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*Comment Received From: Jacqueline Moore*  
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**PMSA comments Draft Ab 525 Plan**

*Additional submitted attachment is included below.*

February 22, 2024

California Energy Commission  
Docket Office  
1516 Ninth Street  
Sacramento CA 95814

*Submitted electronically in response to Docket No. 17-MISC-01*

**Comments RE: Draft California Energy Commission Assembly Bill 525 Offshore Wind Strategic Plan (January 19, 2024)**

On behalf of the members of the Pacific Merchant Shipping Association (PMSA), we appreciate the opportunity to provide comments on the “Draft California Energy Commission Assembly Bill 525 Offshore Wind Strategic Plan” (Draft Plan). PMSA is a nonprofit trade association which represents owners and operators of U.S. and foreign flagged vessels operating along the U.S. West Coast and marine terminal operators at California public ports.

The commercial maritime industry has a significant interest in offshore wind energy development: PMSA member company vessels will import the turbines and components; PMSA member company marine terminal and stevedore members will load and unload offshore wind equipment; PMSA members have already entered the offshore support vessel space; and, the commercial maritime industry is a major ocean space user with a vested interest in the safe, economical, and continuous maintenance of vessel traffic lanes.

After much engagement with the California Energy Commission (CEC), we are appreciative that the commercial shipping industry is recognized as “a large ocean user” and that our interests are therefore “an important consideration.” (Vol II Draft Plan, page 116). We are also appreciative that the Draft Plan includes the US Coast Guard (USCG) Pacific Coast Port Access Route Study (PAC-PARS) map recommendations (Vol II Draft Report, page 118).

However, much is still to be desired as the Draft Plan lacks any effective identification and analysis of potential impacts to the commercial shipping industry. Offshore commercial maritime uses need to be evaluated as other ocean users and resources are, and as required per Assembly Bill 525 (Chiu, 2021).

All other identified stakeholders in the Draft Plan have their potential impacts individually analyzed with subsequent mitigation recommendations. This is consistent with AB 525, which compels CEC to assess potential impacts to stakeholders. Ocean-going vessel traffic and the commercial maritime industry are also such stakeholders. It is of critical importance that

issues of navigational safety and maritime commerce, along with all other shared activities and waterway stakeholder impacts, be appropriately considered.

It is a lost opportunity, and a potential violation of the spirit and intent of AB 525, to not “identify and develop strategies” of potential impacts to the commercial shipping industry. This is because the “goal of prioritizing least-conflict ocean areas and ... comprehensive planning” cannot be secured without such effort. The “least-conflict ocean areas” will necessarily experience the fewest impacts to commercial vessels navigation. Thus “comprehensive planning” should avoid a result where the leased areas and further Areas of Interest are directly in the path of internationally recognized vessel traffic routes and fairways or increased risk of allision and collisions. Such planning should ensure that any structure in the ocean and additional vessels introduces the least amount of new risks to both personnel and property, least risk of fuel and oil spills, and, potentially, the least impacts to mammals and air emissions due to longer routing to the west, which has yet to be studied. *This Draft Strategic Plan presents the critical opportunity to formally identify, assess and publish these impacts.* Unfortunately, no such impacts and risks have been actually identified or assessed by CEC.

Fortunately, CEC has already recognized that for its planning considerations to be comprehensive the Draft Plan must consider impacted groups “not required by AB 525,” and have included “recommendations to address the potential impacts of offshore wind on underserved communities are included.” (Vol II, Draft Plan page 269). This same sound rationale applies to the commercial shipping industry, as a major ocean user, in this strategic effort.

As such, PMSA, proposes and welcomes the opportunity to collaborate with CEC, the many other state agencies involved, Bureau of Ocean Energy Management and Moffatt & Nichol to draft the identification, analysis and recommendations to ensure such language is included in the impending Final AB 525 Offshore Wind Strategic Plan. PMSA offers the following observations and comments on the three volumes of the Draft Plan:

#### **Volume I, Draft Plan Overview**

- Volume I, the Overview, fails to note the commercial maritime industry as a stakeholder and potential impacts, outside of identifying suitable sea space. The industry, as discussed above and in previous comment letters, warrants more than simply being listed as a conflict.

