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California*

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## **Goals for an Effective Permitting Roadmap**

*Additional submitted attachment is included below.*



**Meeting California's 25 GW Offshore Wind Goal  
Key Elements of an Effective and Efficient AB 525 Permitting Roadmap  
September 29, 2022**

Assembly Bill (AB) 525 requires the California Energy Commission (CEC), in consultation with other state, local and federal agencies, tribes and affected stakeholders, *to develop and produce a permitting roadmap that describes timeframes and milestones for a permitting process for offshore wind energy facilities and associated electricity and transmission infrastructure off the coast of California.*<sup>1</sup> To be effective, the Permitting Roadmap (Roadmap) has to be more than a list of permits and approvals. The Roadmap needs to establish a coordinated permitting process that commits all relevant state agencies to using an efficient process by which project developers can navigate through the variety of environmental reviews and approvals that will be needed to successfully plan, construct, and operate an offshore wind energy project.

In particular, the Roadmap should: 1) identify a lead office or appointee and representative of the Governor who will be given responsibility for and authority to oversee the implementation of the Roadmap; 2) provide a framework for sequencing the permitting process with one or more mechanisms for interagency dispute resolution and real-time troubleshooting; 3) develop a schedule and timeframe to complete the permitting process consistent with the federal permitting timeline; and 4) establish a deadline for participating agencies to enter into a memorandum of understanding (MOU) or coordinated permitting plan (CPP) to meet Roadmap objectives.

**Political Leadership**

Offshore wind permitting requires strong political leadership to achieve the state's offshore wind goals in an efficient, timely manner and with positive environmental outcomes. The Roadmap should identify a responsible lead agency that has the infrastructure and resources necessary to provide oversight of the permitting process and help maintain agency coordination and commitments. Ideally, the leadership role for an offshore wind permitting process should be filled by a non-trustee agency or other agency not directly responsible for offshore wind permitting. This could be the Governor's office or the Energy and Climate Unit at the California Governor's Office of Business and Economic Development (GO-Biz), for example.

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<sup>1</sup> Section 25991.5 of AB 525 states: (a) The commission shall develop and produce a permitting roadmap that describes timeframes and milestones for a coordinated, comprehensive, and efficient permitting process for offshore wind energy facilities and associated electricity and transmission infrastructure off the coast of California. (b) In developing the permitting roadmap, the commission shall consult and meaningfully collaborate with all relevant local, state, and federal agencies, including, but not limited to, the California Coastal Commission, the Department of Fish and Wildlife, and the State Lands Commission, interested California Native American tribes, and affected stakeholders. (c) The permitting roadmap shall include a goal for the permitting timeframe, clearly define local, state, and federal agency roles, responsibilities, and decision-making authority, and include interfaces with federal agencies, including timing, sequence, and coordination with federal permitting agencies, and coordination between reviews under the California Environmental Quality Act (Division 13 (commencing with Section 21000)) and the federal National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.). (d) The commission shall provide an opportunity for stakeholder input in the development and communication of the permitting roadmap and an opportunity for public comment on a draft permitting roadmap. (e) The findings resulting from activities undertaken pursuant to this section shall be included in the chapter of the strategic plan relating to permitting as specified in paragraph (4) of subdivision (c) of Section 25991. (f) On or before December 31, 2022, the commission shall complete and submit the permitting roadmap to the Natural Resources Agency and the relevant fiscal and policy committees of the Legislature.

## **Sequencing**

Absent a change to existing law, the California Environmental Quality Act (CEQA) Lead agency is likely to be the California State Lands Commission, provided a local entity does not have jurisdiction over granted tidelands. The CEQA lead agency will need the ability to rely upon a framework that sequences permitting steps and requirements to meet the permitting schedule proposed by the Roadmap and for all parties to have certainty in the process. The CEQA lead agency will be responsible for coordinating and moving the permitting process forward while relying on the responsible and trustee agencies for their subject matter expertise and input into the potential effects to resources under their respective jurisdictions. The CEQA lead agency will prepare the technically and legally defensible CEQA document, which will include a review of studies and reports by the pertinent responsible or trustee agencies, and will also provide an opportunity for those agencies to weigh in on the methodology used for analyses.<sup>2</sup>

## **Schedule**

A logical sequencing of the necessary environmental reviews and permitting steps can be used to develop the overall schedule to implement the Roadmap. The schedule will also need to depict when during the CEQA process project proponents should engage responsible agencies and affected stakeholders and when responsible and trustee agencies are expected to provide their reviews and comments on the CEQA draft environmental impact report. A detailed Gantt chart that depicts timeframes for reviews, cooperative agency meetings, and due dates can help facilitate an efficient process and help participants meet their time commitments. The schedule and sequencing need to account for early engagement and coordination with leaseholders and state agencies to ensure that data gathering is conducted, and reports and studies are prepared in a manner consistent with state agency needs.

