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Conservation Organizations Comments - June 21 OSW Workshop
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Additional submitted attachment is included below.



July 9, 2021

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

Electronically filed to the Docket 17-MISC-01

Re: Conservation Organizations' Comments on the June 21, 2021 Workshop to Present Next Steps for Considering Offshore Wind Energy off the California Coast

Dear Commissioner Douglas:

On behalf of Defenders of Wildlife, Sierra Club California, Environmental Defense Center, Natural Resources Defense Council, California Marine Sanctuary Foundation, Audubon and our millions of members and supporters, we submit these comments on the California Energy Commission's (CEC) June 21, 2021 Workshop to Present Next Steps for Considering Offshore Wind Energy off the California Coast. We appreciate your efforts to organize the workshop and inform the public of the process for offshore wind (OSW) planning in California. Offshore wind offers the potential for consistent renewable energy that could provide significant energy, climate, and economic benefits for local communities, California, and the western grid. Our organizations are united in support of responsibly developed OSW energy as a critically needed climate change solution. Responsible siting and operation of OSW energy (i) avoids, minimizes, monitors, and mitigates adverse impacts on marine, coastal and terrestrial wildlife and their habitats, (ii) reduces negative impacts on traditional ocean uses, (iii) meaningfully engages state and local government, Native American Tribes and communities, and other stakeholders from

the outset, and (iv) uses the best available scientific and technological data to ensure science-based and stakeholder-informed decision making.

We believe that OSW energy development can and must advance in an environmentally responsible manner that reflects the best available science, includes stakeholders, and minimizes impacts to marine and terrestrial ecosystems. To ensure that OSW energy development meets California's ambitious climate and clean energy goals, OSW development must safeguard valuable and vulnerable ocean and terrestrial habitats, fish and wildlife, cultural resources, and communities. We urge the CEC, along with other State Agencies and Bureau of Offshore Energy Management (BOEM), to continue to engage stakeholders early and often in discussions, especially regarding strategies that avoid, minimize, and mitigate any potential impacts to California's beloved and critically important ocean life.

The State of California, BOEM, and other federal government agencies have an opportunity and responsibility to be visionary leaders and models for the world to follow. This requires that we set a high environmental standard for planning, siting, construction, operation, and decommissioning of OSW development.

We greatly appreciate CEC and BOEM's extensive outreach efforts thus far, yet would like to see a more extensive, deliberative, and intentional planning process for floating OSW energy development.

PLANNING BEFORE PERMITTING

We believe that the state, working in partnership with BOEM or independently, should lead an inclusive and transparent science and stakeholder-driven planning process to identify least conflict lease areas.¹ We firmly believe that planning for OSW development on the front end will ultimately benefit the industry and minimize potential impacts. A planning process to identify viable development sites in federal waters will enable federal and state agencies to evaluate OSW projects holistically within the context of the California current, rather than on an ad hoc basis. The San Joaquin Valley Least Conflict Solar Analysis² is an example of a collaborative and efficient planning process that identified least conflict areas for photovoltaic solar development.

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

² [San Joaquin Valley Least Conflict Solar Analysis](#)

With the additional resources provided in the FY2022 budget, the OSW energy lead staff from state agencies are well positioned to support California's energy planning³ to include an OSW energy component that will identify least conflict areas, take into consideration access to transmission, and help inform a sustainable OSW energy industry for the future. Such a process would protect our unique California Current Ecosystem and sustain an OSW energy industry to benefit our climate and energy goals.

DATA-DRIVEN PLANNING

We fully support and appreciate the effort to make the California Offshore Wind Energy Gateway⁴ an inclusive, collaborative, and transparent federal, state, and stakeholder resource. The Gateway and its data sets provide an essential ecological lens through which siting decisions in state and federal waters can be made. However, critical data gaps (e.g., spatial considerations) remain. The Conservation Biology Institute (CBI) and Point Blue are currently analyzing this data and identifying critical data gaps. Siting decisions should await the results of their ongoing analysis. We appreciate the work of Scott Flint at the CEC, Justine Kimball at the Ocean Protection Council, and the team at CBI⁵ to build tools to enable collaborative engagement and request continued funding to support the Gateway's buildout and maintenance.

The Gateway does an excellent job at providing the means to evaluate existing data sets spatially and can align with the BOEM-NOAA Marine Cadastre⁶ and the West Coast Ocean Data Portal.⁷ There is an outstanding need for Gateway users to be able to analyze multiple layers simultaneously and provide fine-scale detail in certain areas of interest. At present, the low resolution of and gaps inherent in some of the data preclude such careful analysis. Maps that overlay Biologically Important Areas (BIAs), krill hot spots, species-specific seasonality and sensitivity data, boundaries of protected areas, bathymetry, and areas of interest for wind development should be a key outcome of using Data Basin in planning and permitting decisions. Decision-support tools should also be used to interpret multiple data layers. The resulting maps and tools should guide relevant agencies in identifying areas of high environmental importance

³ e.g., the Integrated Energy Policy Report, the SB 100 Planning, Integrated Resources Planning, and transmission planning

⁴ <https://caoffshorewind.databasin.org/>

⁵ <https://consbio.org/products/projects/using-available-data-and-information-to-identify-offshore-wind-energy-areas-off-the-california-coast>

⁶ <https://marinecadastre.gov/>

⁷ <https://portal.westcoastoceans.org/>

and sensitivity and areas of least conflict that minimize the risks of OSW development to the marine environment.

