

**DOCKETED**

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October 21, 2019  
The Honorable Karen Douglas, Commissioner  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

RE: NGO Offshore Wind Coalition Comments - IEPR Commissioner Workshop on Offshore Wind

Dear Commissioner Douglas,

Our organizations appreciated the multifaceted and thorough Integrated Energy Policy Report (IEPR) workshop on offshore wind that took place on October 3, 2019. We support efforts to develop offshore wind energy resources and share the state's interest in exploring the opportunities for responsible offshore wind energy development to help meet California's clean energy goals. As the California Energy Commission (CEC) continues to explore prospective offshore wind development in California, we wish to reiterate our recommendations for advancing offshore wind energy development responsibly, in a way that incorporates a range of stakeholder considerations and minimizes local environmental impacts of offshore wind energy development.

We request that the state remain committed to prioritizing ecological considerations and protecting the ecosystem services California's marine environment provides. The state must consider at what scale and over what time period offshore wind energy development in Outer Continental Shelf (OCS) Federal Waters off California and/or in State Waters may be feasible to support California's SB100 clean energy goals by 2045. We believe that elevating ecological considerations with a focus on projected cumulative impacts and anticipated future conditions and uses is critical when identifying areas for prospective development. This approach has the dual benefits of 1) protecting California's unparalleled marine environment, and 2) ensuring that any offshore wind energy projects in Federal Waters off California are developed efficiently and with the least opposition.

I. A ROBUST PLANNING PROCESS IS NEEDED THAT USES ECOLOGICAL RESOURCE DATA TO DETERMINE LEAST CONFLICT AREAS

Our organizations and others have stated repeatedly that a state and/or federal planning process to identify areas of least conflict would provide a more streamlined decision-making process that reflects environmental and other stakeholder concerns, including stakeholders located in affected coastal communities. We believe that the state, working in partnership with BOEM or independently, should facilitate an inclusive and transparent planning process to identify least conflict lease areas.<sup>1</sup> The Desert Renewable Energy Conservation Plan (DRECP) is an example of state and federal coordination in a planning process that designated renewable energy development areas and conservation areas. The DRECP has facilitated more efficient and environmentally-sound permitting of renewable energy projects in California.

Our organizations request that CEC and BOEM fully integrate biological and ecological constraints into 1) current and future Call Areas and subsequent Wind Energy Areas (WEAs) in Federal Waters, and 2) a planning process for determining whether any State Waters are appropriate for wind energy development.

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<sup>1</sup> Some fishing communities have expressed support for this approach. In April 2014, the Pacific Fisheries Management Council wrote a letter to BOEM stating the Council's preference for such a process.

The offshore wind energy lead staff from California's state agencies are well positioned to support the IEPR in including an offshore wind energy component and a programmatic data-driven stakeholder planning process that will identify least conflict areas, taking into consideration access to transmission, in order to help inform a sustainable offshore wind energy industry for the future. Such a process would protect our unique California Current System ecologies as well as sustain an offshore wind energy industry to benefit our climate and energy goals.

## II. AVOID SENSITIVE MARINE HABITAT, INCLUDING DESIGNATED NATIONAL MARINE SANCTUARIES AND MARINE PROTECTED AREAS

Our organizations have worked with state and federal agencies to secure precedent-setting protections for State Waters, and California has the largest network of National Marine Sanctuaries (NMS) in the United States. Protecting California's marine environment is ecologically, socially, and economically beneficial. As appropriate sites are proposed and considered for offshore wind energy developments, we strongly recommend that Biologically Important Areas (BIAs) for cetaceans, designated National Marine Sanctuaries, Marine Protected Areas, Audubon Marine Important Bird Areas, and ecologically sensitive areas such as migratory corridors, and other ecologically important habitat --including designated critical habitat-- are avoided.

