

September 22, 2022

The Honorable Alan Lowenthal
Chair
Subcommittee on Energy and Mineral Resources
House Natural Resources Committee
1324 Longworth House Office Building
Washington, D.C., 20515

The Honorable Pete Stauber
Ranking Member
Subcommittee on Energy and Mineral Resources
House Natural Resources Committee
1329 Longworth House Office Building
Washington, D.C., 20515

Re: Subcommittee Field Hearing, “Power in the Pacific: Unlocking Offshore Wind Energy for the American West”, September 8, 2022

Chair Lowenthal and Ranking Member Stauber:

On behalf of the undersigned organizations, we would like to thank you for holding a field hearing in California on offshore wind and for the opportunity to submit this statement for the record. Our organizations are united in advocating for *responsible* offshore wind that is developed in a manner that protects the environment and does not harm environmental justice communities. The marine ecosystem of the West Coast and California have unique needs that should be considered and addressed as the development of offshore wind in the Pacific proceeds. This statement highlights our primary recommendations for offshore wind development, specifically in relation to the Bureau of Ocean Energy Management’s (BOEM) Proposed Sale Notice (PSN) for the Morro Bay and Humboldt Wind Energy Areas.¹ It also includes our recommendations to ensure strong environmental protection and community support as offshore wind moves forward in California and the region.

The Biden Administration has set ambitious targets to transition the United States to clean energy sources and end our dependence on fossil fuels. California has also adopted bold planning goals for development of offshore wind in the state. Offshore wind has an important role to play in meeting our renewable energy needs, and is advancing quickly off all coasts in the U.S.

¹ These are described in more detail in the attached comment letter to BOEM.

The first floating offshore wind facilities in the U.S. will be built in federal waters offshore California. While fixed offshore wind has an established presence in Europe, very few floating wind facilities have been built and the degree of environmental impacts is largely unknown, especially for the diverse wildlife of the unique California Current Ecosystem. Offshore wind development in California provides an opportunity to set a strong precedent for future development to minimize harm to the environment and coastal communities by incorporating robust measures to protect ocean habitats and support communities impacted by wind energy development. We can and need to accomplish both goals: protecting biodiversity and rapidly transitioning to clean energy.

To achieve such standards for environmental protection, we have repeatedly urged BOEM to prepare a Programmatic Environmental Impact Statement (PEIS) to ensure full and adequate evaluation of potential direct, indirect, and cumulative impacts; describe measures to avoid, minimize, mitigate, and monitor for potential impacts. In the case of the Morro Bay and Humboldt Wind Energy Areas (WEA), conducting a PEIS now – before leasing – would also allow BOEM to assess alternatives for wind development within existing WEAs and assess future development areas. A PEIS would enable BOEM and developers to improve knowledge of impacts and make better decisions early in the process and support the collection of baseline information to fill existing data gaps. BOEM is advancing a post-leasing PEIS for development in the New York Bight; given the complexity of the California Current Ecosystem and the undetermined impacts of floating offshore wind, the agency should prepare a PEIS before the leasing stage in California.

Additionally, BOEM should require stipulations and offer incentives to ensure offshore wind development protects biodiversity and supports communities at the leasing stage. To achieve these goals, we recommend that lease conditions include the following:

- **Incorporate environmental avoidance, minimization, and mitigation measures and requirements directly into the Final Sale Notice (FSN) for the Morro Bay and Humboldt Wind Energy Areas and for all future development areas.** This should include a requirement for lessees to follow the mitigation hierarchy and first avoid, then minimize and mitigate, potential environmental impacts. Lease stipulations should cover a project's entire potential lifespan – all phases of development and operation, up to and including decommissioning – to delineate boundaries for future phases and ensure the final project will meet environmental standards.
- **Include the California Coastal Commission's conditions for the Morro Bay and Humboldt Wind Energy Areas as lease terms in the FSN.** Conditions from the Coastal Commission's Consistency Determination offer modifications specific to California's coastal and marine environment and must be included to maintain consistency with California's coastal management program under the Coastal Zone Management Act.
- **Include risk reduction and protective measures for anticipated impacts directly in lease terms.** In our PSN comment letter, we provided recommended measures to address

potential risks including secondary entanglement² of marine life in offshore wind infrastructure, vessel strikes, project-associated noise, impacts to benthic habitat, collision and lighting impacts for birds and bats, and introduction of invasive species. Recommendations include regular visual, acoustic, and remote inspection and monitoring of infrastructure, vessel speed limits and the use of Protected Species Observers, the use of low-energy equipment for geophysical surveys, protections for certain types of benthic habitat and the development of an anchoring plan, avoiding and minimizing impacts from artificial lighting and turbine collision, and the use of strike detection technologies on turbines.

- **Require developers to contribute to robust scientific research and develop adaptive monitoring plans.** Research will inform avoidance, mitigation, and compensatory mitigation strategies; continued monitoring is needed to maintain environmental protection. Avoidance and mitigation measures may change with new data and technological advancements, and continued research and monitoring is essential for assessing effectiveness of strategies. The degree of risk for some impacts, such as secondary entanglement and turbine collision, is unknown for floating offshore wind and additional data collection is necessary to evaluate and avoid risk. Cumulative impacts from multiple wind facilities and potential population-level impacts also require comprehensive plans and data collection. Research and monitoring should be designed for long-term review and science should be conducted in a collaborative and transparent manner.
- **Include developer incentives such as increased bid credits for initiatives that ensure offshore wind develops in a manner that protects the environment and supports local communities.** This can be achieved through efforts such as a consolidated research center or entity, and assistance to state and local governments to protect affected areas. The investment of these bid credits must have a clear verification and evaluation process.
- **Establish engagement with tribal governments, ocean users, underserved communities, agencies, and other stakeholders.** This is especially important to minimize the potential impacts of transmission and port infrastructure, which is under the purview of California state agencies but may affect coastal species and communities.

Offshore wind energy will be an important element in transitioning the U.S. to renewable energy resources, and with strong environmental measures in place, can be done in a way that protects California's remarkable biodiversity and vibrant coastal communities. This includes incorporating the recommendations listed above directly into the FSN for the Morro Bay and Humboldt Wind Energy Areas, as well as for future development in the Pacific.

We appreciate the subcommittee's attention to this important matter and your continued leadership as offshore wind advances in California. Please don't hesitate to reach out with any questions or for additional information. Thank you for your consideration.

² This form of entanglement could occur if marine debris becomes ensnared on project infrastructure, including platforms, mooring lines, inter-array cables, and anchors, and subsequently entangles marine life.

Respectfully,

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Attachment: Comments of Natural Resources Defense Council *et. al.* on Proposed Sale Notice for Commercial Leasing for Wind on the Outer Continental Shelf in California – Docket No. BOEM-2022-0017. Submitted August 1, 2022.