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**Regenerate California Coalition's™ Response to Assembly Bill
525 Offshore Wind Strategic Plan**

Additional submitted attachment is included below.



April 22, 2024

California Energy Commission
715 P Street
Sacramento, CA 95814

Submitted online via comment submittal portal

RE: Regenerate California Coalition’s Response to Assembly Bill 525 Offshore Wind Strategic Plan

Dear Chair Hochschild and Commissioners,

The Regenerate California Coalition (“Regenerate”), a partnership between the California Environmental Justice Alliance (“CEJA”) and the Sierra Club, represents environmental justice (“EJ”) communities throughout the State of California, and together we envision a 100 percent clean, renewable energy future without gas plants in our state. We appreciate the opportunity to comment on the Assembly Bill (“AB”) 525 Offshore Wind Strategic Plan (“Strategic Plan”) as it is a critical roadmap for the responsible development of offshore wind (“OSW”) in California.

EJ communities, or “underserved communities” as referred to in the Strategic Plan, are predominantly low-income residents, immigrants, people of color, and indigenous communities who face a disproportionate burden of environmental hazards that result in negative health impacts and reduced quality of life. The underserved communities we represent live in close proximity to oil refineries, gas-fired power plants, industrial farming operations, fossil fuel extraction operations, waste processing centers, transportation corridors, seaports, and other polluting operations that emit toxins, foul smells, and noise. Our communities are being treated as sacrifice zones for dirty energy infrastructure, and thus must

be prioritized for the benefits of a growing clean energy economy. We advocate for prioritizing distributed energy resources — such as local clean energy, energy efficiency, and demand response — to the maximum extent possible, but also acknowledge the importance of developing large-scale renewable energy resources to meet energy demand in light of projected retirement of the entire fossil gas fleet and load growth from accelerated transportation and building electrification.

While floating OSW off the California coast presents an opportunity to harness clean energy and decarbonize the electric sector, it is an emergent technology that must be developed responsibly and equitably with underserved communities at the decision-making table. Each stage of OSW development — from manufacturing and fabrication, staging and integration, operations and maintenance, through decommissioning — can present unique benefits but also risks and harms to nearby underserved communities. OSW projects, including associated port expansions and redevelopments, must bring benefits to underserved communities and not result in additional burdens such as increased air pollution or displacement. It is our hope and expectation that OSW development will help transform the most impacted neighborhoods into thriving, healthy, and economically prosperous communities.

We recommend that the California Energy Commission (“CEC”) adopt the following changes to the Strategic Plan before finalization.

I. The Strategic Plan Should Adopt a Task-Agent-Time Approach Throughout to Clearly Establish Plans and Accountability.

Overall, the recommendations provided in the Strategic Plan are not presented in an actionable manner. Specifically, the Strategic Plan fails to allocate distinct responsibilities to particular agencies and lacks specified timelines for the proposed tasks. For example, it fails to make a clear recommendation on a comprehensive permitting authority, discussing an Ocean Renewable Action Team (“Ocean REAT”) without recommending its creation or tasking an agency with creating it.¹ The absence of a structured format, incorporating clear “task-agent-time” elements, renders the recommendations essentially ineffective. The Strategic Plan as currently presented resembles a collection of sound ideas and concepts without clear assignment of responsibility. Therefore, we recommend that the Strategic Plan be updated to reflect clear timelines and the roles of various agencies in establishing an OSW industry in California for each chapter.

II. The Strategic Plan Must Prioritize Gas Plant Retirements and the Minimization of System Air Pollutant Emissions in OSW Transmission Planning.

The primary benefit of developing OSW energy in California is to decrease the state’s reliance on fossil fuels. Accomplishing this will require the CEC to ensure that there is adequate transmission connection between planned OSW facilities and population centers to decrease reliance on gas plants, especially those in EJ communities. Current climate and environmental law requires the state address this history by decreasing the state’s reliance on gas plants and planning for their eventual retirement. For OSW to

¹ Melissa Jones et al., *Assembly Bill 525 Offshore Wind Strategic Plan*, Cal. Energy Comm’n at 254-59 (Jan. 2024) [hereinafter “Strategic Plan”] (describing a proposed coordinated agency permitting approach without defining who — beyond “the state” — will take steps to create an Ocean Renewable Energy Action Team by any particular timeline).

facilitate these retirements, the CEC and its sister agencies must plan for adequate transmission development to address grid constraints and ensure deliverability of OSW to EJ areas that currently rely on gas plants.

A. California’s electric system currently relies extensively on gas plants located in or near environmental justice communities

Despite historic levels of renewable energy development, California’s electric grid still currently depends on its gas plants located in disadvantaged communities. Nearly 75 percent of the state’s gas plants are sited in or near disadvantaged communities,² causing disproportionate impacts on low-income communities and communities of color. The siting of the state’s gas plants reflects a history of systemic racism and economic exclusion.

These gas plants have long contributed to unsafe air quality across the state. California has faced unsafe levels of air pollution for decades, with most of the state’s counties in nonattainment status ranging from marginal to extreme — the most dangerous category analyzed by the Environmental Protection Agency (“EPA”).³ Communities in and near greater Los Angeles and the Central Valley face some of the most excessive air pollution in the country. Ventura County is in serious nonattainment for ozone levels. Los Angeles County communities face severe to extreme nonattainment status for ozone. Kern and San Bernardino Counties both face serious nonattainment status for particulate matter and severe to extreme levels of ozone. Even coastal communities closest to the Central Coast wind energy area face unhealthy levels of air pollution. For example, San Luis Obispo County is currently in marginal nonattainment status for ozone. Dangerous air pollution is a widespread health crisis in California, and no community is immune.

A significant portion of the state’s air pollution comes from the electric sector,⁴ with particularly extreme emissions during times of grid stress, like days of extreme heat.⁵ During a ten-day period of extreme heat in late summer 2022, 107 of California’s gas plants emitted an average of 214,000 tons of carbon dioxide, 30,000 pounds of nitrogen oxide, and 2,200 pounds of sulfur dioxide.⁶ The carbon dioxide emissions from these gas plants for those ten days alone were equivalent to running 43,000 vehicles for a year.⁷ Researchers estimated that the emissions from the studied gas plants during this ten-day period caused between \$12.3 and \$27.8 million in negative health impacts.⁸

² Brightline Def., *Cal. Offshore Wind: Winding Up for Econ. Growth & Env’t Equity* at 13 (Dec. 2020), available at <https://static1.squarespace.com/static/62a3cf9943d092298cc7dec6/t/637c124e877a1774bd66c8dc/1669075544016/Brightline-OffshoreWind-Report-12-6-2020.pdf>.

³ U.S. Env’t Prot. Agency, *Green Book, Current Nonattainment Counties for All Criteria Pollutants*, available at <https://www3.epa.gov/airquality/greenbook/ancl.html> (last visited Apr. 19, 2024).

⁴ Cal. Air Res. Bd., *2022 Scoping Plan for Achieving Carbon Neutrality* at 202 (Dec. 2022), available at <https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf> [hereinafter “CARB 2022 Scoping Plan”] (showing 20 percent of state greenhouse gas emissions come from the electric power sector).

⁵ *Id.* at 197.

⁶ Regenerate Cal., *Cal.’s Underperforming Gas Plants* at 6 (2023), available at <https://caleja.org/wp-content/uploads/2023/06/2023-Regenerate-Heat-Wave-Report.pdf>.

⁷ *Id.*

⁸ *Id.*

Gas plants provide nearly half of the system and local reliability requirements, despite the exhaust of dangerous pollutants into frontline communities.⁹ Gas plants emit dangerous levels of nitrogen oxides, which cause respiratory problems, asthma, and hospital admissions.¹⁰ These emissions also react with other atmospheric gasses to produce particulate matter¹¹ and ozone,¹² which cause respiratory distress, heart attacks, strokes, and premature death. These emissions also lead to acid rain, air haze, and water pollution.¹³

The impacts of gas plants on frontline communities are particularly severe. Short-term exposure to gas plant emissions can cause wheezing, coughing, shortness of breath, and asthma attacks.¹⁴ Long-term exposure damages multiple physiological systems with devastating effects, including cognitive declines, increased risk of Alzheimer’s disease, neurodevelopmental disorders, coronary artery disease, heart attacks, strokes, blood clots, lung cancer, chronic obstructive pulmonary disease, chronic kidney disease, endocrine disruption, diminished fertility, miscarriages, premature birth, and low birth rate.¹⁵

California regulators and grid operators will not allow these gas plants to retire until there is sufficient energy online to replace them. Newly passed California law requires state regulators to plan for the development of new clean energy resources specifically to displace gas plants in the most populated parts of the state.¹⁶ The California Public Utilities Commission (“CPUC”) regulates state utilities and has been ordering clean energy procurement that aims to fulfill state climate and electricity targets, directing utilities to plan for long-lead time resources, including offshore and out of state wind.¹⁷

However, there is a considerable risk that renewable resources face delays in buildout, leading to continued or increased reliance on the state’s gas plants. State agencies regularly emphasize that meeting the state’s climate targets will require multiple consecutive years of breaking clean energy deployment

⁹ Kelsey Choing et al, *Rep. on Res. Adequacy Slice of Day Implementation and Year Ahead Showings*, Cal. Pub. Utils. Comm’n, Energy Division at 44, Fig. 7, (Feb. 5, 2024), available at <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/resource-adequacy-homepage/resource-adequacy-compliance-materials/slice-of-day-compliance-materials/energy-division-report-on-ra-sod-implementation-and-year-ahead-showings.pdf> (showing thermal capacity accounts for roughly half of the total September CPUC-jurisdictional resource adequacy showings).

