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Audubon comments on AB525 Planning Goals and Process

Additional submitted attachment is included below.



July 11, 2022

California Energy Commission
715 P Street
Sacramento, CA 95814

Re: AB 525 Offshore Wind Report
Offshore Wind Energy Development in Federal Waters Offshore the California Coast:
Maximum Feasibly Capacity and Megawatt Planning Goals for 2030 and 2045

Docket: 17-MISC-01

Dear Vice-Chair Gunda, and Commissioners,

As the Commission meets on July 13 to inform the May 6, 2022 CEC staff draft Report (Report) regarding planning goals and other subjects, we ask the Commission to ensure that: (1) that it completes the analysis required by statute in AB 525 when analyzing appropriate planning goals for “maximum feasible capacity” if different from the May 6 Repoert; and (2) that it facilitates the multi-stakeholder process required by statute in AB 525, which defines stakeholders as including, but not limited to “*fisheries groups, labor unions, industry, environmental justice organizations, environmental organizations, and other ocean users.*”¹

1. Audubon does not oppose raising or lowering planning goals.

We are in climate crisis that is impacting our birds and may cause the extinction of 389 North American species of birds if we can’t keep warming below 3° Celsius above pre-industrial levels.² We therefore understand the need for and support ambitious efforts to responsibly transition to renewable energy.

We do oppose, however, a process that is arbitrary, heavily weighted towards industry interests and technological factors and does not follow the statute of AB525 which states:

¹ AB525, Chapter 231, 25991.6, p. 91

² Wilsey, C, B Bateman, L Taylor, JX Wu, G LeBaron, R Shepherd, C Koseff, S Friedman, R Stone. [Survival by Degrees: 389 Bird Species on the Brink](#). National Audubon Society: New York.

25991.1. (a) 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.

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

(1) The findings of the 2021 joint report issued pursuant to Section 454.53 of the Public Utilities Code.

(2) The need to develop a skilled and trained offshore wind workforce.

(3) The potential to attract supply-chain manufacturing for offshore wind components throughout the Pacific region.

(4) The need for reliable renewable energy that accommodates California's shifting peak load.

(5) The generation profile of offshore wind off the coast of California.

(6) The need for economies of scale to reduce the costs of floating offshore wind.

(7) The need to initiate long-term transmission and infrastructure planning to facilitate delivery of offshore wind energy to Californians.

(8) The availability of federal tax incentives for offshore wind investments.

(9) The National Renewable Energy Laboratory report finding that California has 200 gigawatts of offshore wind technical power potential.

(10) The opportunity for California to participate in the federal government's intention to deploy 30,000 megawatts of offshore wind by 2030 and to create a pathway to unlocking 110,000 megawatts by 2050.

(11) Any executive action from the Governor regarding offshore wind.

(12) Potential impacts on coastal resources, fisheries, Native American and Indigenous peoples, and national defense, and strategies for addressing those potential impacts³

2. The May 2022 Staff Report rightly defines Maximum Feasible Capacity.

Maximum Feasible Capacity (AB 525/CEC definition): California Code of Regulations, title 20, section 1201(h), defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." This definition aligns with a holistic reading of AB 525's legislative findings, which focus on evaluating how California can realize development of offshore wind at utility scale but with realistic projections of what could be achieved by 2030 and 2045, considering a broad range of specified factors.⁴

The definition in the statute is clear that "maximum feasible extent" does not rely solely on technological and economic factors as presented in the UC Berkeley and NREL reports.

3. The goals may change after the seascape analysis has been completed.

³ AB525, Ch. 231, p. 91

⁴ Report, p. 60

CEC staff have made it clear in the Report and are following the statute that the Strategic Plan final goals may be higher or lower than the planning goals based on the seascape analysis and other factors.

The need to complete this work prevents CEC staff from quantifying the maximum feasible capacity until the strategic plan is fully developed and could result in refinement of the offshore wind megawatt planning goals.⁵

We urge the Commission to follow the intent of the Statute in setting Planning Goals, and we support the CEC staff's work on the draft Report as presented on May 6, 2022.

Sincerely,

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⁵ Report, p. 3