

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

Dear Chair Lowenthal and Ranking Member Stauber:

Thank you for holding a field hearing in California on offshore wind and for the opportunity to submit this statement for the record.

The CORE Hub was established by regional leaders in climate resilience, mitigation, and adaptation and is based at Humboldt Area and Wild Rivers Community Foundation, serving California Counties of Humboldt, Del Norte, and Trinity, as well as Curry County in Oregon. Our service area includes 27 Tribal Nations and Indigenous Territories. The CORE Hub’s goal is to become the first proven carbon sequestering rural and Tribal region in the United States. We act toward this goal through planning and policy guidance; facilitating healthy civic dialogue; taking action for equity; promoting accurate, accessible public information; providing research, analysis and technical assistance; project acceleration; promoting traditional knowledge and multi-generational values; and conducting rigorous tracking to document progress and ensure accountability. For more information on the CORE Hub, please visit <https://redwoodcorehub.org/>.

Over the last several months, the CORE Hub has been convening the North Coast Offshore Wind Community Benefits Network (the “Network”), consisting of 33 governments, Tribal Nations, labor unions, organizations and agencies, and resident community leaders to develop recommendations for how the Pacific Wind Lease Sale 1 (PACW-1) auction and leasing processes could be structured in ways that support both the North Coast region and the industry in thriving into the future. Prior to convening the Network, we had over 150 meetings, interviews and consultations with many more

community leaders, Indigenous leaders, local government, local and small businesses, trade unions, education, environmental, and community-based organizations, and specific outreach to underserved communities, all of which informed a base understanding for the Network about what is important to the broader community about offshore wind development. Through this community-centered process, the Network has identified key steps that the federal government, the state and offshore wind developers must collectively take so that our region can fully participate in and support this new industry, and harm is minimized.

For the California North Coast region¹ (the “Region”) offshore wind provides a tremendous opportunity to fight climate change and promote climate resilience. This also presents an important opportunity to proactively shape the industry in a way that improves community well-being; strengthens partnerships with local communities, Tribal Nations, state and federal agencies; and protects biodiversity. Community-driven development is essential on the North Coast, a region that has experienced long-term harm from a violent boom and bust natural resource extraction economy.

The North Coast is a dynamic place - simultaneously remarkable, challenging, evolving, enduring and beautiful. The North Coast is home to spectacular and expansive swaths of lands and waters that support biodiversity, culturally-significant community and Tribal practices. Small, beach and portside communities support local enterprises, family businesses, and recreational tourism. As we take a leap forward on the development of the offshore wind industry, we must apply and learn from the history of this place, maintain an unwavering commitment to equity, and avoid repeating harmful and grossly inequitable mistakes of past industrial development.

Much of the North Coast’s past economic and infrastructure activities have developed at the expense of the long-term economic, social, and environmental well-being of our communities. The gold and timber industries, in particular, generated periods of accelerated yet unsustainable economic growth, coupled with land theft and state-sanctioned genocide.² Additionally, the region’s rich river systems have been dammed and diverted for energy production and water sourcing for the state. This history now serves as a cautionary tale of the harms industries can inflict when they develop without long-term, community-centered investments.³

The legacy of violent extractive industries, boom and bust economic cycles, and underinvestment in a primarily rural, Tribal region have created persistent gaps in social and economic infrastructure. These needs are rooted in: (i) a lack of clean reliable electricity, broadband, transportation, and other infrastructure; (ii) a lack of access to health, childcare and other social services; (iii) a lack of high-quality educational and other career technical opportunities for youth; (iv) a lack of access to

¹ The “North Coast Region” encompasses: 1) Humboldt County, 2) Del Norte County, and 3) the Tribal lands of the Bear River Band of the Rohnerville Rancheria, Big Lagoon Rancheria, Blue Lake Rancheria, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Elk Valley Rancheria, Hoopa Valley Tribe, Nor Rel Muk Wintu Nation, Resighini Rancheria, Tolowa Dee-ni’ Nation, Tsungwe Tribe, Wiyot Tribe, and Yurok Tribe of California, which are the Tribal Nations in each County. Although jurisdictionally independent from each other, these three areas function as one ecosystem through collaborative workforce and education systems, common infrastructure, and a shared history. The region’s history of resource and human exploitation has particularly harmed the region’s Indigenous peoples.