¹⁰ U.S. Env’t Prot. Agency, *Basic Info. About NO₂*, available at <https://www.epa.gov/no2-pollution/basic-information-about-no2> (last visited Feb. 20, 2024) [hereinafter “U.S. Env’t Prot. Agency, *Basic Information About NO₂*”].

¹¹ U.S. Env’t Prot. Agency, *Health and Env’t Effects of Particulate Matter (PM)* (last updated Aug. 23, 2023), available at <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>.

¹² U.S. Env’t Prot. Agency, *Health Effects of Ozone Pollution* (last updated May 24, 2023), available at <https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution>.

¹³ U.S. Env’t Prot. Agency, *Basic Information about NO₂*.

¹⁴ Clean Energy Grp. & Strategen, *The Peaker Problem: An Overview of Peaker Power Plant Facts and Impacts in Boston, Philadelphia, and Detroit* (July 2022), available at <https://www.cleangroup.org/publication/peaker-problem/>.

¹⁵ *Id.* at 13-14.

¹⁶ Cal. Pub. Util. Code § 454.57(e)(4).

¹⁷ D.21-06-035, Decision Requiring Procurement to Address Mid-Term Reliability (2023-2026) (June 24, 2021) (ordering 1,000 megawatts of net qualifying capacity of long-duration storage resources and another 1,000 megawatts of “clean firm” resources that could deliver power at a minimum capacity factor of 80 percent); D.23-02-040, Decision Ordering Supplemental Mid-Term Reliability Procurement (2026-2027) and Transmitting Elec. Res. Portfolios to Cal. Indep. Sys. Operator for 2023-2024 Transmission Planning Process (Feb. 23, 2024) (modifying the long-lead time resources deadline to June 1, 2028).

records.¹⁸ In their integrated resource plans and related filings to the CPUC, multiple utilities cite delays in building “long lead time resources,” which include OSW, geothermal, and other emerging technologies.¹⁹ In addition, local transmission constraints have historically been “solved” by gas plants close to population centers; unless clean energy resources are sited within the same load pockets, existing gas plants will continue to be utilized to meet local reliability needs.²⁰ Recent data from the California Independent System Operator (“CAISO”) suggests that projected gas usage in 2032 could exceed 60 percent of summer hours by 2032 in Western Los Angeles.²¹ Without a plan to transition away from gas plants, California’s reliance on these polluting resources will continue and possibly increase.

B. California has delayed the retirement of gas and nuclear power plants due to grid reliability concerns

OSW resources offer unique potential to facilitate the retirement of California’s gas plants if the output from these plants can be accessed and relied upon by the many California communities that currently host gas plants. Multiple California gas plants are located on or very near to the coast, including the state’s remaining once-through cooling gas plants and the Diablo Canyon Nuclear Generating Station. Despite state law requiring these plants to close, all have received extensions due to concern about grid reliability. Accordingly, new renewable resources will need to be developed before these resources can be retired. OSW generates electricity during peak demand hours in the evenings. As a result, OSW could support the state’s efforts to displace gas plants which also frequently run in the evening, thereby reducing greenhouse gas (“GHG”) emissions and dangerous air pollution in frontline communities.

The need for OSW and transmission development targeted to retire gas plants is highlighted by California’s failure to retire its most harmful gas plants, many in coastal communities. A prime example is the state’s repeated decisions to extend once-through-cooling plants in disadvantaged communities, like Oxnard’s Ormond Beach Generating Station (“OBGS”) in the Central Coast. In 2020, the CEC extended OBGS’s planned 2021 retirement to 2023 due to concerns about grid reliability.²² In August 2023, the CEC further extended the retirement date for OBGS to 2026.²³ According to CEC Commissioner Hochschild, “[t]he goal is to wind down all these fossil fuel powered plants, including some of the very

¹⁸ CARB 2022 Scoping Plan at 202 (“Annual build rates (over the 2022–2035 period) for the Scoping Plan Scenario will need to increase by about 60 percent and over 700 percent for utility solar and battery storage, respectively, compared to historic maximum rates. To reach the 2045 target, the state will need to quadruple its current level of wind and solar capacity. This does not include capacity associated with hydrogen production nor mechanical CDR [carbon dioxide removal], which was modeled off-grid[.]”).

¹⁹ D.24-02-047, Decision Adopting 2023 Preferred Sys. Plan and Related Matters, and Addressing Two Pets. for Modification at 95 (Feb. 15, 2024) (citing concerns from stakeholders that load-serving entities are facing delays in procuring long-lead time resources because these projects have “longer permitting timelines, material supply constraints, potential for interconnection delays, and unavoidably long construction periods”).

²⁰ See, e.g., Comments of Cal. W. Grid Dev. LLC on Admin. Law Judges Oct. 5, 2023, Ruling Seeking Comments on Proposed 2023 Preferred Sys. Plan and Transmission Planning Process Portfolios at 4, R.20-05-003 (Nov. 13, 2023).

²¹ *Id.*

²² Alex Wilson, *Ormond Power Plant to Operate Thru 2026: Activists Disappointed by State-Approved Extension*, VCReporter (Aug. 24, 2023), available at https://www.vcreporter.com/news/ormond-power-plant-to-operate-thru-2026-activists-disappointed-by-state-approved-extension/article_b896818a-41fa-11ee-a866-97a28985f889.html.

²³ *Id.*

controversial ones in Southern California.”²⁴ Despite this declaration and pleas from thousands of families in Oxnard underscoring the urgency of the situation, the CEC extended operations at the OBGs. The CEC bears the responsibility and authority to chart a course toward a 100 percent clean and healthy energy future for all Californians. Disadvantaged communities like Oxnard, burdened with toxins from fossil fuel production, have unjustly shouldered the burden of California's energy needs, and these retirement extensions prolong that burden.

While the Strategic Plan acknowledges essential transmission upgrades for OSW implementation, there remains a critical gap in the analysis in planning for how OSW can reduce gas plant reliance, particularly in EJ communities. We call on the CEC to optimize the integration of OSW into our energy infrastructure to facilitate a transition to clean energy while at the same time prioritizing EJ communities that have borne the brunt of harmful energy production emissions.

C. Offshore wind must be responsibly sited and equitably developed to meet California’s climate and environmental justice mandates

Responsibly sited and equitably developed OSW can and must play a role in meeting climate and environmental justice mandates. Even using existing cost-effectiveness metrics, which undervalue non-energy benefits of clean energy production, modeling from multiple agencies suggest that OSW is part of the least cost portfolio to meet state climate goals, including Senate Bill (“SB”) 350 and SB 100. We also urge the state to improve its cost-effectiveness metrics by incorporating the full non-energy benefits and social costs of different energy resources into its analyses and decision-making. This will ensure that California is more accurately assessing how much OSW is needed compared to other clean energy resources, while prioritizing a portfolio of different resources that enables the highest non-energy benefits and least social costs to society and the environment.

The 2021 Joint Agency SB 100 Report analyzed multiple portfolios and sensitivities and found that OSW was included in the recommended, least-cost portfolio.²⁵ That report projected that nearly all available wind resources, including both onshore and offshore, were selected by the model and emphasized that resource portfolio diversity, both technological and geographical, generally lowers total resource costs.²⁶ The report stated, “[a]cross all scenarios, the maximum available long-duration storage, in-state wind, and offshore wind resources made available to the model are selected.”²⁷

While nearly every scenario evaluated by state regulators includes the development of new OSW resources, the 2021 Joint Agency SB 100 Report also evaluated a scenario where OSW is specifically not developed. In that scenario, the study found that excluding OSW resources would require nearly twice the energy capacity (37 gigawatts) of the energy capacity set by the base case scenario (20 gigawatts). Excluding new OSW resources increased the overall system costs by \$60 billion, and the projected

²⁴ SLO-SPAN, *Cent. Coast Offshore Wind Info. Session* at 26:38-26:43 (Nov. 1, 2023), available at https://slo-span.org/meeting/county-sm_20231101/.

²⁵ Liz Gill et al., *2021 SB 100 Joint Agency Rep., Achieving 100 Percent Clean Elec. in Cal.: An Initial Assessment*, Cal. Energy Comm’n (Mar. 2021), available at <https://www.energy.ca.gov/publications/2021/2021-sb-100-joint-agency-report-achieving-100-percent-clean-electricity> [hereinafter “2021 Joint Agency SB 100 Report”].

²⁶ *Id.* at 16.

²⁷ *Id.* at 83.

average cost of energy was projected to increase by \$0.16/kilowatt-hour.²⁸ In addition to the financial costs of deploying these alternative renewable resources, this large buildout of alternative renewable energy resources would require vast land area with considerable environmental impacts.²⁹ These calculations, critically, did not account for non-energy benefits of available resource types, and full consideration of benefits would certainly alter the overall portfolio. Until analysis of non-energy benefits is incorporated into system planning, this is the best available information regarding the potential tradeoffs between OSW and alternative development of other renewable resources.