The Intergovernmental Panel on Climate Change *Special Report on Oceans and Cryosphere in a Changing Climate*, released on September 24, 2019, underscores the imperative of preserving intact marine habitat. Scientists recommend highly protecting at least 30 percent of the marine environment to preserve ecosystem function and enhance climate resilience. As state and federal agencies consider this new industrial ocean use, preserving the ecological integrity of known biological hotspots --including those listed above-- is critical.

Further, it is important to recognize that not all ecologically important marine areas are protected, and public input will be vital to ensure such places are identified and analyzed before siting decisions are made. Given the importance of protecting California's natural capital, which drives the state's ocean economy, we would like to work with you to ensure siting decisions reflect an unwavering commitment to protecting the marine environment. A deliberative, planning process that prioritizes environmental protection and takes into account stakeholders' interests is an opportunity to demonstrate environmental leadership that will benefit this burgeoning industry while protecting California's rich natural resources.

## III. FOCUS ON AN APPROPRIATE SIZE FOR INITIAL OFFSHORE WIND DEVELOPMENT.

Given that there are and will be data gaps and that the potential impacts of large-scale floating wind energy technology on marine resources are unknown, even with a rigorous environmental review process, we recommend that initial developments are relatively small and scale up incrementally, so that needed changes can be made to future projects based on information gathered through the implementation of a rigorous monitoring protocol that evaluates impacts during each stage of development. Because impacts of offshore wind energy on wildlife likely increase with the scale of a project, it is advisable to test relatively smaller-scale developments before permitting and constructing very large developments. The opportunity to increase development in an area should be contingent on the careful evaluation of the results of the monitoring program.

III. DEPARTMENT OF DEFENSE SHOULD NOT BE THE DE FACTO SITING AGENCY FOR OFFSHORE WIND DEVELOPMENT IN CALIFORNIA

We understand that the Department of Defense (DoD), BOEM, and the State are working cooperatively to identify potential areas for offshore wind development that will also be compatible with DoD activities. However, we are concerned that the DoD use conflict discussions are elevating DoD's role in the BOEM leasing process in Federal Waters and siting proposals in State Waters to supersede other stakeholder priorities and a robust planning process.

The DoD uses the California OCS and near shore areas intensively and extensively for military testing, training, and operations. These activities occur in the airspace, on the water, and throughout the water column on California's OCS<sup>2</sup> and in State Waters. The use of the ocean offshore of California for military purposes is so extensive that the conflicts with prospective offshore wind energy developments threaten much of the potential of developing offshore wind energy by California. By engaging in private negotiations with offshore wind developers to discover areas of potential compatibility with offshore wind development on the Central Coast or elsewhere, CEC, BOEM, DoD, and industry become the sole parties to steering development to specific areas offshore – a practice for offshore wind development that is contrary to the inclusive, science-based, and stakeholder-driven planning process we urge the State and BOEM to conduct.

When any one stakeholder entity is engaged in private negotiations with BOEM and developers, environmental or other stakeholder considerations run the risk of becoming of relatively lesser importance. Our concern is that rather than BOEM or the State identifying and selecting areas with lower environmental sensitivities, the agencies are allowing DoD concerns to override good planning principles. We urge the CEC and other state agencies to leverage California's influence to ensure that DoD negotiations do not predestine developments to one small and specific area.

As CEC and BOEM consider prospective lease areas in Federal Waters, and other state agencies -- including the State Lands Commission-- consider proposals in State Waters, we urge the agencies to follow a holistic, science-based process that establishes a robust environmental baseline and enables the agencies to evaluate the appropriateness of any prospective offshore development area. Ensuring that siting, leasing and permitting decisions are guided by planning that is based on comprehensive baseline research, gives full consideration of potential impacts to sensitive marine areas and species, and reflects recommendations from a robust public process, will be essential for sustainable long-term development of offshore wind energy that will help power California's clean energy future.

Thank you for considering these comments.

Sincerely,

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Natural Resources Defense Council

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Center for Biological Diversity

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<sup>2</sup> California Renewable Energy Task Force meeting, September 17, 2018, Department of Defense Engagement Activities, Steve Chung, U.S. Navy.

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