evenings and weekends, and offer food and childcare to facilitate greater attendance. These measures should be funded by the lessees. Community engagement events and activities should also offer multiple avenues for communities to participate, such as written and verbal feedback, and expand beyond traditional forms of engagement. The EJ plan would also include requirements that BOEM, lessees and their representatives attend training on local culture, history of environmental injustices, and best practices for relationship building in ways that do not reinforce past harms. The EJ plan should also require offering compensation to community</p>	<p>Justice40 Initiative</p> <p>Coastal Commission Conditional Concurrence, Condition #5</p> <p>State Lands Commission Environmental Justice Policy</p> <p>CPUC Environmental and Social Justice Policy</p> <p>Coastal Commission Environmental Justice Policy</p> <p>California AB 1628 definition of environmental justice to include “meaningful involvement”</p> <p>Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government”</p> <p>Executive Order 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis”</p>
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⁸⁸ California Coastal Commission. (March 2019). *California Coastal Commission’s Environmental Justice Policy*. Accessed July, 2022 from https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

	members for their time participating in engagement activities and events.	
Environmental Protections		
viii.	<p><u>New: Environmental Research and Monitoring Fund stipulation and bid credit:</u> This fund recognizes the significant gaps in current understanding regarding the potential impacts imposed by offshore wind projects on wildlife and habitat as well as research needs on the intersection of wildlife and offshore wind, including the efficacy of avoidance, minimization and mitigation measures. This fund also recognizes the need for opportunities to connect members of Tribal Nations and underrepresented communities to careers in STEM. The fund and its activities would be funded by a combination of a stipulation and a bid credit of four percent (4%) with a financial guarantee for investments in independent research and monitoring - both funding the work and further investing in developing career pathways to grow local expertise in research and monitoring for members of Tribal Nations and underrepresented communities. This includes funding a program to be co-created and administered with local Tribal Nations and local Native American Studies and Marine or Offshore Wind research programs at higher education and K-12 institutions, with the goal of creating educational, training, and career pathway programs for Native American students in STEM. The fund would be overseen by the Adaptive Management Committee.</p> <p>Environmental Research and Monitoring Fund Stipulation</p> <p>To receive the bid credit, the lessee would make a minimum financial Contribution of the greater of \$1M or 50% of 4% the total cash bid to BOEM, at the time of lease execution and no later than the submission of a Lessee’s first Facility Design Report (FDR) to help create an Adaptive Management Committee.</p> <p>Additionally, a minimum ‘operating payment’ in an amount equal to 5% of the lessee's annual payments to BOEM for the duration of the lease (the “Annual Contribution”) shall be paid directly into the Fund.</p> <p>Payments made by the Lessee will be deposited in a fund managed by a party identified by the the Adaptive Management Committee, and approved by BOEM, or if no party is identified or the Adaptive Management Committee has not yet formed, by a state entity for the purposes set forth by the Environmental Research and Monitoring Fund, with payments subsequently transferred from the state entity to the</p>	

fund manager selected through a solicitation for grantmaking and management.

Environmental Research and Monitoring Fund Bid Credit

An additional 4% bidding credit should be available to bidders who commit to providing further funding to the Environmental Research and Monitoring fund. Lessee should provide additional payment to BOEM based on a schedule negotiated with the Adaptive Management Committee, which will be responsible for distribution and tracking of the fund, as well as reviewing permits, reviewing monitoring or other data, and enforcing and updating the Adaptive Management Strategy in consultation with the Community Steering Committee. A key role of the Fund and the Adaptive Management Committee is to create robust partnerships with the lessee(s), Tribes, agencies and communities who are each invested in the success of the project, to mobilize resources for intra- and inter-regional environmental research and monitoring initiatives (e.g., studies to understand the intersection of offshore wind turbines, upwelling, and the California Current). Further, as necessary, this fund will be utilized to mobilize coordinating regional resources to assist in compliance and enforcement activities. BOEM shall prioritize working with federal and state agencies to get matching funds for researching relevant issues, such as secondary entanglements. Payment into this fund is additive and not a substitute for any baseline data, including project-specific monitoring, mitigation, and/or management that may be required or recommended as part of permitting, although data from these efforts can and should be used to fill key data gaps.

The Environmental Research and Monitoring Fund credit would allow a bidder to receive a credit of up to four percent (4%) of its cash bid in exchange for one or more of the following actions:

- (a) The greater of \$1M or 50% of 4% the final cash value of lease (the (“support payment”) will be due within the first decade of the lease, unless the lessee chooses to make payments earlier), and
- (b) Committing in the BFF or CBA Addendum to additional contributions of up to an additional 40% of 10% of the cash value of the bid (“Environmental Research and Monitoring Fund Additional Operational Payment”) under this bid credit into the Environmental Research and Monitoring Fund within 10 years of the date of the lease execution.

