



Responsible Offshore Development Alliance

February 10, 2023

California Energy Commission
Docket No. 17-MISC-01
Docket Office
1516 Ninth Street
Sacramento CA 95814
Em: docket@energy.ca.gov

Re. Draft Conceptual Permitting Roadmap for Offshore Wind Energy Facilities Originating in Federal Waters off the Coast of California

Dear Chair David Hochschild and Honorable Commissioners,

The Responsible Offshore Development Alliance (RODA) is pleased to submit the following comments regarding the AB 525 *Draft Conceptual Permitting Roadmap for Offshore Wind Energy Facilities Originating in Federal Waters off the Coast of California* (Permitting Roadmap). RODA is a coalition of more than 200 fishery-dependent companies, associations, and community members committed to improving the compatibility of new offshore development with their businesses. Members of our coalition operate in federal and state waters off the New England, Mid-Atlantic, and Pacific coasts. RODA members in California span the entirety of the state’s coastline, participating in many different fisheries utilizing a variety of gear types.

Assembly Bill 525 (AB 525) charges the California Energy Commission (CEC) with developing and producing “a permitting roadmap that describes timeframes and milestones for a coordinated, comprehensive, and efficient permitting process for offshore wind energy facilities and associated electricity and transmission infrastructure off the coast of California.”¹

We appreciate the Permitting Roadmap acknowledging the conceptual nature of the document and the “many unknowns that make specificity unfeasible at this time”. We applaud the CEC for framing this document as a dynamic (living) document to be updated as appropriate. We are already seeing some changes being introduced and implemented that could have ramifications on future iterations of the Permitting Roadmap. The Bureau of Ocean Energy Management (BOEM) has recently changed its process for identifying Draft Wind Energy Areas (WEA) as seen in the Gulf of Mexico² and Central Atlantic³ – and has been promised for Oregon. In the Gulf of Maine, BOEM has also changed their process by identifying Draft Call Areas⁴. These changes include the incorporation of a spatial suitability model developed by the National Center

¹ See §25991.5(a)

² See - <https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-activities>

³ See - <https://www.boem.gov/renewable-energy/state-activities/central-atlantic>

⁴ See - <https://www.boem.gov/renewable-energy/state-activities/maine/gulf-maine>

for Coastal Ocean Science (NCCOS). On January 30, BOEM published the proposed Renewable Energy Modernization Rule.⁵ This is currently open for public comment.

Per its terms, the Permitting Roadmap focuses on activities *after* lease issuance. For the lease sales which took place in December of 2022, BOEM sought the California Coastal Commission's (CCC) concurrence that proposed leasing and lease activities within two WEAs was consistent with California's Coastal Management Program (CCMP). The CCC conditionally concurred. We very much appreciate the level of engagement the fishing industry had with the CCC during the consistency determination process. We look forward to continued engagement as future consistency requests are addressed.

The Potential of Floating Offshore Wind to Advance California's Climate and Clean Energy Goals

We do not dispute that floating offshore wind (FOW) may play a role in advancing California's Climate and Clean Energy Goals. We are opposed to a BOEM process that tells the fishing industry and other ocean users where FOW facilities will be located rather than being asked where they could be placed to avoid, or minimize, impacts to those users. We look forward to working with CEC staff and other stakeholders in the portion of the Strategic Plan focused on sea space identification. The incorporation of tools like the NCCOS spatial suitability model and more complete datasets about current ocean use increase the likelihood of co-existence.

Floating Offshore Wind Generating Facilities and Related Components will Cross Federal and State Waters into Onshore Jurisdictions, Requiring Several Sequenced Reviews and Approvals

We are hopeful the Permitting Roadmap will provide clarity and certainty to interested stakeholders and the public.

BOEM Process

The fishing industry and many other interested stakeholders have expressed concern about the processes BOEM utilizes when leasing, permitting and approving projects. A vast majority of those expressing concerns about the BOEM process have recommended that BOEM undertake a programmatic view of offshore wind development on a regional basis. While BOEM has yet to show interest in preparing a Programmatic Environmental Impact Statement for the U.S. West Coast, in July of last year it published a Notice of Intent (NOI) to prepare the New York Bight Programmatic Environmental Impact Statement (PEIS), which will analyze potential impacts from wind energy development activities in the NY Bight region⁶. **We strongly recommend the CEC ask BOEM to prepare a PEIS analyzing potential impacts from wind energy development activities off the U.S. West Coast.** We suggest looking at the entire west coast given the close proximity of the Brookings Call Area⁷ on the California/Oregon border to the two lease sites included in the Humboldt WEA.

⁵ See - <https://www.govinfo.gov/content/pkg/FR-2023-01-30/pdf/2023-00668.pdf>

⁶ See - <https://www.boem.gov/renewable-energy/state-activities/new-york-bight>

⁷ See - https://www.boem.gov/sites/default/files/images/or_callarea_brookings_april_2022.jpg

California Environmental Review Process

The Permitting Roadmap accurately reflects the number of potential permits, entitlements, etc that a project proponent may have to obtain. From a stakeholder perspective, it can be frustrating not knowing which Agency is charged with a specific action and when an action is available for public comment. To that end, we very much appreciate the information provided in Appendix A. **We recommend the State post this information on the internet, on an easily accessible website. We also recommended adding additional columns which indicate:**

- If an item is out for public comment
- For those items out for public comment, instructions for how to submit comments
- For those items not out for public comment, an estimated date for when the proposed action will be noticed, or a link to comments submitted on that particular item

The above is meant to be illustrative, and not exhaustive.

Conceptual Permitting Roadmap

The document references two additional recurring series of biweekly meetings: those attended only by agency principals to discuss policy and agency coordination, and those with agency scientists and experts to discuss and evaluate impacts to the ocean and marine environment and ocean users (p. 15). **We recommend the participants in those meetings conduct outreach to scientists and experts outside of the agencies to allow for information sharing and ground truthing.** This could be particularly useful as it relates to fisheries, fishery operations and fishery datasets. We have appreciated the opportunities to have informal conversations with agency staff; but believe extending these conversations to all involved agencies could prove fruitful.

We appreciate the opportunity to offer these comments and thank you for considering them. We look forward to further conversations on this and other required elements of the Strategic Plan. Should you have any questions, please reach out to our west coast Director - Mike Conroy.

Sincerely,



Mike Conroy, West Coast Director



Lane Johnston, Programs Manager
Responsible Offshore Development Alliance