Similarly, the City of Los Angeles (“LA”) has enacted climate laws that are even more ambitious than state climate law, leading to considerable needs for new renewable energy capacity. In 2021, the Los Angeles City Council passed a motion directing the Los Angeles Department of Water & Power (“LADWP”) to plan to reach 100 percent renewable energy by 2035.³⁰ LADWP’s LA 100 Study identified a need for between 2.5 and 5.5 gigawatts (“GW”) of in-basin dispatchable power,³¹ which the utility currently plans to meet by converting its four gas plants into power plants capable of burning a blend of hydrogen and methane.³² The utility plans to convert those power plants to run exclusively on hydrogen fuel by 2035, yet the utility has not released any public plans for how or where it will obtain the fuel. Sierra Club and Communities for a Better Environment, along with other organizations have raised concerns that hydrogen combustion can emit nitrogen oxide (NOx) emissions at rates higher than existing gas plants, but these concerns have not yet been addressed by LADWP.³³ Ensuring that OSW energy can be fully deliverable to the LA Basin would considerably decrease or even displace the need to build expensive hydrogen combustion turbines that produce more intense NOx emissions than gas plants.

D. The Strategic Plan must direct state agencies to study how OSW transmission planning can reduce reliance on gas plants in EJ communities

California agencies are required by law to plan transmission development to reduce reliance on gas plants in EJ communities; simply connecting OSW energy to the existing grid is insufficient. SB 887 requires the CEC, along with the CPUC and CAISO, to reduce emissions in local areas and disadvantaged communities, finding that “[r]educing the use of nonpreferred resources in disadvantaged communities has been a priority for those communities, and they would benefit from increased access to electricity

²⁸ 2021 Joint Agency SB 100 Report at 89.

²⁹ Sean Ong et al., *Land-Use Requirements for Solar Power Plants in the U.S.*, Nat’l Renewable Energy Lab’y (June 2013), available at <https://www.nrel.gov/docs/fy13osti/56290.pdf> (Noted that Large PV (>20 megawatts) has a capacity-weighted average land use of 7.9 acres/megawatt alternating current. Accordingly, one gigawatt of large photovoltaic would require roughly 7,900 acres or 12.5 square miles; multiplying that acreage by 22 yields approximately 275 square miles).

³⁰ Los Angeles City Council Mot. 16-0243-S2 (O’Farrell-Krekorian) (Sept. 2021), available at <https://lacity.primegov.com/Portal/viewer?id=387001&type=2>.

³¹ Nat’l Renewable Energy Lab’y, *LA 100: The Los Angeles 100% Renewable Energy Study and Equity Strategies* at Ch. 6, p. 57, available at <https://maps.nrel.gov/la100/la100-study/report>.

³² Los Angeles Dep’t of Water & Power, *2022 Power Strategic Long-Term Res. Plan* at ES-22 (2022), available at https://www.ladwp.com/sites/default/files/2023-08/2022%20LADWP%20Power%20Strategic%20Long-Term%20Resource%20Plan_0.pdf.

³³ See, generally, Sierra Club and Cmtys. for a Better Env’t letter to Los Angeles Dep’t of Water & Power Regarding 2022 Power Strategic Long-Term Res. Plan (Feb. 17, 2023), available at https://drive.google.com/file/d/1B1_u-VHzH7j9UTFcsiGz761Lb8RWDop2/view?usp=sharing.

from new renewable energy resources and zero-carbon resources delivered to serve in-city loads.”³⁴ SB 887 further requires the CEC to identify resource projections combined with transmission capacity that are “expected to substantially reduce, no later than 2035, the need to rely on nonpreferred resources in local capacity areas.”³⁵

The CEC’s directive from SB 887 in transmission planning is clear, but the Strategic Plan does not incorporate this necessary directive into its transmission or underserved communities chapters. The Strategic Plan’s list of “[r]ecommendations to Address Impacts to Underserved Communities” does not include the analysis necessary to ensure that OSW energy delivers tangible benefits to communities near existing fossil fuel infrastructure.³⁶ In addition, Chapter 9 on Transmission Planning and Interconnection includes no mention of SB 887 or how the CEC will direct its transmission planning to ensure that OSW energy will reduce the need to rely on fossil-based resources. The Strategic Plan states that the North Coast region will need transmission upgrades to have full capacity deliverability for any OSW capacity over 30 megawatts (“MW”)³⁷ (equivalent to two OSW turbines³⁸). Up to 174 MW of energy-only capacity could be accommodated with the current North Coast transmission system, but this would mean that the full output would not be accommodated and would result in some output being curtailed.³⁹ This finding indirectly acknowledges that potential benefits of OSW will go unrealized without additional transmission build, but this analysis needs to go further to explain how the CEC will determine which various transmission options will reduce reliance on gas plants.

To be consistent with SB 887, the Strategic Plan must include resource projections and transmission capacity that will, by 2035, substantially reduce the reliance on gas plants in disadvantaged communities. Accordingly, we urge the CEC to incorporate additional evaluation of transmission options in terms of how each option will affect the state’s reliance on gas plants, particularly those in disadvantaged communities. This analysis is both required by law and critical to realizing the promised benefits of OSW development without overbuild.

Therefore, we urge the CEC to make the following changes to the Strategic Plan:

- Work with the Schatz Center, Pacific Northwest National Laboratory (“PNNL”) and other entities running transmission studies to determine how the various OSW transmission scenarios will impact (1) the state’s reliance on gas plants located in disadvantaged communities, and (2) air quality in disadvantaged communities.
- Identify whether additional study is required to comply with SB 887 and identify which transmission options will substantially reduce the state’s reliance on gas plants in disadvantaged communities.
- Coordinate with CPUC and CAISO to ensure alignment of OSW targets and transmission planning.

³⁴ SB 887, Reg. Sess. (Cal. 2021-2022).

³⁵ *Id.*

³⁶ Strategic Plan at 84.

³⁷ *Id.* at 190.

³⁸ BOEM estimated that each OSW turbine would be approximately 15 megawatts. Matt Trowbridge et al., *Cal. Floating Offshore Wind Regional Ports Assessment*, U.S. Bureau of Ocean Energy Mgmt. at 9-10 (Jan. 2023), available at <https://www.boem.gov/sites/default/files/documents/renewable-energy/studies/BOEM-2023-010.pdf>.

³⁹ Strategic Plan at 190, fn. 213.

III. The Strategic Plan Must Center Tribal & EJ Community Engagement.

The Strategic Plan acknowledges the historical burden of environmental pollution and extractive energy production on tribal and environmental justice communities.⁴⁰ These communities deserve to be centered in the OSW decision-making space to ensure that the process is genuinely equitable and guarantees positive outcomes for these communities.

AB 52 (2014) defines the tribal consultation that state agencies must complete during the California Environmental Quality Act (“CEQA”) process and in drafting an environmental impact report for proposed projects.⁴¹ When the state moves to take action on any proposed OSW project, relevant state agencies will be required to consult with California tribes where tribal cultural resources may be impacted.⁴² In preparation for this obligation and to avoid foreseeable conflicts, the CEC must proactively center robust and early engagement with tribal and portside EJ communities, emphasizing genuine consultation and consent to empower communities in the decision-making process. Specifically, as the Strategic Plan notes, tribes should be consulted on “appropriate avoidance, minimization, and mitigation strategies for impacts to tribal culture resources, natural resources, cultural, social, economic, and other interests.”⁴³ We recommend that the CEC go a step further than suggested in the Strategic Plan and not only “[e]ncourage project proponents to contract with California Native American tribes for cultural and environmental monitoring before, during, and after construction of offshore wind projects, port improvements, and expansion of transmission infrastructure” but instead require developers to contract with tribes for such monitoring.⁴⁴ Moreover, potential conflicts can be identified early and addressed with alternatives or mitigation strategies if the CEC requires OSW developers to craft and execute clear and comprehensive Community Engagement Plans, ensuring transparency and inclusivity throughout the process.

It is essential to break away from historical patterns of extractive energy development by prioritizing community input and ensuring that their concerns and priorities are integrated into OSW project planning and implementation. To that end, the CEC should require the provision of language access services, such as interpretation and translation, to facilitate active engagement from non-English speakers in discussions and decision-making processes. This approach acknowledges and respects the linguistic diversity of immigrant communities who have borne the burden of fossil fuels, uplifting an inclusive environment for dialogue. Meaningful community participation is vital for the success of any OSW project. To achieve this, state agencies should allocate funding and provide technical assistance to support partnerships between community-based organizations and government entities, facilitating local education and outreach efforts on OSW. By centering community expertise and collaboration, the CEC can foster genuine partnerships and promote equitable and sustainable development practices in EJ communities.

The Strategic Plan addresses the need to incorporate tribes proactively in planning OSW projects but also in sharing the benefits of OSW projects. It appropriately prioritizes developing tribal community benefits

⁴⁰ See Strategic Plan at 64.

⁴¹ Cal. Pub. Res. Code § 21080.3.1 et al.

⁴² Cal. Pub. Res. Code § 21080.3.2.

⁴³ Strategic Plan at 73.

⁴⁴ *Id.* at 74.

agreements (“TCBAs”)⁴⁵ and even explores co-management of OSW planning as a method of creating substantive collaboration between tribes and governmental entities.⁴⁶ In its discussion of community benefits agreements (“CBAs”), the Strategic Plan lays out benefits of OSW that can be protected through CBAs, including labor, tribal roads, housing, resilience, transmission upgrade, public health, and other benefits.⁴⁷

The Strategic Plan would however do well to recognize and address the current reality of the situation, where tribes both in Morro Bay⁴⁸ and more recently in the North Coast⁴⁹ have expressed that they feel excluded from the major processes enabling OSW. Despite engagement efforts, tribes have emphasized the need to address data gaps, particularly on cradle to grave environmental and greenhouse gas analysis and research on impacts of transmission cables and onshore infrastructure will have on cultural resources, ceremonial sites, burial sites, other cultural landscapes or native habitats for plants and animals.⁵⁰ Future engagement with tribes should provide public answers to questions that have been raised. The unsaid reality of tribal exclusion from major OSW processes is also reflected in places where the Strategic Plan is still lacking in supporting tribal engagement.