	<p>(c) For commitments of a) and b) above, bidders can receive up to a 4% bid credit.</p> <p>Additionally, recognizing that environmental research and monitoring must parallel and interact with all stages of offshore wind development, and monitoring approaches and research slates are 'long-lead items' that require years of investment and early contributions to help create an inter- and intra-regional environmental science team with participation and leadership from underrepresented communities, financial contributions made earlier should receive credits above the 4% described in c) above. For example, contributions made within 30 days of lease execution would receive a 1.25:1 credit; contributions made in the first five years afterwards would receive a 1.10:1; and contributions made in later years would be given a 1:1 credit. Here, 1 is the 4% bid credit minus the 4% discount.</p>	
ix.	<p><u>New: Noise</u></p> <p>This stipulation would require lessees to demonstrate how underwater and above water noise will be minimized over the duration of the project to the fullest extent feasible (as determined by BOEM) through the use of technically and commercially feasible and effective noise reduction and attenuation measures. BOEM should require the lessee to submit a plan to BOEM, NOAA National Marine Fisheries Service, and the California Coastal Commission detailing the noise generating activities that will occur during construction and operations, differences from baseline soundscape noise, the actions that will be taken to reduce noise (including underwater noise levels generated by turbines during operations) levels to the fullest extent feasible. This plan should be made publicly available for review and comment.</p>	<p>Conditional Concurrence, Condition 3. Minimizing the Risk of Vessel Strikes</p>
x.	<p><u>New: Reducing Risk of Secondary Entanglements</u></p> <p>This stipulation would require the lessee to develop and implement, and for BOEM and wildlife agencies to approve: practices to monitor, avoid, minimize, and as necessary remove entanglement hazards from the water column to reduce the risk to marine species, including marine mammals, sea turtles, sharks, and diving birds, from secondary entanglement of marine debris (including derelict fishing gear) ensnared on project infrastructure, including platforms,</p>	<p>Coastal Commission Condition 1.(f)(i) ⁸⁹Marine Wildlife Protection and Monitoring Measures 1) awareness training, 2) minimum of one qualified marine mammal observer per vessel w. 3) appropriate safety and monitoring equipment, 4) "observers shall have authority to stop any activity that could result in harm to a marine mammal or sea turtle, except when complying with this requirement would put the safety of the</p>

⁸⁹ Note-these are limited to the scope of pre-construction activities per the scope of the federal action but would be assumed to be relevant going forward.

	<p>mooring lines, inter-array and array-to-shore cables, and anchors.</p> <p>Monitoring measures include continuous monitoring for strains on mooring lines and inter-array cables, daily visual inspection of infrastructure for ensnarement and entanglement at depths where marine debris is most likely to occur, and monthly inspection of the full length of submerged infrastructure.</p> <p>Avoidance and minimization measures include designing and maintaining mooring lines and inter-array and array-to-shore cables in configurations that minimize potential for entanglement as well as designing infrastructure to maximize detection of ensnared marine debris. These also include specific protocols for immediate notification to the National Marine Fisheries Service, U.S. Fish and Wildlife Service and California Department of Fish and Wildlife when monitoring identifies ensnarement and/or entanglements to marine mammals and sea turtles, within 24 hours for other sharks, diving birds or for marine debris which has been ensnared on a project structure. All incidences of observed marine debris and entanglements will be promptly made publicly available and shared with the Adaptive Management Committee.</p>	<p>vessel or crew at risk. In the event a whale comes in contact with a vessel or survey equipment or becomes entangled in any cables or lines, the observers shall immediately notify NMFS so appropriate response measures can be implemented. Similarly if any harassment or harm to a marine mammal occurs, the observer shall immediately notify NMFS and other required regulatory agency.” 5) Final report summarizing the results of monitoring activities.</p> <p>Marine Mammal Protection Act</p> <p>[This stipulation would update Measures 17 and 18 from BOEM's “Typical Mitigation Measures for Protected Marine Species” referenced in the PSN.]</p>
xi.	<p><u>New: Protection of Benthic Habitat</u></p> <p>This stipulation shall require the lessee to implement management practices to avoid, minimize and mitigate impacts from all stages of development and project infrastructure that would disturb benthic habitat. The lessee shall conduct detailed benthic surveys prior to or during site assessment, and prior to siting, identifying biogenic structural habitat and Habitat Areas of Particular Concern (HAPC) for avoidance. All survey results will be made publicly available for review. The lessee shall provide an anchoring plan and anchoring sites shall include a buffer from sensitive habitat. The lessee shall avoid intentional contact with biogenic structural habitat and designated HAPC during all stages of the project, including construction, operations and decommissioning.</p>	<p>Coastal Commission condition #2” No Bottom Contact “</p>
xii.	<p><u>New: Adaptive Monitoring and Management of Upwelling Impacts</u></p> <p>This stipulation will require the lessee to conduct detailed studies of interactions between offshore floating wind infrastructure and upwelling in the ocean environment. Preliminary studies⁹⁰ raise a potential connection between</p>	<p>An Assessment of the Cumulative Impacts of Floating Offshore Wind Farms (Ocean Protection Council, 2021) Coastal Commission condition 1)F)i) “Marine Wildlife Protection and Monitoring Measures”</p>