#### **Volume II, Draft Plan**

- Again, PMSA is appreciative that the commercial shipping industry is recognized as a large ocean user and inclusion of the map of the USCG PAC-PARS recommendations. It is agreed upon that further collaboration and discussion are needed between the shipping industry and state and federal governments (page 116). However, the current lanes and

proposed PAC-PARS fairways, which are designated areas for vessel traffic to promote safe and unobstructed navigation, “occupy a significant amount of the leased and remaining available identified sea space” and the impacts and recommendations *can be identified straightaway for the Final Strategy Plan*.

### **Volume III, Draft Plan**

- To be inclusive and ensure that all impacts identified and mitigated, as per AB 525, the following section and sub-sections should be included, mirroring the identifies stakeholders:
  - Commercial Shipping Operations
    - Offshore Impacts
    - Ports and Harbors Impacts
    - Onshore Impacts
    - Commercial Shipping Operations Mitigation Strategies
- Marine Vessel Use, Speed, and Location Restrictions section should be clarified that those identified restrictions are for only for offshore support vessels for the construction, investigation and operation activities.
- The Fisheries, Commercial and Recreational, Offshore Impacts Hazards to navigation for fishing activities only from increased vessel traffic was noted.
- Nearly all impacts noted in the Ports and Harbors section would also be true for the commercial shipping industry.
- Minimize Obstructions of Port Facilities Usage section notes that to ensure shared use, facilities should be “designed to allow shared use [...] by commercial and recreational fishing, aquaculture, and the offshore wind industry” (Page 27). As ports are primarily built to support the commercial maritime industry, it is a significant and glaring omission to not include commercial port operations and commercial shipping vessels here.
- The Minimize Conflicts within Shipping Lanes and Transit Corridors section is identified only as it relates to fishing activities; the commercial ships in those Shipping lanes should also be assessed.
- Department of Defense Operations Mitigation Strategies section notes risk of anchor snagging on underwater mooring cables or electrical cables by U.S. Department of Defense (DOD) vessels. The same would be true of commercial shipping vessels in non-DOD anchorage zones and must be analyzed. This is an important and timely concern. PMSA wishes to mitigate all anchorage risks due to offshore infrastructure, including pipelines and electric transmission lines.
- Transportation Mitigation Strategies section includes shipping lanes only as it relates to offshore support vessels, omitting commercial shipping.
- Air Quality and Greenhouse Gas Emissions fails to include the potential increase in emissions from commercial shipping vessels experiencing a longer transit due to location of offshore wind projects. Section also fails to include an analysis if the


California Air Resources Board Commercial Harbor Craft regulation applies to offshore support vessels.

- No map or Additional Information is presented for the commercial shipping industry, as with all other groupings. CEC already has this information, as a graphic is included in Volume II. As Volume III comprises of the technical appendices, it is vital to be included as well.
- Supporting Data and Studies section fails to include the USCG GIS data and PACPARS study, as well as any Automatic Identification System (AIS) data.

The driving purpose of AB 525 and this Draft Study is for California to seize the opportunity to set a more-inclusive standard and establish the model for addressing these ocean spatial planning issues in a way which adequately incorporates commercial waterway users and navigational safety concerns. This Draft Plan is expected to act as the template for comprehensive planning by other states, especially here on the West Coast with interest offshore Oregon and Washington. As such, PMSA urges CEC to endeavor to be inclusive in order to ensure the most feasible and least impactful offshore wind energy projects possible. We will assist in any way to ensure the Final Strategy Plan is comprehensive in this regard.

PMSA looks forward to continued collaboration with CEC. Please do not hesitate to contact me at [jmmoore@pmsaship.com](mailto:jmmoore@pmsaship.com).

Respectfully,

A handwritten signature in cursive script that reads "Jacqueline M. Moore". The signature is written in black ink on a light-colored background.

Jacqueline M. Moore  
Vice President