First, in its discussion of CBAs, while the Strategic Plan admirably covers a range of benefits that may flow from OSW, it is noticeably laconic on sustainable capacity building benefits that are integral to community benefits in resource planning. The Strategic Plan acknowledges the importance of capacity building, but lays out no plans to ensure it is offered, either by developers or by agencies.⁵¹ Fundamental to capacity building and more sustainable benefits accruing to tribes from OSW is upgrading civic infrastructure and technical expertise.⁵² The Strategic Plan mostly ignores these two pillars of Just

⁴⁵ Strategic Plan at 46.

⁴⁶ *Id.* at 65-67.

⁴⁷ *Id.* at 46-47.

⁴⁸ See N. Chumash Tribal Council, Comments on the Draft Assembly Bill 525 Rep., Docket 17-MISC-01 at 2 (Feb. 13, 2023) (“After being dismissed for many years, Native tribes are now frequently asked to consult on environmental issues. This is a step in the right direction, but the economically disadvantaged tribes are rarely paid for the work. While grateful for the opportunity to participate we still need to keep a roof over our heads. Project consultation is a full-time job but provides no pay. It is important that our accumulated time and knowledge is respected and rewarded. Now is the time to ensure that equitable tribal compensation be included. There is no language in the OSW leases that addresses one of the most significant tribal priorities— the impact of onshore landing and infrastructure being placed on our sacred sites, cemeteries, ancestral villages, and lands. We can only imagine how our beloved Central Coast communities might change if we don’t mitigate onshore impacts before they happen.”).

⁴⁹ Tolowa Dee’ni Nation Resol. (Nov. 2024); Sage Alexander, *Yurok, Bear River Formally Oppose Offshore Wind Dev.* (Mar. 11, 2024), available at <https://www.times-standard.com/2024/03/11/yurok-bear-river-formally-oppose-offshore-wind-development> (Regarding Yurok Tribe and Bear River Tribal Council votes to oppose OSW development: “[The] development director for the harbor district said while it’s easy to point fingers, he sees room for improvement in how the Bureau of Ocean Energy Management can have genuine, meaningful consultations with tribes to truly listen to concerns and talk to them on individual levels. ‘Based on what I’ve seen, I’m not entirely surprised that tribal governments are not satisfied with the way they’ve been engaged with the federal government,’ he said.”).

⁵⁰ yak tityu tityu yak tilhini Northern Chumash Tribe San Luis Obispo County and Region Comments, Docket 17-MISC-01 (Mar. 22, 2024).

⁵¹ See Strategic Plan at 46-47.

⁵² Katherine Hoff, *A New Strategic Plan for Cal. Offshore Wind*, Legal Planet (Feb. 12, 2024), available at <https://legal-planet.org/2024/02/12/a-new-strategic-plan-for-california-offshore-wind/>.

Transition work and certainly provides no proactive roadmap for tribes and communities to access sustainable community benefits via OSW development.

Second, although the Strategic Plan mentions benefits of co-management and cites to the Yurok Tribe's comments that highlight an example of tribal co-management, Bears Ears National Monument in Utah (which is co-managed by the Hopi Tribe, the Navajo Nation, the Ute Mountain Ute Tribe, the Ute Indian Tribe of the Uintah and Ouray Reservation, and the Pueblo of Zuni), it does not endorse co-management nor lay out how co-management should happen.⁵³ In the face of clear dissatisfaction with CEC tribal engagement on OSW, the Strategic Plan is conservative in neglecting to endorse tribal ownership of planning. As long as tribes have the capacity and desire to own planning for OSW, they should be involved, as that ownership protects CBAs and marine and cultural impacts that can only be determined on a project by project basis and cannot possibly be covered even in the most exhaustive strategic plan.

Finally, but fundamentally, OSW development should center the consent of tribal communities whose ancestral homelands are touched by the projects. To build a new, regenerative, just energy future for California, we must begin where the state has so often failed in respecting tribal sovereignty and self-determination.

In summary, we recommend the following changes to the Strategic Plan to center tribal and EJ community engagement:

- The CEC should commit to robust and early engagement with tribal and portside EJ communities.
- The CEC should commit to requirements for developers to contract for environmental and cultural monitoring with tribes.
- The CEC should commit to requiring CBAs that include capacity building such as investments/funding of technical assistance and civic infrastructure.
- The CEC should commit to providing language access services, such as interpretation and translation, to facilitate active engagement from non-English speakers in discussions and decision-making processes.
- The CEC should consistently provide information and best available science to tribes on existing data gaps through accessible workshops, particularly on cradle to grave environmental and greenhouse gas analysis along with research on impacts of transmission cables and onshore infrastructure will have on cultural resources, ceremonial sites, burial sites, other cultural landscapes or native habitats for plants and animals.

IV. The Strategic Plan Must Include Meaningful Benefits for Tribal and EJ Communities.

A. Detail the potential climate, air quality, and community benefits of displacing fossil fuel-fired generation

Developing OSW to speed the transition from fossil fuel-fired generation presents a critical opportunity to identify multiple categories of benefits to the public, including climate, air quality, and community benefits.

⁵³ Strategic Plan at 65-66.

The Strategic Plan acknowledges, but does not attempt to detail or quantify, that OSW development could support California's progress towards multiple climate targets. SB 350 requires the state to plan to decrease the state's GHG emissions across all industries to reduce statewide GHG to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050.⁵⁴ The same law tasks the California Air Resources Board to publish a Scoping Plan to reach these climate targets. OSW development will support the reduction of greenhouse gas emissions from the electric sector to the extent that it can displace emissions from fossil fuel-fired power plants. As EJ communities are often the most vulnerable to and the first and worst impacted by climate change,⁵⁵ potential climate benefits to these populations should be identified and quantified as well. We urge the CEC to connect its Strategic Plan for OSW to these climate targets with more detail, including the quantification of potential avoided greenhouse gas emissions.

Air quality improvements by displacing fossil fuel generation with OSW could lead to significant public health benefits, including avoided health costs. Emissions from gas plants significantly impact human health, with pollutants like nitrogen oxides, sulfur dioxide, and particulate matter being closely associated with chronic asthma, cardiovascular and respiratory diseases and mortality, and increased risk of premature death.⁵⁶ In California, communities of color and low-income communities face heightened vulnerability to air pollution due to their close proximity to power plants, ports, freeways, and factories. These environmental burdens are compounded by socioeconomic factors, such as limited access to healthcare resources, exacerbating the health disparities experienced by these populations.⁵⁷ Notably, the Ormond Beach Generating Station exacerbates pollution levels in the most densely populated community of color in Ventura County, a census tract ranking in the 94th percentile for pollution burden in the state.⁵⁸ By decommissioning fossil fuel infrastructure and transitioning to OSW projects, communities can significantly reduce exposure to harmful pollutants and associated health risks. This shift can lead to tangible improvements in air quality and public health outcomes. Replacing gas plants with abundant renewable energy sources offers a sustainable solution to meet energy needs while safeguarding human health and the environment. We urge the CEC to study and quantify the projected climate and air quality benefits of its plans to develop OSW.

Additionally, there should be dedicated funding integrated in OSW development to support community benefits negotiated between developers and frontline communities. CBAs can provide local communities a chance to secure commitments to projects that meet local needs and enhance equity as projects

⁵⁴ Cal. Pub. Util. Code § 454.52(a)(1)(A).

⁵⁵ See, generally, U.S. EPA, *Climate Change and Social Vulnerability in the U.S.: A Focus on Six Impacts* (Sept. 2021), available at https://www.epa.gov/system/files/documents/2021-09/climate-vulnerability_september-2021_508.pdf (finding African Americans are projected to face higher impacts of climate change for all six impacts analyzed in the report and that Latinos have high participation in weather-exposed industries, such as construction and agriculture, which are especially vulnerable to the effects of extreme temperatures).

⁵⁶ Ioannis Manisalidis et al., *Env't and Health Impacts of Air Pollution: A Review*, *Front Public Health*, 8:14 (Feb. 2020), available at <https://doi.org/10.3389%2Fpubh.2020.00014>.

⁵⁷ U.S. Env't Prot. Agency, EPA Research: Env't Just. and Air Pollution, available at <https://www.epa.gov/ej-research/epa-research-environmental-justice-and-air-pollution>.

⁵⁸ Cal. Off. of Env't Health Hazard Assessment, *CalEnviroScreen 4.0* (Oct. 13, 2021), available at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40> [hereinafter "CalEnviroScreen"].

develop.⁵⁹ CBAs can support a wide range of local benefits, from direct funds to affordable housing, environmental mitigation, infrastructure, and projects identified by the community.⁶⁰ For example, benefits could include remediation funds for decommissioning fossil fuel infrastructure, providing an opportunity to address historical environmental injustices and prioritize cleanup efforts. In California, where fossil fuel infrastructure disproportionately affects marginalized communities, allocating resources within CBAs enables communities to transition to cleaner energy sources, such as building workforce opportunities, while reclaiming and restoring their natural environments. A holistic decommissioning and remediation plan for existing power plant sites addresses the legacy of pollution and industrial development in frontline communities, reflecting a commitment to building healthier, more resilient communities and advancing sustainable development goals.