⁹⁰Ocean Protection Council. (2021). *An Assessment of the Cumulative Impacts of Floating Offshore Wind Farms* (No. C0210404). Accessed July 2022 from https://www.opc.ca.gov/webmaster/media_library/2022/02/C0210404_FinalReport_05092022Report.pdf

	<p>offshore wind infrastructure and upwelling functions in the ocean environment. This new area of research requires continued study to determine impacts, if any, to the marine ecosystem and food chain. Studies must include cumulative considerations of multiple wind energy areas as applicable (e.g., multiple wind farms within the California Current). All studies will be made publicly available.</p>	
xiii.	<p><u><i>New: Decommissioning</i></u></p> <p>Lessees will be required to include detailed plans for decommissioning in construction and operations plans. Lessee shall provide BOEM a decommissioning <u>bond</u> to cover the estimated decommissioning costs of the offshore wind project, taking into account: estimated decommissioning costs, environmental liabilities, and reclamation costs, plus a contingency amount of 20% of total estimated decommissioning costs. Upon termination of the lease, this sum is returned to the lessee or grantee to be used for decommissioning.</p>	<p>National Environmental Policy Act, Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, Coastal Zone Management Act, OCSLA</p>

Workforce Development and Supply Chain

xiv.	<p><u><i>New: Safety of Native American Tribal Nations and local communities</i></u></p> <p>In response to the connection between worker camps, energy development, and Missing and Murdered Indigenous Peoples (MMIP), a new stipulation would require the Lessee(s) to develop a workforce plan with elements to ensure local community safety to apply to all workers, including both direct employees and contractors. Workforce plan elements should include, but are not limited to, a plan for local hiring and minimizing the use of short-term or transient workers and a plan to address the challenges that come with large quantities of transient workers moving into a community. These plans may also include zero tolerance policies; whistleblower protections; worker and management training on applicable issues, history and policies; and other tools to promote workplace and community safety. Workforce plans should be developed in consultation with the Regional Tribal Steering</p>	<p>Coastal Commission Concurrence, “Safety of Native American Tribes and local communities”⁹¹</p> <p>Executive Order 14053, Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People⁹²</p> <p>DOI Equity Action Plan</p>
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⁹¹ “The Commission expects that BOEM’s lessees will develop workforce plans with elements to ensure local community safety. These workforce plans should apply to all workers, including both direct employees and contractors. Workforce plan elements should include, but are not limited to, a plan for local hiring and minimizing the use of short-term or transient workers and a plan to address the challenges that come with large quantities of transient workers moving into a community. These plans may also include zero tolerance policies, whistleblower protections, worker training on applicable policies, and other tools to promote workplace and community safety.” [Conditional Concurrence, page 121](#). Adopted Findings, pp. 121-22.

⁹² This [Executive Order](#) requires DOI to “ create a strategy to improve public safety and justice for Native Americans and to address the epidemic of missing and murdered Indigenous peoples so that people can feel safe in their communities” and commitments made in the DOI Equity Plan.

	Committee, and include policies to comport with Tribal ordinances, including use of Tribal judicial systems.	
xv.	<p><u><i>New: Workforce Development in Natural Resources</i></u></p> <p>A new stipulation would require the Lessee(s) to contribute to the creation of jobs and related workforce training programs in the fields of adaptive management, natural and cultural resource management, marine environment and offshore wind energy systems data and research, monitoring and compliance activities, etc. The lessee should show how they would partner with and invest in local universities' natural resources and Native American studies programs, community colleges and youth programs to build a pathway to careers in STEM for local residents. Additionally, the lessee would demonstrate a commitment to prioritizing partnering with Tribal Nations, Indigenous-led institutions, cultural leaders, and Tribal members to lead research and monitoring projects, supporting Department of Interior policy that seeks to improve Tribal engagement.</p> <p>This stipulation would also commit developers to hire members of Native American Tribal Nations in California as archeological, environmental, and biological monitors for pre-construction surveys and ongoing project monitoring and research. The Environmental Research and Monitoring Fund would help grow local infrastructure to facilitate this stipulation.</p>	<p>DOI Equity Action Plan Justice40 Initiative</p> <p>Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis"</p> <p>Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments"</p> <p>Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis"</p>

