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**AB 525 Comments from Santa Ynez Band of Chumash Indians**

*Additional submitted attachment is included below.*

# SANTA YNEZ BAND OF CHUMASH INDIANS

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April 8, 2024

California Energy Commission (“CEC”)

RE: AB 525 Comments due April 26, 2024

To the CEC:

The Santa Ynez Band of Chumash Indians (“Santa Ynez Band” or “Tribe”) support both Governor Newsom and President Biden in their support for offshore wind energy as an alternative source of energy. However, BOEM cannot take shortcuts in the NEPA and NHPA 106 processes. The Tribe remains committed to working with BOEM to successfully negotiate its environmental review.

The Tribe dates its participation in the Morro Bay Wind Energy Area (WEA) to the 2018 unsolicited application of Trident Winds, LLC. The Tribe provided both comments and a Section 106 consultation request to Trident Winds. Two years later the Tribe entered into a Programmatic Agreement (PA) between BOEM, SHPO, ACHP and the Tribe to begin to resolve impacts to historic properties pursuant to Section 106 of the National Historic Preservation Act (Section 106). The next year in 2021 the Tribe again provided comments for the Morro Bay Call Area and restated its Section 106 consultation request for Morro Bay. In 2022, the Tribe also provided extensive comments to the Morro Bay Draft Environmental Assessment (EA). A summary of this five (5) year comment period is as follows:

10-03-2018 Unsolicited Application for OCS lease for Trident Winds, LLC, Morro Bay

11-28-2018 Request for Section 106 Consultation for OCS offshore CA and Trident

01-22-2020 Programmatic Agreement OCS Renewable Energy BOEM, SHPO, ACHP & Tribe

01-01-2021 Comments for Morro Bay Call Area

12-08-2021 Section 106 consultation request for Morro Bay WEA & TCL Study Request

02-07-2022 Humboldt WEA draft EA Comments

05-06-2022 Morro Bay WEA Draft EA Comments

The Tribe is now being invited to participate in the CEC draft Strategic Plan for Offshore Wind Development beginning with the effective date of AB 525 on January 1, 2022. The Strategic Plan is guided by three AB 525 interim reports, adopted between August 2022 and May 2023 with final comments due on April 26, 2024.

The Tribe sympathizes with the initial opposition of some federal recognized and non-federally recognized tribes to offshore wind but believes such opposition is premature. None of these tribes participated to our knowledge in the BOEM process. Saying in the AB 525 process that tribes were not given an opportunity to participate conflicts with the five (5) years of extensive document review by the Santa Ynez Band.

In fact, since there were no tribal comments to the Humboldt WEA, the Santa Ynez Band made comments to preserve future tribal rights.

The Tribe is especially disappointed in promising tribal support for training and Community Benefit Agreements (CBAs) in the scoring of leases. In fact, there is not a single BOEM lease that has any assistance on either the east or west coast for any tribe. After five (5) years of reviewing BOEM documents, the Tribe has never been paid for its professional services. In the next phase, the lessees will have to survey their submerged lease areas. To date not one lessee has offered to hire any tribal monitors for this survey work. If the Tribe does not monitor the survey, it is impossible for the Tribe to accept any conclusions based on such surveys in any required Environmental Impact Statement (EIS).

Outside of the Morro Bay WEA, the Tribe has reached a Community Benefits Agreement with the CADEMO/Floventis offshore wind project proposed off of Vandenberg Space Force Base (VSFB). CADEMO is participating with the Tribe in establishing the Santa Ynez Chumash Oceanographic Institute (SYCOI). SYCOI will engage professional ecologists and undersea archaeologists as well as tribal monitors to assist the Tribe in monitoring any CADEMO surveys of the sea floor.

CADEMO has also partnered with the Tribe to implement a California Work Force Development Board (CWDB) High Road Training Partnership to fund classroom and internship education of tribal community members so that they can be trained to participate in environmental monitoring and compliance for the Project.

While the Santa Ynez Band of Chumash Indians is trying to remain committed to working with BOEM, the Tribe also understands the frustration and resource limitations of other non-federally recognized tribes in the Morro Bay WEA. It is conceivable that Santa Ynez may itself eventually grow frustrated with the empty CBA and training promises of the Morro Bay lessees. Already federally recognized tribes are opposing offshore wind in the Humboldt WEA.

Any questions may be referred me or Sam Cohen, Government Affairs and Legal Officer ([scohen@chumash.gov](mailto:scohen@chumash.gov), cell: 805-245-9083).

Sincerely,

*Sam Cohen*

Sam Cohen

Government and Legal Specialist