## **Agreement**

The Roadmap should also have a mechanism that commits all involved agencies to the proposed schedule and sequencing. This can be in the form of an MOU or CPP. This mechanism needs to be agreed to and signed by the responsible oversight agency and the leadership of each participating agency. This MOU or CPP is to be used by the political leadership entity to provide oversight, coordination, dispute resolution, and keep the permitting process on track both within the state agencies and with federal partners.

## **Funding**

Finally, the Roadmap needs a reliable source of long-term funding that provides assurances that state agencies can participate effectively from early engagement through CEQA adoption and permit issuance for offshore wind projects. The CEC and other natural resource agencies received funding in 2021 and 2022<sup>3</sup> to assist in staffing and administrative costs associated with offshore wind development and the state's permitting responsibilities. While this is an important start, offshore wind development and associated permitting will occur over many years. A secure source of funding is necessary for agencies to provide the capacity to ensure timely offshore wind siting and permitting (through at least 2045), which will be necessary to successfully meet the full intent and purpose of the Roadmap.

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<sup>2</sup> For example, the California Department of Fish and Wildlife (CDFW) not only will review any biological assessment, survey reports and studies, but they also may have specific requests related to surveys and studies that differ from their federal counterparts; the California Air Resource Board will likely want to review and approve the applicant's proposed air emissions modeling and analysis approach as well as any subsequent air emissions analysis and report; review by CDFW and the Coastal Commission of the analysis of potential impacts to commercial fisheries and associated marine related businesses would be needed, among others.

<sup>3</sup> Assembly Bill (AB) 128, AB 179 and AB 205 included funding to the CEC and natural resource agencies for planning activities and administrative costs related to offshore wind development in California.



	Year 1		Year 2		Year 3		Year 4		Year 5		Year 6				
	Quarter														
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
<b>Permitting Framework*</b>															
BOEM Auction/Lease															
Site Investigation and Construction and Operation Plan Preparation (assumes lease issuance 3 months after lease auction)															
Applicant Conducts Surveys/Prepares COP**															
BOEM Construction and Operation Plan (COP) Sufficiency Review															
BOEM Deems COP Sufficient/Complete															
<b>CEQA and State Permitting</b>															
Notice of Preparation of an Environmental Impact Report															
Prepare Draft Environmental Impact Report															
Notice of Availability of Draft Environmental Impact Report															
Prepare Final Environmental Impact Report/Response to Comments															
Notice of Availability of Final Environmental Impact Report/Response to Comments															
Issuance of a Notice of Determination (NOD)															
CDFW Section 1600 Streambed Alteration Agreement															
CDFW Incidental Take Permit															
CCC Consistency Certification (Coastal Development Permit)															
CSLC Tidelands Lease															
National Pollutant Discharge and Elimination System (NPDES) Construction General Permit															
Regional Water Quality Control Board Clean Water Act Section 401 Permit															
State Parks easement (beach crossing)															
Assembly Bill (AB) 52 Tribal Consultation															
State Agency Coordination/CEQA Review Participation (to facilitate the Roadmap)***															
<b>BOEM NEPA EIS and Federal Permitting (Applicant Project)</b>															
NEPA EIS Notice of Intent and Scoping															
Prepare Draft Environmental Impact Statement (EIS)															
Draft EIS Notice of Availability and Comment Period															
Prepare Final EIS															
Notice of Availability of Final Environmental Impact Statement															
Record of Decision (BOEM USACE, NMFS are signatories)															
USFWS/NMFS Endangered Species Act Section 7 Consultation															
Applicant Prepares Biological Assessments															
Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) Section 305(b) Essential Fish Habitat Consultation															
National Historic Preservation Act Section 106 Consultation															
CCC Consistency Certification (see State Process)															
Bald and Golden Eagle Protection Act Incidental Take Permit, Migratory Bird Treaty Act Compliance															
US Coast Guard Private Aids to Navigation Application															
Individual Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899															
Individual Clean Water Act (CWA) Section 404 Permit															
Clean Air Act Outer Continental Shelf Permit															
Marine Mammal Protection Act (MMPA) IHA Permit															

\*This timeline is presented to illustrate the complexities of permitting an offshore wind project in the State of California and the need for a coordinated state and federal process.  
 \*\*Note, there are several permits/consultations required at the site investigation stage not depicted here for activities in State Waters (e.g. consultation with SHPO, G&G survey permit from CSLC, etc.). In addition, many state agencies will want to weigh in on specific requests they have for site investigation and COP contents to meet their regulatory needs. Individual projects may not require all permits/approvals listed here and/or other permits/approvals may apply.  
 \*\*\*This row is intended to illustrate the multiple points at which state agency coordination will be needed from site investigation/early engagement through the completion of the CEQA process.