Table 3. Questions from BOEM in PSN

IV.	Questions for Stakeholders	Comments and Responses
a.	<p>Number, Size, Orientation, and Location of the Proposed Lease Areas p. 16-17</p> <ul style="list-style-type: none"> • General feedback on number, size, orientation and location of lease areas • Which areas should be prioritized for inclusion or exclusion? <p>Example considerations include: "equal commercial viability and size; prevailing wind direction and minimal wake effects; maximized energy generating potential; mooring system anchor footprints and extents; possible setbacks at Lease Area boundaries; distance to shore, port infrastructure, and electrical grid interconnections; and fair return to the Federal Government pursuant to the OCS Lands Act through competition for commercially viable lease areas."</p>	<p>Our regional Network supports the leasing of two areas in the Humboldt Wind Energy Area as proposed in PSN, with coordinated electricity and broadband planning (outlined in Table 2, v).</p>

b.	<p>Engaging Underserved Communities p. 17</p>	
	<p>What particular stipulations are needed to “ensure that communities, particularly underserved communities, are considered and engaged throughout the offshore wind energy development process, that potential impacts and benefits from Lessees’ projects are documented, and Lessees’ project proposals are informed by or altered to address those impacts and benefits”? p. 17</p> <ul style="list-style-type: none"> ● What mechanisms can be used to benefit underserved communities? ● What are evaluation metrics? ● How could these “further development of the proposed Lease Areas and the purposes of OCS Lands Act”? ● What are studies that support these recommendations? 	<p>North Coast communities can engage and shape the offshore wind energy development process through 1) formal structures that center Tribal and underserved communities in decision-making and providing development input and leadership; 2) formal, long-term investments in these community engagement structures through an expanded bid credit. Our recommendations include (see lease stipulations and bid credits above) a North Coast Community Benefits Fund Credit and Regional Tribal Capacity Fund Credit, which would establish and fund the Community Steering Committee and Regional Tribal Steering Committee (detailed in Table 2, i-iii). Additional hiring preference and community safety measures we propose will also benefit underserved communities. The Steering Committees would develop evaluation criteria and metrics for assessing success, including but not limited to: number of community organizations/groups engaged; whether the steering committee’s demographic composition reflects the community; number of grants and funding provided to local organizations and Tribal Nations; etc. We additionally support developing and implementation of the Native American Tribal and Environmental Justice Communication Plans.</p> <p>This structure and investment satisfy multiple of BOEM’s requirements under OCSLA (see section V.a).</p> <p>This approach is supported by findings in the following studies: Schatz Energy Research Center (2020). California North Coast</p>

		<i>Wind Studies, Stakeholder Benefits and Concerns.</i> ⁹³
c.v.	Bidding Credits – Potential Additional Credit p. 33-34	
	Context “BOEM is exploring whether it has the authority to pursue an additional bidding credit for a CBA addressing impacts attributable to potential offshore wind development not covered under the contemplated Lease Area Use Bidding Credit. BOEM is seeking comments on all aspects of this potential CBA and specifically on how it can be justified under the OCS Lands Act)...” p. 33-34	North Coast Community Benefits Fund Credit; Regional Tribal Capacity Fund Credit, Tribal Fisheries Fund Credit, Project Labor Agreement
1.	What goals of the OCS Lands Act would be furthered by such a CBA? What restrictions , if any, does OCS Lands Act impose on such a CBA?	<p>Our proposed, expanded community benefits lease stipulations and bid credit package are in lieu of CBAs, and would further the following OCSLA(p)(4) requirements, including: (A) safety, (B) protection of the environment, (F) protection of the national security interest, and highest responsible bidder and holding the OCS in the national interest requirements (see sections V.a-e).</p> <p>The lease stipulations and bid credit package would satisfy the protection of the environment, especially the human environment by ensuring developers sufficiently invest in the housing, workforce, and other social infrastructure to support this growing industry in a historically-challenged region (see section V.a)</p> <p>We do not note any restrictions, but rather that BOEM has broad discretion to balance interests through an expanded bid credit package and lease stipulations</p>

⁹³ “Having accessible knowledge of what stakeholders consider to be the benefits (including climate change mitigation and port development in this case) and of what they are concerned about (including environmental impacts and impacts to the fishing fleet), can be utilized by government agencies and developers to design a project and process that responds and adapts to community needs. Information about stakeholder values and needs can also be used to facilitate the development of a more equitable project where respective costs and benefits are more evenly distributed among various groups. Additionally, gaining information about perceptions of the process can help agencies, developers, and planners design a process with the best chance for success”. p. ii

