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*Comment Received From: Mike Conroy
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**Comment on AB 525 Workshop in Identifying Suitable Sea Space
for OSW Development**

Additional submitted attachment is included below.

June 19, 2023

To: California Energy Commission
Chair David Hochschild
Fr: Mike Conroy, West Coast Director, Responsible Offshore Development Alliance

Apologies for the disjointed approach to this comment. I originally planned on submitted remarks I had prepared for the June 1, CEC Workshop. Based on recent events, I am adding some introductory comments as well.

Below is what I had intended to offer as initial remarks during the June 1, CEC workshop on Sea Space, Impacts and Mitigation. I was comforted to hear support from fellow speakers, including the offshore wind industry, on the need to focus on the process for how we would identify sea space in the future. Drawing lines on a map today, may be inappropriate. It is not illogical to assume that suitable sea space today, may not be suitable 10 years from now. In the first part of the workshop Ken Bates hit on an important point –fisheries with no historic dependence on areas covered by leases; will lose the opportunity for future access to those areas. As Pacific Bluefin tuna continues to recover, we are seeing a shift in its range to the North. It is foreseeable the lease sites off Morro Bay could be important to commercial and recreational Pacific Bluefin fisheries during the 39-year lease term; but those waters could be inaccessible to those fleets. A prime example is the fishery for Pacific bluefin tuna.

In April of this year, the Pacific Fishery Management Council (PFMC) submitted a letter to Oregon Governor Kotek and BOEM¹ asking them to rescind the Call Areas off Oregon due, in part, to the importance of those areas to fisheries which operate off the Oregon Coast. The PFMC then called upon BOEM to restart the process of identifying Call Areas off Oregon. On June 9, Oregon Governor Kotek along with Senators Wyden and Merkley and Representatives Hoyle and Bonamici sent a letter to BOEM asking, “BOEM pause its leasing process in order to provide Governor Tina Kotek’s administration with additional time to consult with Tribal governments, engage stakeholders in coastal communities, and assist BOEM in identifying, understanding, and responding to local concerns.”²

On April 12, the PFMC submitted a second letter to BOEM outlining a number of recommendations for improving Spatial Suitability Modeling and strengthening the Offshore Wind planning process³. I encourage the CEC to consider the points raised in this letter. It is my understanding that NMFS has been engaged in conversations with the California Department of Fish and Wildlife

The State of California has to be deliberate and thoughtful when identifying additional sea space which may be appropriate for offshore wind development.

¹ See - <https://www.pcouncil.org/documents/2023/04/april-2023-boem-offshore-wind-gov-kotek.pdf/>

² A copy of that letter is attached to this comment

³ See - <https://www.pcouncil.org/documents/2023/04/april-2023-letter-to-boem-on-offshore-wind-process-recommendations.pdf/>

My name is Mike Conroy. I am the west coast director of the Responsible Offshore Development Alliance. A national association representing the commercial fishing industry. We have over 240 members representing well over 1000 small businesses. I have operated commercial and charter fishing vessels up and down the California coast. I have a small legal consulting biz I am co-chair of the PFMC's Marine Planning Committee and vice chair of its HMSAS. Our interests are ensuring a future for our fishermen and women and dependent community.

I appreciate the comments that have preceded me and I will try to not be duplicative of those.

Five minutes is not enough time to list all potential impacts to fisheries, fishermen and women, and the dependent communities. While there may be a finite number of potential impacts we can envision today; there will surely be impacts that we cannot envision.

Impacts to long-running scientific surveys. These surveys, utilizing specific transect lines, produce datasets that are foundational to a number of efforts, including but not limited to informing on ecosystem health as well as managing marine species, habitats and fisheries. They are also instructive and informative for NOAA when determining mitigation strategies in compliance with a myriad of federal laws including ESA, MMPA, MSA, etc. Specifically regarding federal fisheries management - important commercial and recreational fish stocks are assessed by data collected during these surveys. Eliminating or changing these transects will result in increased uncertainty in those datasets, which in turn negatively impacts harvest levels for those stocks. Keep in mind, our fisheries are a resource of strategic importance. Our fishermen and women were deemed essential workers when Covid hit our state. Access to wild capture fisheries must be protected as it represents a healthy and renewable source of food protein available to society. With food security being an issue the UN reports on, we must be mindful of securing our ability to feed the nation.

There is a need to understand the cumulative impacts of industrialization of the whole Pacific Coast. Draft WEAs are imminent off Oregon, which will likely include an area that ends at the Ca/Or border and looks to connect to an area IDed during Scott's presentation. There are two unsolicited lease requests off the Washington coast totally over 700 sq miles. When analyzing impacts of meeting the state's long term planning goals, we must understand the regional impacts. What will be the impacts of 1000s of miles of 750 to 1,000 foot turbines on upwelling and other drivers of productivity in the California Current Large Marine Ecosystem, one of the world's four eastern boundary current ecosystems, which are characterized by high productivity, climatic variability, and high biodiversity? Ill-placed offshore wind facilities may disrupt important larval transport systems or important nursery and spawning locations for commercially and recreationally important fish stocks up and down the west coast.

