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**Defenders of Wildlife Comments - AB 525 Workshop on OSW  
Strategic Plan 17-MISC-01**

*Additional submitted attachment is included below.*



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California Energy Commission  
1516 Ninth Street  
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RE: Defenders of Wildlife's Comments – Workshop on Assembly Bill 525 Strategic Plan for Offshore Wind Energy Planning Goals

On behalf of Defenders of Wildlife and our 323,000 members and supporters in California, we submit these comments on the California Energy Commission's (CEC) March 3, 2022 Workshop on the Assembly Bill (AB) 525 strategic plan for Offshore Wind (OSW) energy planning goals. We appreciate the Commissioners and staffs' efforts to organize the workshop and the intensive efforts to meet the AB 525 deadlines. Offshore wind along the California coast offers the potential for a consistent stream of renewable energy that could provide significant energy, climate, and economic benefits for local communities, California, and the western grid. Defenders supports responsibly developed OSW energy as an important part of a clean energy portfolio. OSW energy can and must advance in an environmentally responsible manner to ensure that it plays a reliable role in meeting the ambitious climate and clean energy goals throughout the west coast. At the same time, OSW development must safeguard valuable and vulnerable ocean and terrestrial habitats, fish and wildlife, cultural resources, and communities.

Thus far, a vast majority of California's energy development has been focused on terrestrial utility-scale conventional and renewable energy generation and transmission that evolved within the framework of existing developed land and transmission and, in places, reflect ill-informed choices made decades ago. California has seen that unplanned, opportunistic, and poorly conceived generation and transmission development results in projects that struggle to be viable, are unnecessarily expensive, and cause significant and avoidable impacts to natural resources, cultural resources, and/or communities. Previous lack of planning has resulted in

lost time, increased costs, and a lack of certainty. AB 525 gives California agencies the opportunity to leverage lessons learned from terrestrial renewable energy development to advance OSW energy planning and development that is Smart from the Start.

Utility-scale floating OSW is new to the California coast and this region presents a clean slate for the development of this renewable energy technology. The development of OSW on the California coast represents an unparalleled opportunity to proactively plan utility-scale renewable energy generation and transmission from conception – based on the best available science, public policy, and collaborative stakeholder involvement – to identify the best project locations and rapidly meet our clean energy needs while protecting our world-class natural and cultural resources and providing economic benefits.

## Feasibility Analysis and Goal Setting

OSW that is responsibly planned and developed to avoid, minimize, and mitigate potential environmental and economic impacts will benefit California and the west in our urgent transition away from fossil fuels to a clean energy economy. Several decades of offshore wind development in Europe have shown that OSW power can be developed responsibly to protect local wildlife, provided that all siting and permitting decisions are based on sound science and informed by key experts and stakeholders. The European experience shows us that avoiding sensitive habitat areas, requiring strong measures to protect wildlife throughout each stage of the development process, and implementing comprehensive monitoring of wildlife and habitat before, during, and after construction are essential for the responsible development of OSW energy.<sup>1</sup> Smart from the Start principles and practices must be used to seek areas where deployment, generation, transmission, and operations and maintenance (O&M) activities for OSW can avoid or minimize impacts on high-value resources at sea and on land.

### Land and Sea

California OSW is expected to include:

- floating offshore wind farm(s)
- port improvements including marine terminals and tower assembly and maintenance areas
- transmission cables within the OSW farm(s) and between shore, port, and marine terminals
- substations
- grid improvements needed to provide energy to end users

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<sup>1</sup> O'Brien, Sue. "Lessons learned from the European experience." Presentation at the *State of the Science Workshop on Wildlife and Offshore Wind Energy Development*. Nov. 13-14, 2018.

OSW on the Outer Continental Shelf (OCS) does not exist in a vacuum. Transmission to shore, construction, operations and maintenance activities, and shoreside components are part and parcel of any OSW project and must be considered within the scope of the whole project during planning, environmental review, leasing, and land-use permitting. In fact, both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) require analysis of projects “as a whole” and prohibit piecemealing the environmental review of projects. Therefore, we urge that OSW planning must include the identification and generation of data in both the marine and terrestrial environments.