B. Workforce development

The deployment of OSW has the potential to create new job opportunities in the renewable energy sector, promoting economic growth and social well-being in disadvantaged communities while simultaneously reducing reliance on polluting energy sources. AB 525 acknowledges the opportunity that OSW has in workforce development and uplifts the importance of prioritizing local hiring in communities that are experiencing high unemployment.⁶¹

The Strategic Plan estimates that thousands of jobs will be developed to meet the state’s 2030 and 2045 goals across multiple sectors.⁶² Most of these jobs appear to be in the supply chain sector, a smaller portion in operations and maintenance, and an even smaller portion in construction.⁶³ The Strategic Plan estimates that the state’s OSW goals will result in between 6,300-18,600 long-term jobs, with an additional 360-540 short-term jobs for each year of construction.⁶⁴

Table 7-2: Estimated Jobs Needed for Workforce Development for 2045 Goals

Source/Model	Supply Chain	Construction	Operations & Maintenance	Total Jobs
American Jobs Project	9,000	1,400	2,600	13,000
NREL	11,280	2,340	4,330	17,950
Guidehouse	1,936	173	1,508	5,063
Total Range	3,382 – 11,280	173 – 2,340	1,508 – 4,330	5,063 – 17,950

Source: Catalyst Assessment. 2023

Workforce development in port communities is an area of particular interest to underserved communities that face the most direct impacts from OSW development. The Strategic Plan highlights that a significant majority (95 percent) of OSW jobs for port upgrades will be in construction, totaling approximately 9,300

⁵⁹ Louise Bedsworth & Katherine Hoff, *Offshore Wind & Cmty. Benefits Agreements in Cal.*, Berkeley Law Ctr. for Law, Energy & the Env’t at 6 (Apr, 2024), available at <https://www.law.berkeley.edu/wp-content/uploads/2024/04/Offshore-Wind-CBAs-in-CA-1.pdf> [hereinafter “Bedsworth & Hoff, *Offshore Wind & Cmty. Benefits Agreements in Cal.*”].

⁶⁰ *Id.* at 7.

⁶¹ AB 525 § 1(f), Reg. Sess. (Cal. 2021-2022) (noting OSW presents “an opportunity to attract investment capital and to realize community economic development and workforce development benefits in California”).

⁶² Strategic Plan at 161.

⁶³ *Id.*

⁶⁴ *Id.* at 39.

full-time positions each year between 2027 and 2030.⁶⁵ However, it's important to recognize that these construction roles for port development may be temporary and short-term in nature. On the other hand, the remaining 5 percent of positions for this port development work encompass professional services such as engineering and design, as well as roles within the stable supply chain and manufacturing sector.⁶⁶ These jobs offer long-lasting employment opportunities that can span over 30 years, providing stability and security for workers in port communities and beyond.

Even still, the Strategic Plan suggests that the majority of these long-term occupations will require some form of post-secondary education or training, such as a bachelor's degree, apprenticeship, or technical certification.⁶⁷ This highlights potential barriers for disadvantaged and tribal communities, as the higher paying, long-term job positions may have higher skill requirements that have barriers to entry. Therefore, it's essential to ensure that workforce development initiatives ensure accessible pathways to training and employment in the OSW sector to address the needs of laborers with other economic and social disadvantages such as limited English proficiency ("LEP").

Given this dynamic, it's crucial to prioritize sustainable, high-paying jobs that not only support individuals and families but also ensure equitable access to economic opportunities such as apprentices and job training for disadvantaged and tribal communities. By supporting high-road labor and job quality standards, including family-sustaining wages, employer-provided benefits, career pathways, and safe and healthy working conditions, we can create accessible pathways to a clean energy future where all members of society benefit from the economic gains generated by OSW development.

The CEC should include in the Strategic Plan the following actions to support these goals. The Strategic Plan should prioritize prevailing wage and union labor and direct local and state agencies to develop and enforce local, targeted hiring practices in underserved communities, ensuring living wage benefit requirements, and accessible job training opportunities. It should also task agencies with meaningfully engaging the local workforce by ensuring that underserved workers are involved in local decision-making with an emphasis on understanding historical inequities and workforce-driven solutions. The Strategic Plan should also direct local and state agencies to provide services to laborers with limited English proficiency and establish partnerships with organizations that provide reentry services to formerly incarcerated individuals. It is critical that workforce development also supports the development of training services that accommodate full-time workers participating in training certifications, provides financial assistance to trainees, and contributes to transportation expenses. Last, we recommend that the Strategic Plan direct local and state agencies to partner with local community-based organizations ("CBOs") to maximize opportunities for underserved populations to access OSW occupations due to CBOs strong relationships with local communities

C. Support robust Community Benefits Agreements

CBAs are powerful tools that can provide meaningful benefits to local communities, and therefore, the Strategic Plan must include clear recommendations for strong, legally binding CBAs for underserved communities and capacity building to empower local communities for CBA negotiations. Successful

⁶⁵ Strategic Plan at 165.

⁶⁶ *Id.* at 39.

⁶⁷ *Id.* at 161-62, 169.

CBAs must include substantial participation by community groups, center community goals and visions, establish collaborative governance structures for OSW projects, and provide meaningful material benefits to underserved communities.⁶⁸ While Chapter 7 in the Strategic Plan discusses the potential benefits of CBAs for underserved communities in the context of workforce development, it lacks rich discussion on the ability of CBAs to provide broader socioeconomic and environmental benefits to those communities. The Strategic Plan suggests exploring CBAs with potentially affected underserved communities as a mitigation strategy, but does not establish a recommendation for a template CBA with baseline requirements, along with additional options that could be discussed between community groups and developers.⁶⁹ OSW CBAs should outline reciprocal, accountable, and transparent governance structures for projects as well as process-related provisions that include ongoing monitoring of air quality, periodic reporting to communities, and clear conflict resolution measures.

With over \$50 million in collective CBA Developer Commitments across the five lessee's bids, the CEC must ensure that underserved communities are included as primary beneficiaries of OSW development through CBAs. While CBAs can be used to negotiate and fund community resources such as parks, childcare centers, and affordable housing, these resources remain toxic hotspots if they are located near fossil fuel infrastructure that pollute local air. Therefore, it is crucial that the primary benefit of OSW to underserved communities is the displacement of fossil fuel generation.

In the development of CBAs, it is critical that developers integrate the local expertise of impacted communities to identify local goals, priorities, and visions. While Chapter 3 of the Strategic Plan offers some examples of capacity building in historically marginalized communities,⁷⁰ it lacks a clear recommendation that assigns which agency will be responsible for capacity building. It is critical for there to be an entity that CBOs can contact for reliable information on financial support and technical assistance to engage in CBA development. Moreover, the Strategic Plan mentions that CBA negotiations are “vital to protect and uplift underserved communities that are burdened by environmental and social injustice,” but it lacks any clear recommendation for the necessary investments in local leadership of credible CBOs who organize in and represent underserved communities impacted by OSW development.⁷¹

A bill currently pending in the California Assembly (AB 2537 Addis) aims to build capacity for underserved communities to negotiate over CBAs.⁷² The CEC can support this type of effort—regardless of whether the bill passes — by providing information to the public on what CBAs are and where they have been successfully negotiated in California. This information-sharing will support civic infrastructure so that underserved communities can better engage in CBA negotiations.

If done right, the development of OSW CBAs can provide a model for the rest of California and beyond. Therefore, we urge the CEC to include in the Strategic Plan:

- A clear recommendation for strong, legally binding CBAs to deliver benefits to underserved communities.

⁶⁸ See, generally, Bedsworth & Hoff, *Offshore Wind & Cmty. Benefits Agreements in Cal.*

⁶⁹ Strategic Plan at 84.

⁷⁰ *Id.* at 46-47.

⁷¹ *Id.* at 177.

⁷² AB 2537, Reg. Sess. (Cal. 2023-2024) (Addis).

- An explicit endorsement for capacity building geared toward civic infrastructure and technical assistance for underserved communities so they can meaningfully engage in CBA negotiations.

D. Consider the full benefits of clean distributed energy resources (“DERs”)

While OSW has the potential to bring many local community benefits, especially by displacing fossil fuel-based energy generation near low-income and disadvantaged communities, it is critical to measure its full costs and benefits compared to other resources and pathways. In other words, the CEC should consider the full non-energy benefits (“NEBs”) and social costs of all energy resources which includes assessing their impacts on air quality, water quantity and water supply, local economic development, and resiliency. Doing this will ensure that the CEC can then come up with an energy portfolio — including how *much* OSW is needed and appropriate compared to other resource types — that brings the most benefits, and least harms, to communities and the environment. The CEC recently approved a petition signed by over 20 organizations to initiate a rulemaking to integrate NEBs and social costs into its analysis and decision-making, and we wish to see it implemented across all CEC proceedings and forums, including California’s Offshore Wind Strategic Plan.

Low-income and disadvantaged communities are still subject to unacceptable levels of pollution from fossil fuel-based resources. This is because omitting NEBs and social costs has resulted in externalities such as toxic air quality and increased hospital visits being hidden from the state’s scrutiny and resource planning. Meanwhile, these same flawed analyses have led the state to almost singularly rely on transmission and large-scale clean energy development as the solution to fossil fuels, while ignoring the vast potential of clean distributed energy resources (“DERs”). Clean DERs — including rooftop and community solar paired with storage, clean microgrids, demand response, and virtual power plants — are extremely important resources for California to utilize for several reasons.