		that together provide robust community benefits.
2.	What benefits could be promoted by a more general CBA? Would a CBA be effective in promoting benefits, such as job creation, education opportunities, or increased engagement, that mitigate the potential impacts of the development of the Lease Areas?	Community and infrastructure investments outlined throughout this letter would support local regions to be invested partners in the long term viability of the offshore wind industry, increasing job creation, education opportunities, and regional engagement, while simultaneously ensuring equitable distribution of benefits including the long term health and safety of the human and natural environments in those regions.
3.	What potential impacts should be addressed? What quantifiable impacts will be felt by local communities associated with cultural and visual resources, the human environment, or other resources? How might a CBA lead to expeditious and orderly development of offshore wind resources in the Lease Areas?	Offshore wind development will impact local North Coast communities in numerous ways. Notably, development and the potential influx of residents will strain housing and social services infrastructure, and impact commercial fisheries, and Tribal fisheries and cultural practices (described further in sections II and III). Offshore wind also offers an opportunity to provide training and high-quality jobs to residents. The expanded community benefits structures (e.g., lease stipulations, bid credits, funds, regional governance) we propose will help minimize harm to local communities, especially Tribal and underserved groups, and direct investment and project benefits to them (see Table 1, i, iv, vi, and Table 2 i-v).
4.	What types of groups or legally recognized entities should be eligible to enter into a CBA?	The proposed community benefit structures in this comment letter detail illustrative entities that will be included in governance. Local community benefits networks, intergovernmental entities inclusive of local and Tribal governments, community based organizations (e.g., non-profits, environmental science entities) that represent community interests related to offshore wind energy development and related industry and infrastructure are eligible, with prioritization of those

		with historically limited access to industry development processes of this large scale.
5.	What are the key elements of a CBA that BOEM should consider? Should the requirements for eligibility for bidding credits for a CBA include transparency, coalition building, inclusiveness, or enhanced communication?	<p>Community Benefits Funds should have a regionally developed governance structure unique to each fund and initiative (e.g., Community Steering Committee, Regional Tribal Steering Committee, Adaptive Management Committee).</p> <p>Lessee developers should be required to conduct coordination and partnership development meetings no less than quarterly with each fund's governance entity, and as described, assist with financial resources to fund regional participation in governance structures, including compensating environmental justice community members and members of Tribal nations.</p>
6.	How can BOEM use this potential type of credit to encourage early community engagement, mutual benefits, and a long-lasting dialogue between a potential developer and community or stakeholder group ? What types of agreements could BOEM promote that result in mutually beneficial outcomes to both the Lessee and community or stakeholder groups, or lead to expeditious and orderly development of offshore wind resources in the Lease Areas?	<p>The community-led funding and governance structures in this proposal provide pathways for residents to engage throughout all steps of the offshore wind development and operations process. This includes the North Coast Community Benefits Fund Credit; Regional Tribal Capacity Fund Credit; Tribal Fisheries Credit; Lease Use Area Fund; Community Steering Committee; Regional Tribal Steering Committee. The Native American Communications Plan and EJ Outreach and Engagement Plan, each to be co-developed with relevant entities, provide blueprints for meaningful outreach and engagement (see details in Table 1 i-vi, and Table 2 i-iv). These structures intentionally center the most impacted residents, allowing them to shape this new industry's development and operations in a way that is beneficial for communities, encourages their</p>

		<p>active participation, and supports long-term economic and social health. This approach provides a structured way for developers to directly engage with communities and achieve mutually-beneficial outcomes, including: a Project Labor Agreement that secures a local, skilled workforce and supply chain support for the long-term; coordinated electricity and broadband planning that invests in critical infrastructure; support for commercial and Tribal fisheries; and social programming through the North Coast Community Benefits Fund Credit, Regional Tribal Capacity Fund Credit, Tribal Fisheries Credit, and Lease Area Use Credit that helps achieve equity. Additionally, a new stipulation that workforce plans incorporate the safety of Native American Tribal Nations and local communities will protect residents and promote stronger working relationships between Tribal Nations and industry (see Table 2, xiii for more details).</p>
c.vi.	General Questions Regarding CBA Credits p. 34-36	
	<p>BOEM is interested in comments answering the following questions in this section relevant to CBAs and the associated bidding credits as described in sections IV.(c)(iv) and IV.(c)(v) above.</p>	
1.	<p>How should BOEM evaluate the agreements? On what metrics can BOEM evaluate CBAs? How can BOEM verify actions to be undertaken pursuant to the CBA?</p>	<p>BOEM should select winning bids based on the developer(s)' selection of the number of bid credits and the final cash value of those bid credits, i.e., the more bid credits the bidder elects, and the higher cash value of each bid credit would equate to higher priority for that bid. Once bid credits have been evaluated, then BOEM should factor in the cash-only value of the bid, as a subordinate evaluation to the bid credit package. Specific stipulations and commitments</p>