SPECIFIC DATA GAPS

It is imperative to have a well-informed understanding of avian, marine mammal and sea turtle distributions and benthic habitat throughout the North and Central Coasts prior to making leasing decisions to improve the reliability of identifying areas as potentially low risk.

There are at least 30 species of marine mammals that live in California coastal waters, though detailed data exists for only a small number of those occurring in the areas of OSW interests. For many of the species with known distributions, the data are not fine enough to make localized decisions. Near- and long-term research is needed on killer whales, beaked whales, fin whales, and minke whales, and there is a need to delineate BIAs for those species. Sufficient resources and time should be allocated to carry out analyses on a fine enough scale to inform marine planning decisions. An analysis of climate-induced shifts and how those may impact marine mammal distribution will be complex, yet such an analysis is crucial to the planning process.

At least 81 species of birds use the California Current System, some seabirds from as far as away as the Southern Pacific, New Zealand, and Japan. BOEM studies are due soon on distribution of birds in the California Current System, and BOEM has analyzed the vulnerability of these species to population level impacts, collision with turbines, and displacement from foraging or roosting waters, and has prioritized species at risk by this vulnerability. Further research on the flight behaviors of seabirds is being conducted at Schatz Center at Humboldt University and Pacific Northwest National Laboratory for Humboldt Bay. These studies will greatly inform planning processes to protect bird species and habitats.

BOEM is currently undertaking two studies on seabird and marine mammal abundances along the Central Coast that have the potential to fill some critically important data gaps. Information generated from the Seabird and Marine Mammal Surveys Near Potential Renewable Energy Sites Offshore Central California study⁸ and the Pacific Marine Assessment Partnership for Protected Species (PacMAPPs) study⁹ should influence siting decisions. The PacMAPPs study has the potential to include at least three years of monthly ship and aerial pre-development baseline data on the presence and abundance of key species, including marine mammals and

⁸ https://www.boem.gov/sites/default/files/documents/environment/PC-17-01_0.pdf

⁹ https://www.boem.gov/sites/default/files/documents/environment/PC-17-04_0.pdf

seabirds. This would dramatically bolster the statistical integrity of the data sets and set a high environmental bar.

Finally, considering the importance and high public value of California's marine resources, we recommend that the State and BOEM analyze and model the potential synergistic and cumulative impacts of initial projects under present and future ocean conditions before approving any leases.

AVOID SENSITIVE MARINE HABITAT AND PROTECTED AREAS

Our organizations have worked with state and federal agencies to secure precedent-setting protections for state waters, and California has the largest network of national marine sanctuaries (NMSs) and marine protected areas in the United States. Maintaining the health of ocean ecosystems is essential to California's robust economy, to the livelihoods of residents, and to securing the sustainability of our marine life. Moreover, Californians—and many U.S. residents beyond our state borders—have made a strong public commitment to preserving California's coast and ocean and the marine wildlife that depend upon them. Protecting California's marine environment is ecologically, socially, and economically beneficial.

The Intergovernmental Panel on Climate Change's Special Report on the Ocean and Cryosphere in a Changing Climate,¹⁰ released on September 24, 2019, underscores the imperative of preserving intact marine habitat. Scientists recommend highly protecting at least 30 percent of the marine environment to preserve ecosystem function and enhance climate resilience. Governor Newsom has affirmed the imperative of meeting this recommendation in issuing Executive Order N-82-20, which directs state agencies to conserve 30 percent of the state's land and coastal waters by 2030. As state and federal agencies consider OSW, preserving the ecological integrity of known biological hotspots—including those listed above—is critical.

As sites are proposed and considered for OSW energy developments, we strongly recommend avoidance of BIAs for cetaceans, designated NMSs, marine protected areas, Audubon Marine Important Bird Areas, ecologically sensitive areas such as migratory corridors, and other ecologically important habitat—including designated critical habitat.

While the above listed protected/important areas have defined boundaries, these boundaries reflect administrative compromises and do not represent the definite presence/absence of

¹⁰ <https://www.ipcc.ch/srocc/>

species. Areas near the edges of protection zones should be considered important for the species and habitats protected by the designations. Further, not all ecologically important marine areas are protected. Public input will be vital to ensure such places are identified and analyzed before siting decisions for OSW project development are made. Given the importance of protecting California's natural capital, which drives the state's ocean economy, we would like to work with you to ensure siting decisions reflect an unwavering commitment to protecting the marine environment. To that end, we urge California to work with BOEM on projects in federal waters, since projects closer to shore in state waters will likely have more deleterious impacts to wildlife and habitat than those sited in federal waters.

CONCLUSION

California OSW projects should reflect leasing, siting, and permitting decisions that are guided by planning and comprehensive scientific research on potential impacts to sensitive marine areas and species. We urge CEC to initiate a deliberative planning process that prioritizes environmental protection and considers stakeholders' interests. Such a process will demonstrate environmental leadership that will benefit this burgeoning industry while protecting California's rich natural resources and help power California's clean energy future.

We appreciate the Commission's dedication and commitment on this issue, as well as the efforts of CEC and BOEM staff to hold the workshop and continue a dialogue with stakeholders. Thank you for your consideration of our comments. We look forward to collaborating with you on California's OSW energy future.

Sincerely,

Lauren Cullum
Policy Advocate
Sierra Club California

Kristen Hislop
Director, Marine Conservation Program
Environmental Defense Center

Sandy Aylesworth
Senior Advocate, Oceans
Natural Resources Defense Council

Rikki Eriksen, PhD.
Director, Marine Programs
California Marine Sanctuary Foundation

Pamela Flick
California Program Director
Defenders of Wildlife

Garry George
Director, Clean Energy Initiative
Audubon