First, DERs can advance California’s clean energy goals with reduced impacts or harms to the land or the environment. This is integral to meeting the state’s goal of conserving 30 percent of California’s lands and coastal waters by 2030 (also known as the “30 by 30” goal) from Governor Newsom’s Executive Order N-82-20.⁷³ By utilizing the built environment, DERs can also be up and running in just a few years, compared to utility-scale solar projects and transmission which often take a decade or longer to go through responsible permitting, siting, and environmental review in order to get built and come online. Given the magnitude of the climate crisis and its disproportionate impacts on low-income and disadvantaged communities, we cannot afford to wait only for utility-scale projects to be developed, but instead should be doing everything possible to invest and grow clean DERs, too.

Second, DERs can help significantly increase both system-wide and local grid reliability,⁷⁴ which is especially important for transmission-constrained areas (aka local reliability areas) of California. In fact,

⁷³ Governor Gavin Newsom, Exec. Order N-82-80 (Oct. 2020), available at <https://www.gov.ca.gov/wp-content/uploads/2020/10/10.07.2020-EO-N-82-20-.pdf>.

⁷⁴ Madeline Geocaris, *Modeling Exactly Where Distributed Energy Res. Provide the Most Value to the Grid*, Nat’l Renewable Energy Lab’y (July 25, 2022), available at <https://www.nrel.gov/news/program/2022/modeling-exactly-where-distributed-energy-resources-provide-the-most-value-to-the-grid.html>; Am. Council for an Energy-Efficient Econ., *Distributed Energy Res.*, available at <https://www.aceee.org/topic/distributed-energy-resources> (last visited Apr. 22, 2024).

tribes have noted local reliability issues in the areas they reside in,⁷⁵ and would therefore greatly benefit from local clean energy generation and microgrids. Increasing local reliability is required to safely and reliably retire polluting gas plants in disadvantaged communities, as local reliability needs are often cited by grid operators as a reason that gas plants cannot be retired.⁷⁶ In fact, building and strategically siting DER projects, such as community solar and storage, can very quickly reduce and eliminate the need for highly polluting peaker gas plants that are currently kept online to meet the state's resource adequacy requirements.⁷⁷ Furthermore, energy resilience technologies, such as clean microgrids, would enhance the energy resilience of communities and tribes by providing a source of clean backup power when the grid goes down. Tribes have noted the negative impacts of black and brown outs such as the inability to heat homes or power phones to contact emergency services during winter storms.⁷⁸ Additionally, energy resilience is especially important for low-income customers with limited ability to recover from food and work loss due to electrical failures, as well as people dependent on electric medical equipment and temperature-sensitive medications.

Finally, DERs offer opportunities for utility bill savings, community wealth building, local job creation, and greater energy democracy. For example, if approved by the CPUC, the Net Value Billing Tariff community solar program championed by a diverse coalition of environmental justice, solar, ratepayer, and labor advocates would help unlock much-needed bill savings for low-income communities and renters who have historically had fewer options for clean energy access and direct financial benefits.⁷⁹ These savings would come from the true avoided costs that these DER resources would bring to the grid. Indeed, the unique potential for DERs to more readily share grid value benefits with subscribing customers, or even to facilitate community wealth-building opportunities from community and public ownership, is what makes them especially apt resources for advancing energy democracy and environmental justice.⁸⁰ DER projects can also bring additional well-paying jobs and workforce development opportunities in local communities.⁸¹

We recommend that the CEC thoughtfully consider the full NEBs and social costs of DERs, OSW, and other energy resources in tandem. This will help it make the best determinations on OSW specifically,

⁷⁵ Strategic Plan at 70.

⁷⁶ See, e.g., Cal. Indep. Sys. Operator, *Mem. to Bd. of Governors Regarding Decision on Conditional Approval to Extend Existing Reliability Must-run Contracts for 2023* (Aug. 24, 2022), available at <https://www.caiso.com/Documents/DecisiononConditionalApprovaltoExtendReliabilityMust-RunContracts-Memo-Aug2022.pdf> (delaying requirement dates for multiple power plants due to local reliability needs).

⁷⁷ PSE Healthy Energy, *Replacing Peaker Plants with Energy Storage in Cal.*, available at <https://www.psehealthyenergy.org/work/opportunities-for-replacing-peaker-plants-with-energy-storage-in-california/> (last visited Apr. 22, 2024).

⁷⁸ Strategic Plan at 70.

⁷⁹ Coal. for Cmty. Solar Access et al., *Cal. Coal. Letter to Gov. Gavin Newsom on CPUC's Proposed Decision* (Mar. 12, 2024), available at <https://communitysolaraccess.org/news/california-coalition-letter-to-gov-gavin-newsom-on-cpucs-proposed-decision>.

⁸⁰ See Subin G. DeVar, *Equitable Cmty. Solar: Cal. & Beyond* (Aug. 21, 202), available at <https://www.ecologylawquarterly.org/print/equitable-community-solar-california-beyond/>.

⁸¹ See Rick Hunter, *Expanding Cmty. Solar Can Bring Jobs and Econ. Benefits to Hard Hit Cmty.*, PV Mag. (Apr. 9, 2021), available at <https://pv-magazine-usa.com/2021/04/09/expanding-community-solar-can-bring-jobs-and-economic-benefits-to-hard-hit-communities/>.

and our clean energy portfolio more broadly, to meet our state’s climate, health, and environmental justice commitments.

In summary, we recommend the following changes to the Strategic Plan to provide meaningful benefits to tribal and EJ communities:

- Detail the potential climate, air quality, and community benefits of displacing fossil fuel-fired generation with OSW.
- Direct state and local agencies to support high-road labor and job quality standards through multiple steps, listed above.
- Commit the CEC to building community capacity for engaging in CBA negotiations with developers.
- Commit the CEC to incorporating NEBs into their energy analysis, following the NEBs rulemaking.

V. The Strategic Plan Must Ensure that Ports and Waterfront Facilities Supporting OSW Development Do Not Cause Harm to Underserved Communities.

Although OSW projects have the capacity to produce clean, renewable energy, the activities needed to build and install wind turbines will likely be powered by fossil fuels, increasing cumulative impacts in communities living near ports. Some of the largest port development projects for OSW include the Staging and Integration facilities and Manufacturing and Fabrications sites projected at the Port of Humboldt, Port of Long Beach, and Port of Los Angeles.⁸² These projects will burden portside communities with elevated air pollution from higher port activity and ocean vessel traffic.⁸³ According to CalEnviroScreen, a mapping tool tracking cumulative impacts of pollution throughout the state, communities living near the Ports experience the highest pollution burden analyzed.⁸⁴ Children and families living in Los Angeles and Long Beach neighborhoods already breathe extreme levels of pollution from port emissions,⁸⁵ causing high childhood asthma rates and reduction in life expectancy.⁸⁶ Decades of activism at the Port of Richmond, another high-scoring candidate for OSW development, has improved the local quality of life by controlling pollutant levels.⁸⁷ In Richmond and at all ports in the state’s OSW plans, we must ensure that we build on progress towards healthier and safer communities by electrifying

⁸² Strategic Plan at 133.

⁸³ U.S. Env’t Prot. Agency, *Ports Primer: 7.2 Air Emissions*, available at <https://www.epa.gov/community-port-collaboration/ports-primer-72-air-emissions> (last updated July 17, 2023) [hereinafter “U.S. EPA, *Ports Primer: 7.2 Air Emissions*”].

⁸⁴ See CalEnviroScreen (census tract 6037575500 directly north of the Port of Long Beach faces a pollution burden in the 98th percentile; census tracts 6037980031 directly north and northeast of the Port of Los Angeles face a pollution burden in the 98th percentile). See also *id.* at 7 (“Segregation, redlining, and discriminatory land use, permitting and enforcement practices resulted in industrial facilities, landfills, ports and railyards, and high pesticide use clustered around low-income communities of color.”).

⁸⁵ *Id.*

⁸⁶ Los Angeles Mayor Karen Bass, *Continuing Efforts to Build a Greener Los Angeles, Mayor Bass and EPA Adm’r Regan Visit Port of L.A. to Highlight Progress and Upcoming Fed. Invs.*, (Mar. 14, 2023), available at <https://mayor.lacity.gov/news/continuing-efforts-build-greener-los-angeles-mayor-bass-and-epa-administrator-regan-visit-port>.

⁸⁷ No Coal in Richmond, *Victory! How It Happened*, available at <https://ncir.weebly.com/victory-how-it-happened.html> (last visited Apr. 22, 2024).

ports, ensuring robust environmental review and monitoring, and remediating legacy pollution, rather than entrenching historical pollution burdens in portside communities.

A. Ports must be electrified

The CEC needs to ensure that port-adjacent communities are not disproportionately burdened by expanded port activities for OSW energy and operations of Staging and Integration (“S&I”), Manufacturing and Fabrication (“M&F”), and Operations and Maintenance (“O&M”). It is thus vital that CEC require use of 100 percent zero-emission vehicles, equipment, shore side power and adequate charging infrastructure for OSW energy project construction, operation, and maintenance. These measures can substantially reduce air pollution that damages public health and have been demonstrated in other states.⁸⁸ We recommend that the CEC scrutinize all modes of transportation entering and exiting the port whether by sea or land for electrification opportunities. Zero-emission mandates for OSW energy projects will help accelerate the much-needed transition to zero-emission port operations.