		<p>would be included in the CBA Addendum or BFF. All bid credits we propose require financial guarantees. This allows BOEM and the community governance entities to verify whether the terms of the bid credits are achieved. The lessee would provide semi-annual reports to BOEM verifying lessee compliance, with the various fund entities to review reports prior to approval. See Table 2 i, ii, iii, iv, vi for more details.</p>
2.	<p>How and when should BOEM enforce and monitor CBA commitments?</p>	<p>All lease stipulations and lessee funding of bid credit commitments should be reviewed semi-annually by BOEM via engagement with the Community Steering Committee, Regional Tribal Steering Committee and other community-driven governance structures for each fund or lease stipulation as applicable (see Table 2, ii, iii). BOEM should give Lessees 6 months to come into compliance with any conditions not currently met, or subject them to a fine structure.</p>
3.	<p>What level of credit should BOEM offer in exchange for bidders entering into a CBA, and how does that level affect receipt of fair return to the United States?</p>	<p>A bid credit package equivalent to 50% of the total auction bid is necessary to provide early investment in rural, Tribal and under-resourced regions of the United States, and enable economic growth at a pace that avoids historic harms created by similar industries in this region. As incentive to bidders for selecting the bid credit package, and in recognition of developers administrative costs associated with bid credits, a discount of 10% for each bid credit should be applied to the new bid credits proposed. The 10% discount for the bid credits, as outlined per credit above, reflects a streamlined approach proposed here where bid credits apply to funding mechanisms and financial commitments, and have a reduced role for developers in the administrative components within the region. See sections II-III for</p>

		further detail.
4.	If BOEM grants a bidding credit for a CBA, at what point in BOEM’s renewable energy leasing process must the CBA be executed?	This should occur as early in the process as possible, prioritizing funding payments first, and with added bid credit discounts for earlier payments, or additional payments (as described above). This will provide resources for the region to engage in all types of offshore wind related processes moving forward. See details under each bid credit above.
5.	Should the two CBA credits BOEM discussed above be combined?	No, each will have their own governance structure.
6.	Should executed CBAs be posted publicly?	Yes, this will promote project transparency and can serve as a model for other areas pursuing wind development projects and other similar industries.
7.	What disclosures/certifications should be required to be part of any CBA? Anything else BOEM should take into consideration when evaluating the use of CBAs?	In this proposal, which is a combination of lease stipulations and bid credits, the regions will be responsible for disclosures and certifications of this kind, as a part of an overall transparency, equity, and inclusivity strategy.
8.	Should BOEM explicitly allow a Lessee’s CBA to include payments into a mitigation or innovation fund? For example, funds established or created to address fishermen’s gear changes, technology improvements that minimize impacts, lost revenue, or other various impacts potentially resulting from the development of the Lease Area. If so, what metrics should BOEM use to evaluate whether the use of the fund is acceptable in meeting OCS Lands Act goals such as leading to expeditious and orderly development of the OCS?	N/A - Fund governance entities will determine direction on fund payments and investments. BOEM may request semi-annual reporting of the investments from the governance entity(s).
9.	Is offering a bidding credit to enter into a CBA the most effective method to encourage similar types of agreements between developers and stakeholders or community groups, or is there a more effective format BOEM should consider? Commenters should consider that bidding credits must be consistent with BOEM’s authority under the OCS Lands Act.	This comment letter proposes leaving Community Benefit Agreements (CBAs) outside the BOEM leasing process, and instead uses lease stipulations for developer requirements, and bid credits for certain types of funds.
e.	The Definition of “Affiliated Entities” p. 37	
	Context BOEM is prohibiting “affiliated entities” from bidding against each other in an auction. This measure limits a single entity to bidding on and winning a single lease. BOEM seeks comments on the definition and concepts of affiliation contained in Section 3 of the Proposed Sale Notice. Furthermore, in past lease	We support affiliated entity approaches that balance several factors: a) the need for market competition / affordability of offshore wind generation, b) limited port space to support a