Other effects that remain unknown or understudied include electro-magnetic fields, changes in sea water temperatures, ocean stratification and noise pollution. On the east coast there has been a spike in marine mammal strandings in and around areas where survey work is being done in support of OSW activities. Since December 1, and through the middle of last month, at least 41 large whales and 38 small cetaceans have washed up on the Atlantic Coast, with another sighted off NJ today. While there is no conclusive evidence linking these deaths to site survey work, there

is no conclusive evidence absolving those activities. The absence of evidence is not evidence of absence. NMFS has a webpage dedicated to authorized and proposed takes of marine mammals for offshore energy projects. For all proposed and authorized take requests of marine mammals off the east coast, over 600,000 marine mammals will be subject to level B takes while 1,188 will be subject to level A takes. We expect to start seeing requests for incidental harassment authorizations for the Ca leases soon.

Switching over to mitigation strategies. I do want to thank the CEC (Scott and Danielle in particular), the SLC and CCC for their efforts in engaging with a sometimes thankless stakeholder group. Conversing with and gaining an understanding of nuances of the many fisheries that stand to be impacted, is paramount to mitigation being successful. Fishermen's traditional knowledge has to be incorporated at ALL stages of mitigation conversations. I appreciated Steve's presentation but I would encourage him to talk to the fishing industry (harvesters, buyers, etc).

The most obvious is slow down - use the 5 lease sites off Ca as pilot projects to allow us all to learn from them.

Impacts are already occurring. Our seafood suppliers, and dependent community, are spending countless hours participating in a BOEM process that many feel is a failure. Permit and vessel values are dropping as a result of the lease sales and the spectre of losing access to another 3000+ square miles of ocean space. Further impacts will occur when site assessment and characterization activities begin. Important recreational and commercial fish stock will likely vacate the areas during those activities. Conversations surrounding mitigation cannot overlook impacts which have and will continue to occur before construction begins.

Without regard to whatever mitigation strategies are considered, they have to be nimble and adaptable. They must also be responsive to the needs of those who will actually be impacted. This is particularly important to future conversations surrounding compensatory mitigation. There will be impacts felt which have not been identified and identified impacts that will differ in scope and scale than currently envisioned.

June 9 letter from Oregon Governor Tina Kotek, Oregon Senators Wyden and Merkeley, and Oregon Congressional members Hoyle and Bonamici.



June 9, 2023

The Honorable Elizabeth Klein
Director
Bureau of Ocean Energy Management
1849 C Street NW
Washington, D.C. 20240

Dear Director Klein,

We write to share the considerable concern that we continue to hear from Oregon's coastal communities about the Bureau of Ocean Energy Management's (BOEM) ongoing process for identifying wind energy areas and preparing lease sales for floating offshore wind off the Oregon coast. Industrial-scale floating offshore wind is a nascent technology both inside and outside of the United States, and it is important that we fully evaluate the impacts that it may have on ecosystems, the economy, and ratepayers before moving forward. We ask that BOEM pause its leasing process in order to provide Governor Tina Kotek's administration with additional time to consult with Tribal governments, engage stakeholders in coastal communities, and assist BOEM in identifying, understanding, and responding to local concerns.

We have strongly supported the Biden Administration's work to take bold action to combat climate change and improve our nation's energy security while creating high-quality jobs. Oregon has been a leader in adopting ambitious climate programs that strongly support and align with the Administration's goals. Floating offshore wind on Oregon's south coast could be a key component of a diverse energy portfolio to realize these goals. It would also create middle-class jobs and diversify and bolster the region's natural resource-dependent economy. However, any offshore wind project must be done responsibly and in collaboration with local communities, including fishing and Tribal stakeholders.

The BOEM process has created significant friction with coastal communities, the fishing industry, and Tribal governments. Many valid questions and concerns remain about floating offshore wind. These must be addressed transparently before we can support proceeding further towards any substantial development decisions on the Oregon coast. Additional time would allow the State of Oregon to develop a more coordinated approach with the federal government to provide a deeper appreciation of community interests, to engage in meaningful Tribal consultation, and to develop opportunities to avoid and mitigate potential conflicts.



As part of the State of Oregon's efforts to develop a more coordinated approach, we ask that BOEM provide transparent and easily understood information about how the agency is identifying wind energy areas, including analysis on whether areas beyond 1300 meters in depth could be suitable. Fully and transparently examining all opportunities that may exist to reduce conflict with other ocean users is important to achieve successful deployment of wind technology on the Oregon coast and durable partnerships in the years ahead.

We look forward to continuing to work with you and stakeholders in Oregon to ensure the best possible outcome in this process.

Sincerely,

Tina Kotek
Governor of Oregon

Ron Wyden
United States Senator

Jeffrey A. Merkley
United States Senator

Val Hoyle
Member of Congress

Suzanne Bonamici
Member of Congress