Residents living near ports, storage yards, and freight corridors, are already exposed to higher rates of diesel pollution. These neighborhoods are commonly called “diesel death zones” because asthma rates and cancer risks are greatly higher than other parts of the state. The U.S. Environmental Protection Agency’s Environmental Justice Screen identifies high impact to disadvantaged populations within 5 miles of S&I proposed sites at Port of Los Angeles and Port of Long Beach.⁸⁹ The Port of Long Beach and Los Angeles are significant emitters of harmful air toxicants, including diesel particulate matter, sulfur oxides, and nitrogen oxide,⁹⁰ linked to carcinogenic outcomes and reproductive dysfunction in humans,⁹¹ vegetation-harming acid rain,⁹² and potent global warming potential.⁹³ Research has shown that portside communities in Long Beach exhibit a near-decade reduction in life expectancy.⁹⁴ Similarly, the Port of Hueneme was identified to have a great impact on the disadvantaged population within a mile radius of the proposed O&M project site.⁹⁵ According to CalEnviroScreen, the census tracts surrounding the Port of Hueneme experience 86 percent more diesel pollution than other census tracts in the state. The Strategic Plan states that existing pollution burdens and environmental hazards may intensify by constructing, assembling and transporting OSW turbines.⁹⁶ Electrifying our ports can significantly reduce

⁸⁸ Zhihang Meng & Bryan Comer, *Elec. Ports to Reduce Diesel Pollution from Ships and Trucks and Benefit Pub. Health: Case Studies of the Port of Seattle and the Port of New York and New Jersey*, Int’l Council on Clean Transp. (Feb. 6, 2023), available at <https://theicct.org/publication/marine-ports-electrification-feb23/>.

⁸⁹ Strategic Plan at 152.

⁹⁰ U.S. EPA, *Ports Primer: 7.2 Air Emissions*.

⁹¹ Chelsea A. Weitekamp et al., *A Systematic Rev. of the Health Effects Associated with the Inhalation of Particle-Filtered and Whole Diesel Exhaust*, *Inhalation Toxicology*, 32:1 (Feb. 2020), available at <https://doi.org/10.1080/08958378.2020.1725187>.

⁹² U.S. Env’t Prot. Agency, *What is Acid Rain?*, available at <https://www.epa.gov/acidrain/what-acid-rain> (last updated June 1, 2023).

⁹³ Tian, Hanqin et al., *A Comprehensive Quantification of Global Nitrous Oxide Sources and Sinks*, *Nature* 586:7828 (Oct. 2020), available at <https://doi.org/10.1038/s41586-020-2780-0>.

⁹⁴ Long Beach Dep’t of Health and Human Servs., *2019 Cmty. Health Assessment* at 29 (2019), available at <https://www.longbeach.gov/globalassets/health/media-library/documents/healthy-living/community/community-health-assesment>.

⁹⁵ Strategic Plan at 153.

⁹⁶ *Id.* at 154.

port-related pollution, and it makes logical sense to electrify port terminals as we connect more OSW energy to the electrical grid.

We recommend that the CEC conduct a detailed analysis of impacts to disadvantages communities (“DACs”) from port expansions and OSW activities and pursue options to reduce air emissions through 100 percent port electrification and required emission reductions for cargo vessels.

B. Port expansions and redevelopments must undergo robust environmental review

Equitably developed OSW should undergo a thorough permitting process that is responsive and respectful of local communities, ensuring meaningful engagement throughout. While the Port Plan concludes that S&I sites must be developed as soon as possible to provide the state the best opportunity to achieve OSW planning goals,⁹⁷ environmental studies cannot be rushed. The proposed S&I and M&F projects at the Port of Humboldt, Port of Los Angeles, and Port of Long Beach range from 180 acres up to 400 acres,⁹⁸ while developments at the Port of Los Angeles and Port of Long Beach are surrounded by high impacted DACs.⁹⁹ In permitting OSW, the CEC must prioritize environmental studies that investigate legacy pollution in formerly industry-heavy ports, OSW-related waste, and OSW-specific impacts on indigenous cultural resources.

For example, we recommend that the CEC incorporate into requirements a strict waste management policy, and the appropriate place to review those options is in the environmental review process. The proposed OSW port development is right next to a culturally sensitive site, Tolowat Island. We would hope that this would be kept in mind whenever decisions are made about OSW development in Humboldt Bay.

We recommend that all projects associated with OSW — including port development plans — do not go through an accelerated review and approval timeline and instead go through a joint National Environmental Policy Act (“NEPA”) and CEQA environmental review process where joint review documents fully comply with the requirements of both CEQA and NEPA, including recommendations for alternatives and mitigation of impacts.

C. Brownfields and superfund remediation around port

Before work can commence on OSW related operations, we recommend that the CEC coordinate efforts between local, state, and federal agencies to remediate waterfront facilities that face legacy pollution from previous industrial uses and that the CEC require ports to leverage new clean energy infrastructure to protect portside communities from air pollution. If done responsibly, equitably, and with dedicated CEC leadership, OSW can provide energy to underserved coastal communities, improve local climate resiliency, and support divestment from inefficient, polluting fossil fuel infrastructure. Also, in applications where toxins have traditionally been used in port development or in wind turbines, we encourage the CEC to work with federal agencies to ensure the use of non-toxic replacements wherever

⁹⁷ Strategic Plan at 126.

⁹⁸ *Id.* at 133-34.

⁹⁹ *Id.* at 152.

possible, whether they are lubricants, antifouling paint, or other pollutants. We urge the CEC to incorporate steps to identify opportunities to address legacy pollution at ports into its Strategic Plan.

D. Environmental monitoring

New development proposed for ports should come with plans to reduce air pollution and other sources of pollution that harm the health of nearby communities. This should include air quality monitoring for all classifications (S&I, M&F, and O&M) of OSW-related waterfront operations. Air quality monitoring during the OSW buildout is paramount for detecting increases in air emissions, identifying pollutants of concern, and adjusting emissions-intensive port activities when necessary.

We recommend that the Strategic Plan include commitments by the CEC to:

- Require recipients of CEC funding to use 100 percent zero-emissions vehicles, equipment, shore side power and adequate charging infrastructure for OSW energy project construction, operation, and maintenance.
- Conduct a detailed analysis of impacts to DACs from port expansions and OSW activities and analyze options to reduce air emissions from 100 percent port electrification, and emission reductions for cargo vessels.
- Ensure that port development plans are subject to a joint NEPA and CEQA environmental review process that fully complies with the requirements of both laws, including recommendations for alternatives and mitigation of impacts.
- Identify opportunities in the Strategic Plan to address legacy pollution at ports.
- Fund air quality monitoring systems to track port-related pollution, as retrofitting our waterfront facilities may release additional air pollution.

VI. The Strategic Plan Must Ensure Stakeholder Processes and Public Engagement in the Procurement of OSW Energy.

Under AB 1373, the Department of Water Resources (“DWR”) can act as a central procurement entity for purchasing OSW for utilities.¹⁰⁰ The CPUC can task the DWR with procuring a certain level of OSW through procurement orders required by the integrated resource planning process by September 1, 2024.¹⁰¹ And as the Strategic Plan points out, the CPUC must “develop and adopt procedures and requirements that govern competitive procurement by, obligations on, and recovery of costs incurred by DWR.”¹⁰² However, the Strategic Plan does not suggest or recommend any requirements for DWR regarding the purchase of OSW energy. This oversight is inconsistent with robust language on community and tribal engagement in earlier chapters.

Recent experience demonstrates the importance of placing guardrails on the DWR procurement process. In July 2023, DWR extended for three more years beyond the planned retirement dates of environmentally catastrophic, locally polluting, and exorbitantly expensive once-through-cooling

¹⁰⁰ AB 1373, Reg. Sess. (Cal. 2023-2024).

¹⁰¹ See Strategic Plan at 14.

¹⁰² *Id.*

(“OTC”) gas plants at the recommendation of CEC.¹⁰³ That process was opaque, with little opportunity for stakeholder engagement or time to challenge the reliability considerations that underpinned the extensions. Notably, there was no proactive engagement by DWR with local communities who have borne the brunt of OTC plant pollution and marine life impacts before approving an extension. Nor was there an opportunity for taxpayers to challenge a \$1.2 billion expenditure to keep the OTC gas plants running.¹⁰⁴

Such a process for OSW procurement would be unacceptable. With the emissions reductions goals of AB 525 in mind, Regenerate requests that DWR prioritize OSW purchase bids that can replace the local needs currently served by gas plants and further prioritize and consider bids that can facilitate the retirement of gas plants in DACs. DWR can also facilitate the strong CBAs that are necessary to a just transition and that are described in the above sections by considering as a factor in the bidding process benefits to OSW impacted communities. If OSW can decarbonize a local community that it impacts or provide lower rates to these communities, then that should be a consideration and priority for DWR as a central procurement authority.

Finally, DWR cannot act as a silo in procuring OSW. It must be subject to commenting and due process requirements to ensure that stakeholders can engage early and often. Changes in procurement procedures should go through similar notice and comment procedures as the CEC. As an example, the CEC’s energy code development process includes multiple draft review and comment points.¹⁰⁵ And as DWR is beginning to implement the factors that CPUC tasks it with in procuring resources, it should engage stakeholders such as impacted communities, tribes, and environmental groups to solicit feedback. California can only implement the community engagement principles articulated in the Strategic Plan by requiring that stakeholder engagement. Accordingly, we recommend that the Strategic Plan include measures ensuring that any DWR actions for the central procurement of OSW energy is subject to stakeholder process and public engagement.

VII. The Strategic Plan Must Include A Thorough Permitting Process that is Responsive and Respectful of Local Communities.