	sales, BOEM’s definition of “affiliated entities” was tied to direct or indirect ownership or control of one entity over another. This effectively prevented a bidder and several subsidiaries from bidding in the same lease sale. This definition, however, does not explicitly preclude bidding by multiple entities that have formed agreements with the effect of circumventing the spirit of a one-per-customer sale.	large number of developers, c) equity and diversity in the developer space, and d) capacities to engage, create strategic partnerships with, and ensure compliance from a manageable number of developers in a particular region.
	“BOEM requests comment on revising the definition of ‘affiliated entities’ for this sale to include bidders that have, prior to the auction, entered into agreement with each other that is related to the disposition of leases offered in either of the auctions.”	No comment at this time.
	“BOEM invites comment on whether this adjustment to the definition of ‘affiliated’ sufficiently promotes the objectives of a “one-per-customer” sale. ”	No comment at this time.
f.	Tribal Governments, Ocean Users, Underserved Communities, Agencies, and Other Stakeholders Engagement and Reporting p. 37-38	
	Context “BOEM is proposing to require a semi-annual progress report and minimum engagement requirements. Within the progress report, Lessees would be required to identify Tribes and parties potentially affected by proposed activities and provide updates on engagement activities, impacts on or benefits to the Tribes and parties from proposed activities, and how, if at all, a project proposal has been informed or altered to address those impacts or benefits, as well as any planned engagement activities during the next reporting period.”	
	BOEM seeks comment on this progress report and engagement concept generally.	We agree with the proposed semi-annual/six-month reporting schedule. BOEM should ensure financial resources for engagement are institutionalized for the lifetime of the leases, in a manner that prioritizes regional and social equity. Additionally, this progress report should contain adequate and timely information to preserve transparency, monitoring, compliance, and public accountability.
	BOEM also seeks specific comments on how to improve the frequency, duration, and sustainability of collaborative engagement among these parties ; and on the contents, timing, and review of progress reports.	Ensure financial resources for engagement are institutionalized for the lifetime of the leases, prioritizing equity. In addition to the aforementioned funds, financial resources for reporting and community engagement should be a key aspect of the minimum

		engagement requirements, including development and implementing the Environmental Justice and Native American Tribes Communication Plans, and compensating community members as recommended.
g.	Uniform Layouts p. 38	
	BOEM seeks comment on whether BOEM should consider uniform and aligned turbine layouts in the Lease Areas . Would the establishment of uniform turbine layouts negate the need for vessel transit measures and/or areas of no surface occupancy?	No comment at this time.
h.	Industry Standards for Environmental Protections p. 38	
	Are there new industry standards (e.g., technology standards, vessel standards, etc.) for environmental protection for any phase of development that BOEM should consider?	Yes, see revised Environmental Protections sections above. BOEM should require lessees to incorporate new technology as it is accepted to promote environmental protections.
i.	Vessel Transit p. 39	
	BOEM welcomes comments on measures to facilitate vessel transit and continuance of existing uses within the Lease Areas . Such measures may include areas of no surface occupancy where surface structures will not be permitted. If areas of no surface occupancy are warranted, BOEM welcomes comment on the preferred placement and orientation (e.g., length, width, etc.) that would facilitate continuance of existing uses.	The CORE Hub will engage with the US Coast Guard on its Pacific Coast Port Access Route Study (PAC-PARS) related to the Humboldt Wind Energy Area development and shore-side activities.
	BOEM asks commenters to submit technical and scientific data in support of their comments.	
XII.	Auction Procedures	
b.	The Auction	
	Context The precise auction process will depend on limitations, to be established in the FSN, on the number of Lease Areas a bidder can bid for and win. BOEM is proposing that bidders will be able to bid for at most one Lease Area in the offered Central Coast Region at a time and for at most one Lease Area in the offered North Coast Region at a time. Ultimately, a bidder could win a maximum of one Lease Area in the Central Coast Region and one Lease Area in the North Coast Region, as described in section XIII.(b)(i), below. Ultimately, a bidder	We support approaches to the number of lease areas a bidder can bid for and win that balance several factors: a) the need for market competition / affordability of offshore wind generation, b) limited port space to support a large number of developers, c) equity and diversity in the developer space, and d) capacities

	<p>could win a maximum of one Lease Area in the Central Coast Region and one Lease Area in the North Coast Region, as described in section XIII.(b)(i), below.</p>	<p>to engage, create strategic partnerships with, and monitor and ensure compliance from a manageable number of developers in a particular region. If BOEM implements our proposed lease stipulations and bid credit package to prioritize auction winners, the region will be in a far better position to work with an array of developers, but the winning bids must be selected based on developers' demonstrated intent to work with the regions in partnership, through selection of bid credits and full acceptance of and compliance with proposed lease stipulations.</p>
	<p>BOEM also requests comments on an alternative limitation, whereby bidders would be permitted to bid for at most one Lease Area in total at a time, and ultimately win at most one Lease Area in total, as described in section XIII.(b)(ii), below.</p>	<p>We support approaches to the number of lease areas a bidder can bid for and win that balance several factors: a) the need for market competition / affordability of offshore wind generation, b) limited port space to support a large number of developers, c) equity and diversity in the developer space, and d) capacities to engage, create strategic partnerships with, and monitor and ensure compliance from a manageable number of developers in a particular region. If BOEM implements our proposed lease stipulations and bid credit package to prioritize auction winners, the region will be in a far better position to work with an array of developers, but the winning bids must be selected based on developers' demonstrated intent to work with the regions in partnership, through selection of bid credits and full acceptance of and compliance with proposed lease stipulations.</p>
<p>b.ii.</p>	<p>If bidders are allowed to bid for and win one Lease Area: All of the Lease Areas would be offered in a single auction, and there would be no distinctions made between the North Coast and Central Coast Regions within the auction process. A bidder</p>	<p>See comment above.</p>