The geospatial data, research reports, and other resources being used to develop the feasibility study and goals should be organized and posted in an AB 525 specific gallery in California Offshore Wind Energy Gateway (OSW Gateway).<sup>2</sup> The OSW Gateway should be expanded to incorporate natural, cultural, and economic resource data to support the analysis of landside OSW facilities, including marine terminals and transmission infrastructure. Data Basin and the OSW Gateway provide essential platforms for engagement with tribal governments, the environmental justice community, labor/workforce development partners, and economic development interests.

The use of best available science, geospatial analysis, and community engagement will enable California to direct OSW development to least-conflict areas and implement measures to enhance and/or protect high-value resources so that valuable OSW resources can help meet essential climate goals. The California Energy Infrastructure Planning Analyst (CAEIPA)<sup>3</sup> provides a greater level of technical analysis for terrestrial planning of generation and transmission.

The OSW Gateway and the CAEIPA provide the tools to plan for California OSW as a whole, including deployment, port and marine terminal development, power generation, landside O&M, and transmission. Terrestrial energy planning tools must be integrated into the comprehensive planning effort for OSW to provide a seamless planning platform that connects least-conflict marine areas with least-conflict terrestrial areas.

As California engages in planning for Senate Bill 100 implementation and the 20 Year Outlook<sup>4</sup> to identify renewable energy locations and transmission, we urge that the information generated through the OSW planning process is aligned with that effort.

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<sup>2</sup> <https://caoffshorewind.databasin.org/>

<sup>3</sup> <http://ceipa.databasin.org/>

<sup>4</sup> <https://stakeholdercenter.caiso.com/RecurringStakeholderProcesses/20-Year-transmission-outlook>

## Resources for AB 525 Analysis

We appreciate the list of resources posted to the docket on March 10, 2022.<sup>5</sup> OSW research is rapidly expanding and a challenge to stay abreast. The March 3<sup>rd</sup> list should be expanded to provide the comprehensive literature review AB 525 requires. The list relies heavily on governmental reports, which don't always include thorough scientific literature reviews. We recommend the list be refreshed as numerous peer-reviewed publications have emerged recently. We offer additional resources in Attachment A. The CEC should also review the State of the Science Workgroup Reports on Cumulative Impacts to Wildlife and the Environment stemming from the *State of the Science Workshop on Wildlife and Offshore Wind Energy 2020*. (Reports available at <https://www.nyetwg.com/2020-workgroups>)

Finally, information derived from recovery plans for endangered species for the following species must also be included in the feasibility analysis and strategic plan:

- North Pacific Right Whales<sup>6 and 7</sup>
- Southern Resident Killer Whales<sup>8 and 9</sup>
- Humpback Whales<sup>10 and 11</sup>
- Steller Sea Lion<sup>12 and 13</sup>
- Southern Sea Otter<sup>14</sup>

## State Waters

OSW won't exist on the OCS in isolation and the AB 525 process should be used to plan for OSW development on the OCS from sand to steel. Analysis should be conducted within state waters to identify, evaluate, and plan for least-conflict siting for OSW transmission cables and port improvements. This analysis will also allow for comparison of impacts of OSW development in in different regions of the OCS and comparison of state waters vs. OSW development on the OCS.

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<sup>5</sup> [AB 525 Goals- Resources Considered \(as of March 3, 2022\)](#)

<sup>6</sup> <https://www.fisheries.noaa.gov/resource/document/final-recovery-plan-north-pacific-right-whale-eubalaena-japonica>

<sup>7</sup> <https://repository.library.noaa.gov/view/noaa/15978>

<sup>8</sup> [Recovery Plan for Southern Resident Killer Whales \(\*Orcinus orca\*\)](#)

<sup>9</sup> <https://repository.library.noaa.gov/view/noaa/15975>

<sup>10</sup> [Final Recovery Plan for the Humpback Whale \(\*Megaptera novaeangliae\*\)](#)

<sup>11</sup> <https://repository.library.noaa.gov/view/noaa/15993>

<sup>12</sup> [Recovery Plan for the Steller Sea Lion \(Revision\) - Eastern and Western Distinct Population Segments](#)

<sup>13</sup> <https://repository.library.noaa.gov/view/noaa/15974>

<sup>14</sup> [https://ecos.fws.gov/docs/recovery\\_plan/030403.pdf](https://ecos.fws.gov/docs/recovery_plan/030403.pdf)

If locations are proposed and considered for supporting OSW development, we recommend avoidance of Biologically Important Areas for cetaceans, designated national marine sanctuaries, marine protected areas, Audubon Marine Important Bird Areas, ecologically sensitive areas such as migratory corridors, and other ecologically important habitat—including designated critical habitat. Further, numerous species of importance have “nearshore affinity”;<sup>15</sup> thus, offshore wind development in state waters would likely have greater impacts on biological resources than alternative sites farther offshore.