Regenerate supports Strategic Plan recommendations to create coordinated processes and teams to permit OSW projects. As stated in the Strategic Plan, an Ocean Renewable Energy Action Team (“Ocean REAT”) can make OSW permitting more efficient for state and federal agencies in addition to project developers.¹⁰⁶ As the Strategic Plan notes, consolidated, comprehensive permitting can enable California to deploy OSW to replace gas and meet the state’s emissions reductions goals without shortchanging environmental review by sharing resources and creating touchpoints and milestones in the permitting

¹⁰³ Sammy Roth, *Despite Climate Goals, Cal. Will Let Three Gas Plants Keep Running*, Los Angeles Times (Aug. 15, 2023), available at <https://www.latimes.com/environment/newsletter/2023-08-15/despite-climate-goals-california-will-let-three-gas-plants-keep-running-boiling-point>.

¹⁰⁴ Linda Dailey Paulson, *Water Bd. Approves OTC Power Plan Extensions*, Cal. Energy Mkts. (Aug. 18, 2023), available at https://www.newsdata.com/california_energy_markets/regulation_status/water-board-approves-otc-power-plant-extensions/article_a8a4b488-3dfc-11ee-a12a-178037ea7375.html.

¹⁰⁵ See Cal. Energy Comm’n, *2025 Bldg. Energy Efficiency Standards*, available at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2025-building-energy-efficiency> (last visited Apr. 22, 2024).

¹⁰⁶ Strategic Plan at 257-258.

process.¹⁰⁷ More effective OSW permitting is particularly salient given recent reports that the state is woefully behind in reducing emissions by 40 percent of 1990 levels by 2030.¹⁰⁸ OSW is a necessary puzzle piece in pulling the power sector off of a dependence on gas generation due to the higher efficiency, lesser intermittency, and immense power potential of OSW farms.

The Strategic Plan also aptly notes that the current coordination between the U.S. Bureau of Ocean Energy Management (“BOEM”) and the state through the BOEM-California Intergovernmental Renewable Energy Task Force leads to BOEM driving permitting and environmental review, rather than a more coordinated federal-state integrated approach.¹⁰⁹

Left unstated in the Strategic Plan, however, is how an Ocean REAT could and should interface with adjacent communities, tribes, and environmental stakeholders. This unifying team/agency presents an opportunity to include communities in the permitting process. To enable a just transition, Regenerate recommends that:

- OSW-adjacent community and tribal leaders are represented on the proposed Ocean Renewable Energy Policy Group (“REPG”), on an equal footing with federal and state agency leads.
- Communities and tribes are given an opportunity to review early drafts of impact analyses.
- Mitigation measures are developed by the Ocean REAT *in concert* with communities and tribes.
- Impact analyses, mitigation measures, and environmental review documents are noticed for comment.
- Parallel to the CPUC’s intervenor compensation program, the Ocean REAT compensates communities/tribes/nonprofits with “significant financial hardship” for engagement in permitting processes.

VIII. Hydrogen Production Projections Should Not Drive OSW Need Projections.

The Strategic Plan should guard against using load projections that include additional hydrogen production in projecting need for OSW. Although the Strategic Plan does not appear to base its evaluation of the need for OSW on such projections, Regenerate cautions against future projections that include inflated load due to an overproduction of hydrogen need. That’s because even green electrolytic hydrogen made using renewable sources should be limited to the hardest-to-electrify end uses, such as maritime transport, long-haul trucking, aviation, and some industrial manufacturing. For other purposes, direct electrification with renewable energy is cheaper, safer, and more efficient than producing green hydrogen.¹¹⁰ While electrolyzers themselves can also have efficiencies on order of 80-85 percent,¹¹¹

¹⁰⁷ Strategic Plan at 242-244.

¹⁰⁸ Cal. Green Innovation Index, 15th Edition (2023), available at <https://greeninnovationindex.org/2023-edition/> (last visited Apr. 22, 2024) (finding that emissions have only fallen 11.5 percent of 1990 levels).

¹⁰⁹ Strategic Plan at 244.

¹¹⁰ Cal. Env’t Just. All., *Env’t Just. Equity Principles for Green Hydrogen in Cal.*, available at <https://caleja.org/2023/10/environmental-justice-equity-principles-green-hydrogen-california/> (last visited Apr. 22, 2024).

¹¹¹ Jose M. Bermudez et al., *Electrolysers*, Int’l Energy Agency (2022).

emerging hydrogen combustion turbine technology efficiency is only about 40 percent.¹¹² Taken together, the combined efficiency of electrolysis plus combustion of green hydrogen is only about 32-34 percent, and there are additional losses associated with the compression and transport of hydrogen.¹¹³ These numbers suggest that the proposed method of producing electricity from green hydrogen would require two to four times as much electricity as compared to using this electricity directly or storing this electricity in a battery, if not more. Ultimately, hydrogen production should not be the planned end use for OSW energy production.

With California's ambitious goals set forth for OSW production, it is also critical that we plan for and build out enough capacity from OSW, optimizing every megawatt for efficiency and to facilitate the retirement of fossil fuel resources.

IX. The Strategic Plan Should Ensure the Avoidance, Minimization, and Mitigation of Adverse Impacts to Local Marine Ecosystems.

For floating OSW to minimize harm to local ecosystems and move smoothly through the permitting process, it is imperative that OSW energy development move forward with strong science-based protective measures in place to avoid, minimize, mitigate, and monitor impacts on coastal and marine habitats and wildlife. At the same time, we recognize that fossil fuel driven climate change is causing more frequent and intense marine heat waves. Additionally, excess carbon dioxide in the atmosphere is leading to ocean acidification, which causes mass coral bleaching, impacting fisheries, shellfish, coral, plankton production, and even creating dead zones where marine life cannot survive.¹¹⁴

Environmental monitoring of marine habitat and wildlife before, during, and after construction is essential to learning about the impacts of floating OSW development and for adaptive management and mitigation. We support Strategic Plan recommendations to conduct more comprehensive research and monitoring using the best available science and monitoring technologies, traditional ecological knowledge, and long-term monitoring to guide project siting, cumulative life cycle impacts, and adaptive management with respect to underwater noise, secondary entanglement, benthic habitat, and bird and bat impacts. We also support the inclusion of impacts from port development as part of the consideration of cumulative impacts from OSW development and operations on marine life and habitats, as well as the development of a comprehensive mitigation framework that uses the "mitigation hierarchy" to prioritize avoidance.

We support many of the comments from other conservation stakeholders to the BOEM on their Notice of Intent to Issue a Programmatic Environmental Impact Statement ("PEIS") that stress the importance for all baseline, monitoring, incident, and assessment data to be made publicly available; as well as prompt

¹¹² Nature Rsch. Custom Media & Kawasaki, *Hydrogen Gas Turbine Offers Promise of Clean Elec.*, Nature Portfolio (2022), available at <https://www.nature.com/articles/d42473-022-00211-0>.

¹¹³ Comments on LADWP Draft 2022 Strategic Long-Term Res. Plan: Prepared by PSE Health Energy for the Regenerate Coal. (Feb. 17, 2023), available at <https://drive.google.com/file/d/145-qmFU-53i2oFpne3Q11KmadrK2QrLf/view?usp=sharing>.

¹¹⁴ United Nations, *How is Climate Change Impacting the World's Ocean?*, available at <https://www.un.org/en/climatechange/how-climate-change-impacting-world%E2%80%99s-ocean> (last visited Apr. 22, 2024).

and public dissemination of data on entanglements, vessel strikes and fatalities, and turbine collisions.¹¹⁵ The findings of the BOEM PEIS should be incorporated into the final Strategic Plan.

The full extent of environmental impacts from the nascent OSW industry is still unknown, and there is a need for further data collection and evaluation in order to avoid, minimize, and mitigate adverse impacts. Therefore, we support the report's recommendations to identify adaptive management strategies that allow for adjustment of operations as more information about adverse impacts becomes known. We support early and consistent outreach and engagement with those who are experiencing and witnessing marine and fishery impacts directly, including tribes and those involved in commercial, subsistence, recreational, and cultural fishing activities.

Lastly, we support the creation of a West Coast Science Entity led by tribal leadership and local groups and funded by state and federal agencies, who are skilled in setting protocols for initial data gathering; determining priorities for data collection, analysis, and reporting; and formulating strategies for avoidance and mitigation, adaptive management, and planning for the decommissioning phase.

X. Conclusion

In summary, the Regenerate California Coalition appreciates the opportunity to comment on the Strategic Plan and shares gratitude to the CEC for preparing this extensive report. We look forward to the CEC and its sister agencies ensuring that any OSW development does not replicate the extractive nature of the fossil fuel industries it replaces, but rather helps transform the most impacted neighborhoods into thriving, healthy, and economically prosperous communities.

In order to ensure responsible and equitable development of OSW in California, we recommend that the CEC adopt our recommendations to the Strategic Plan before finalization, including:

- Adopt a task-agent-time approach throughout to clearly establish plans and accountability.
- Prioritize gas plant retirements and the minimization of system air pollutant emissions in OSW transmission planning.
- Center tribal & EJ community engagement.
- Include meaningful benefits for tribal and EJ communities.
- Ensure that ports and waterfront facilities supporting OSW development do not cause harm to underserved communities.
- Ensure stakeholder processes and public engagement in the procurement of OSW energy.
- Include a thorough permitting process that is responsive and respectful of local communities.
- Ensure that hydrogen production projections do not drive OSW need projections.
- Ensure the avoidance, minimization, and mitigation of adverse impacts to local marine ecosystems.

¹¹⁵ See, e.g., Env't Orgs. Comments on Notice of Intent to Prepare a Programmatic Env't Impact Statement for Future Floating Offshore Wind Energy Dev. Related to 2023 Leased Areas Offshore Cal. at 35-42 (Feb. 20, 2024), available at <https://www.regulations.gov/comment/BOEM-2023-0061-0161>.

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