	<p>would not be required to select in its BFF the region in which it is bidding and would supply a single deposit. Under this proposal, a bidder could bid for at most one Lease Area at a time and ultimately win at most one Lease Area, but a bidder could switch its bids among Lease Areas between rounds.</p>	
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APPENDIX 1 - Bidding Credit + Stipulation Calculation Chart

This chart is generated using a scenario that demonstrates financial commitment calculations if a \$100 million final asking price is paid on one of Humboldt WEA's two lease areas with the bidding credits and stipulations outlined in the CORE Hub PSN Public Comment Letter. The bidding credit calculations chart in the PSN only includes bidding credits as stipulations and does not include specific monetary commitments. This chart **does NOT depict the bid credits and stipulations in various combinations**. All values rounded to the nearest dollar.

Bid Credit/ Stipulation	Asking Price of Lease Area	Cash Bid	Percent Credit	Credit Value	Additional Commitment from Stipulations	Commitment from Bid Credits	Notes
Workforce Training and Supply Chain Development Bid Credit	\$100,000,000	83,333,333	20%	16,666,667	n/a	15,000,000 (90% of 30% of the cash bid)	
Lease Area Use Bid Credit	\$100,000,000	97,087,379	3%	2,912,621	n/a	2,621,359 (90% of 3% of the cash bid)	
North Coast Community Benefits Fund Stipulation	\$100,000,000	n/a	n/a	n/a	\$5,000,000	n/a	
North Coast Community Benefits Bid Credit (a)	\$100,000,000	90,909,091	10%	9,090,909	n/a	4,545,455 (50% of 10% of the cash bid)	Note that bidders should receive additional credits if they commit to further contributions to the fund.
North Coast Community Benefits Bid Credit (b)	\$100,000,000	90,909,091	10%	9,090,909	n/a	3,636,364 (40% of 10% of the cash bid)	
Regional Tribal Capacity Fund Stipulation	\$100,000,000	n/a	n/a	n/a	\$5,000,000	n/a	
Regional Tribal Capacity Fund Bid Credit (a)	\$100,000,000	90,909,091	10%	9,090,909	n/a	4,545,455 (50% of 10% of the cash bid)	Note that bidders should receive additional credits if they commit to further contributions to the fund.
Regional Tribal Capacity Fund Bid Credit (b)	\$100,000,000	90,909,091	10%	9,090,909	n/a	3,636,364 (40% of 10% of the cash bid)	
Tribal Fisheries Benefit Fund Stipulation	\$100,000,000	n/a	n/a	n/a	\$1,500,000	n/a	
Tribal Fisheries Benefit Fund Bid Credit	\$100,000,000	97,087,379	3%	2,912,621	n/a	1,165,049 (40% of 3% of the cash bid)	

Environmental Research and Monitoring Fund Stipulation	\$100,000,000	n/a	n/a	n/a	\$1,500,000	n/a	
Environmental Research and Monitoring Fund Bid Credit	\$100,000,000	96,153,846	4%	3,846,154	n/a	1,538,462 (40% of 4% of the cash bid)	Note that bidders should receive additional credits if they commit to further contributions to the fund.

APPENDIX 2 - Community Consultation

The CORE Hub has engaged and consulted with a diverse cross section of interests from the region to begin to understand what is important about how offshore wind is developed so that we can ensure the North Coast thrives into the future. This process has included landscape scan interviews with 70 leaders from across the community, representing 46 organizations, governments and agencies, where we learned about community interests, concerns and ideas for community benefits and investments. We have also partnered with California Indian Legal Services in holding two regional Inter-Tribal Offshore Wind Forums, where 9 Tribal Nations and 26 councilmembers and staff leaders participated, and additional conversations and presentations have taken place with individual Tribes. We have also partnered with True North Organizing Network to outreach to and engage in conversations with Spanish-speaking communities in Eureka and Loleta about their interests in and concerns about offshore wind. So far they have met with over 40 community members. We have also partnered with Redwood Community Action Agency to outreach and dialogue with residents of the Fairhaven, Samoa, and Manila Peninsula communities to incorporate perspectives of those communities directly surrounding the immediate onshore development areas. Finally, over the last 1.5 months, the CORE Hub has convened a network of 33 governments, organizations and agencies, and resident community leaders to collectively understand the Proposed Sale Notice and develop recommendations for how the leasing and auction processes could further evolve to meet the needs of the North Coast region in a way that will help not only this place but the industry to thrive into the future. It is out of this rich mix of consultation, collaboration and engagement that the CORE Hub and our partners have developed comments on and recommendations for BOEM as you move forward into confirming the Final Sale Notice.