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Audubon Comments on AB525 Workshop and Resources

Additional submitted attachment is included below.



March 11, 2022

California Energy Commission

Docket #: 17-MISC-01

Project Title: California Offshore Renewable Energy

Subject: Comments on March 3, 2022 Workshop on Offshore Wind (OSW) Strategic Planning Process (the Workshop) and list of Resources reviewed by California Energy Commission posted on March 10, 2022 (the Resources)

Dear CEC:

Audubon protects birds and the places birds need, today and tomorrow. Audubon works throughout the Americas using science, advocacy, education, and on-the-ground conservation. Working in collaboration with our more than 450 chapters and 160 campus chapters, 17 state and regional offices, 7 countries, 41 centers, and 23 sanctuaries gives Audubon an unparalleled wingspan that reaches millions of people each year to inform, inspire, and unite diverse communities in conservation action. A nonprofit conservation organization since 1905, Audubon believes in a world in which people and wildlife thrive.

Our 2019 climate science available at <https://climate.audubon.org> reveals that unless we can keep warming below 3° Celsius above pre-industrial levels 389 species of birds in North America will probably go extinct from loss of climate suitability in their wintering or breeding ranges. 100% clean energy and net zero emissions are our goal to protect our birds by keeping warming to 1.5°Celsius above pre-industrial levels.

We support the President's goal of 30GW of offshore wind by 2030 including offshore wind in federal waters in California.

Thank you for the opportunity to comment on the workshop and the resources.

THE WORKSHOP

Thank you for holding the workshop and for providing the materials in advance.

We appreciated the participation, level of attention and coordination by Bureau of Ocean Energy Management (BOEM) and the California state agencies with each other in this workshop fulfilling the coordination required by AB525 of our California state agencies.

We understand that the focus of the Workshop was to head toward the fulfillment of the obligation of the CEC in AB525 991.1 (a) that requires that:

On or before June 1, 2022, the commission shall evaluate and quantify the maximum feasible capacity of offshore wind to achieve reliability, ratepayer, employment, and decarbonization benefits and shall establish megawatt offshore wind planning goals for 2030 and 2045.

The same section of the legislation also requires that

(b) In establishing the goals pursuant to subdivision (a), the commission shall consider all of the following:

And lists 12 considerations including:

(12) Potential impacts on coastal resources, fisheries, Native American and Indigenous peoples, and national defense, and strategies for addressing those potential impacts.

Audubon looks forward to bringing our expertise on birds and other wildlife to participate in future stakeholder workshops to inform and review the June 22, 2022 report to the Legislature on the feasibility and goals of offshore wind that addresses potential impacts on coastal resources, including our birds, as required by the legislation.

Noticeably absent from the Workshop was State Lands Commission (SLC) which is mentioned throughout AB525 requiring CEC to coordinate with SLC as well as other California agencies which participated in the workshop.

The Workshop attendees did not explain SLC's absence, nor whether or not the definition of California offshore wind includes state and federal waters.

Although the law focuses on federal waters, the law does not prohibit planning and analysis of state waters, and the data used in the analysis will extend to the coast.

Also, in 25991. (c) of the law, the language specifically calls out the requirements that CEC in coordination with California agencies must consider in the Strategic Plan:

(c) The strategic plan shall include, at a minimum, the following five chapters:

(1) Identification of sea space, including the findings and recommendations resulting from activities undertaken pursuant to Section 25991.2.

(2) Economic and workforce development and identification of port space and infrastructure, including the plan developed pursuant to Section 25991.3.

(3) Transmission planning, including the findings resulting from activities undertaken pursuant to Section 25991.4.

(4) Permitting, including the findings resulting from activities undertaken pursuant to Section 25991.5.

*(5) **Potential impacts on coastal resources, fisheries, Native American and Indigenous peoples, and national defense, and strategies for addressing those potential impacts.** (Emphasis added)*

In addition to California Coastal Commission, California Ocean Protection Council, California Department of Natural Resources and other California agencies, the State Lands Commission has an obligation to participate in the process to include the potential impacts on coastal resources that offshore wind, including the projects that SLC is currently considering for approval, as required by law.

CEC should compare and contrast the strong statements made by the agencies in planning for the feasibility analysis, process and data to be used to identify "least conflict" areas in California waters, the required consideration of protection of coastal values by California in federal waters as required under the law and why the same or similar process may not be appropriate for state waters as SLC considers approval of the two offshore wind projects in state waters.

If confirmed, we find this disparate approach of the CEC and SLC in planning for offshore wind in California waters alarming and surprising, disconnected, and certainly not in the best interests of the state of California if the state hopes for public support for offshore wind in the California Current System.

REFERENCES

To the list of references for CEC to review we would add at a minimum:

California Offshore Wind Gateway hosted on Databasin and the environmental spatial data contained therein.

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

Collision and Displacement Vulnerability among Marine Birds of the California Current System Associated with Offshore Wind Energy Infrastructure.

<https://www.boem.gov/sites/default/files/environmental-stewardship/Environmental-Studies/Pacific-Region/Studies/BOEM-2016-043.pdf>

Modeling At-Sea Density of Marine Birds to Support Renewable Energy Planning on the Pacific Outer Continental Shelf of the Contiguous United States

https://espis.boem.gov/final%20reports/BOEM_2021-014.pdf

Pacific Continental Shelf Environmental Assessment (PaCSEA)

https://www.boem.gov/sites/default/files/environmental-stewardship/Environmental-Studies/Pacific-Region/Studies/2014-003_Final-Aerial-Seabird-Marine-Mammal-Survey-Northern-California.pdf

Upcoming OPC funded study by CBI and Point Blue on California waters and wildlife

Upcoming transects off the Central Coast of California by BOEM/USGS.

<https://opendata.boem.gov/BOEM-ESP-Ongoing-Study-Profiles-2021-FYQ4/BOEM-ESP-PC-17-01.pdf>

Upcoming Year-round and Diel Patterns in Habitat-use of Seabirds off Oregon (PC-14-03) by Oregon State University/USGS/BOEM.

<https://opendata.boem.gov/BOEM-ESP-Ongoing-Study-Profiles-2021-FYQ4/BOEM-ESP-PC-14-03.pdf>

We look forward to working further as a stakeholder in the AB525 Strategic Plan for offshore wind in California.



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cc: Karen Douglas, Energy Advisor, Office of the Governor
Kate Hucklebridge, California Coastal Commission
Mark Gold, Deputy Secretary for Oceans and Coastal Policy and Director of the Ocean Protection Council
Alice Reynolds, President, California Public Utilities Commission
Christopher Potter, California Department of Fish & Wildlife
Commissioner Clifford Rechtschaffen, California Public Utilities Commission
David Chiu, City Attorney of San Francisco, author of AB525