Currently, there are two proposed “demonstration” projects near Vandenberg that overlap or border of leatherback sea turtle critical habitat, humpback whale critical habitat, biologically important areas for gray and blue whales, and the Point Conception and Vandenberg State Marine Reserves. In addition, the area around Point Conception is part of an “important ecosystem that supports a diverse array of biological communities” in a 2005 biogeographic assessment by the National Marine Sanctuary Program.<sup>16</sup> This diverse ecosystem includes many species listed as endangered or threatened under the Endangered Species Act.<sup>17</sup>

These projects, located in relatively shallow waters close to the coast, do not provide meaningful information for the development of the gigawatts of utility-scale offshore wind energy that is expected to occur 20 plus miles from the Central and Northern California coasts. Given the Vandenberg projects’ proposed siting in such an ecologically important sensitive area, the only thing they demonstrate is how not to site OSW.

## Timing of Comprehensive Environmental Review

As the strategic plan and permitting roadmap are developed under AB 525, the appropriate timing and level of environmental review under both CEQA and NEPA must be considered. Comprehensive environmental review at the start of the offshore wind planning process and prior to leasing will provide significant benefits, including:

- Providing the agency with the widest possible range of alternatives;
- Increasing project viability by identifying and addressing environmental issues early in the siting process;
- Allowing for optimal project siting and scope before any commitments, like power purchase agreements, are signed;

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<sup>15</sup> <https://www.ipcc.ch/srocc/>

<sup>16</sup> NOAA National Centers for Coastal Ocean Science (NCCOS). 2005. A Biogeographic Assessment of the Channel Islands National Marine Sanctuary: A Review of Boundary Expansion Concepts for NOAA’s National Marine Sanctuary Program. Prepared by NCCOS’s Biogeography Team in cooperation with the National Marine Sanctuary Program. Silver Spring, MD. NOAA Technical Memorandum NOS NCCOS 21. 215 pp.

<sup>17</sup> <https://www.fws.gov/endangered/species/>

- Addressing potential resource conflicts upfront and enhancing buy-in from other ocean users; and
- Facilitating efficiency gains later in the process when, as appropriate, project-level analyses can tier off a programmatic environmental impact statement/report.

The Bureau of Ocean Energy Management’s current process of deferring comprehensive environmental review until the end of the leasing process when construction and operations plans are approved fails to establish a baseline analysis that examines all critical issues on a broader scope that will help avoid unnecessary delay while protecting natural and cultural resources and other ocean uses. The AB 525 strategic plan and roadmap should clearly address the timing and scope for appropriate CEQA and NEPA review that will allow for consideration of OSW projects as a whole and allow for the avoidance and minimization of impacts to coastal resources.

## Conclusion

The AB 525 planning process provides a platform for thoughtful, informed decision-making for the development of California’s OSW energy and industry. OSW energy can and must advance in an environmentally responsible manner to ensure that it plays a key role in meeting state and national climate and clean energy goals while safeguarding vulnerable habitat, wildlife, communities, and economies. This is essential for ensuring that OSW energy can scale up to its full potential as a significant clean energy solution. We welcome the opportunity to meet with agency staff at any time to continue discussing planning for ecologically responsible OSW development. Please contact Kate Kelly at (530) 902-1615 or [kate@kgconsulting.net](mailto:kate@kgconsulting.net) with any questions.

Sincerely,



Pamela Flick  
California Program Director



Kate Kelly  
Consultant

Attachment:

AB 525 Additional Resources



## Attachment A

### Assembly Bill 525: Evaluating and quantifying maximum feasible capacity of offshore wind and establishing offshore wind megawatt planning goals for 2030 and 2045

#### Additional Resources

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