² Cornford, D. (1987). *Workers and Dissent in the Redwood Empire*. Temple University Press. Accessed July 2022 from https://www.jstor.org/stable/j.ctv6mtdhp.6#metadata_info_tab_contents

³ North Coast Resource Partnership. (2018). *Healthy Watersheds, Vital Communities, Thriving Economies: Actionable Strategies for California’s North Coast Region*. Accessed July 2022, from https://northcoastresourcepartnership.org/site/assets/uploads/2018/06/NCRP_Report_Greenprint_v3.pdf

healthy food; and (v) a growing housing shortage at all income levels. Today, many communities throughout our North Coast region are considered ‘disadvantaged,’ ‘underrepresented,’ or ‘environmental justice communities’ due to the high proportion of low-income households and census tracts,^{4,5} census ‘hard to reach’ communities⁶, and a high-density of Tribal Lands and Allotments.⁷ Over 15% of Del Norte and Humboldt residents experience poverty.⁸ Humboldt County in particular has a higher poverty rate than the California average.⁹ 27.7% of people in Northern California’s Tribal communities lived below the poverty line level in 2019.¹⁰ Several Tribal Nations in the region have high rates of poverty and low median wages. According to the Yurok Tribe, 80% of their members live below the poverty line and have an annual income of just over \$11,000. The census tract for the Hoopa Valley Reservation has a 95% rate of poverty and 80.69% unemployment compared to other tracts in the state.¹¹

In addition to infrastructure gaps, Tribal Nations in the region face threats to the safety of their communities. Tribal communities, who were displaced from their land, had their natural resources stolen, and experienced murder and other atrocities, face continued harm.¹² California has the 5th highest rate of Missing and Murdered Indigenous Women Girls and Two Spirit People (MMIWG2) in the United States, with 1/3 of all cases in California occurring in Del Norte, Humboldt, and Mendocino Counties¹³.

Both inland and coastal Tribal Nations¹⁴ rely on natural resources that will be impacted by offshore wind development, particularly salmon and other anadromous fish in Humboldt Bay and rivers fed by and immediately to the north and south of the Bay for commercial, cultural, and sustenance fishing. However, members of Tribal Nations experience difficulty obtaining salmon, over time because

⁴ North Coast Regional Water Quality Control Board. (2016). *Small Disadvantaged and Financial Hardship Determination for North Coast Region Communities*.

https://www.waterboards.ca.gov/northcoast/water_issues/programs/environmental_justice/180921/160726_CPM_ef_Small_Disadvantaged_Communities_Memo_and_Attachments.pdf

⁵ Low income communities and households are defined as the census tracts and households, respectively, that are either at or below 80% of the statewide median income, or at or below the threshold designated as low income by the California Department of Housing and Community Development 2016 state income limits.

⁶ CA Department of Finance Demographic Research Unit. (2020). California Hard-to-Count Index Interactive Map. Accessed July 2022, from <https://census.ca.gov/htc-map/>

⁷ Tribal lands are defined as federally recognized Native American reservations and allotments per the California Native American Heritage Commission. The May 2022 Final SB 535 Disadvantaged Communities Designation by the CalEPA includes, and CPUC/CEC Disadvantaged Community Advisory Group Equity Framework include “Lands Under Federally Recognized Tribes” and “Tribal Lands” respectively as disadvantaged communities. Accessed July 2022 from https://calepa.ca.gov/wp-content/uploads/sites/6/2022/05/Updated-Disadvantaged-Communities-Designation-DAC-May-2022-Eng.a.hp_-1.pdf and

https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/infrastructure/disadvantaged-communities/dacag-equity-framework.pdf?sc_lang=en&hash=130F6FD0AEA89095CD0EAC455D0C60EE

⁸ *Quick Facts: Trinity County, CA; Del Norte County, CA; Humboldt County, CA*. (2021, July 1). U.S. Census Bureau. Retrieved July 2022, from

<https://www.census.gov/quickfacts/fact/table/trinitycountycalifornia,delnortecountycalifornia,humboldtcountycalifornia/PST045221>

⁹ Bohn, S. Danielson, C. and Malagon P. (July 2021). *Poverty in California Factsheet*. Public Policy Institute of California. Accessed July 2022 from <https://www.ppic.org/publication/poverty-in-california/>

¹⁰ Northern CA Indian Development Council. (2021) *Community Needs Assessment*. Accessed July 2022 from

<https://www.ncidc.org/sites/default/files/48/csbj/NCIDC%20Community%20Needs%20Assessment%202021%20Final.pdf>

¹¹ OEHHA. (2021). CalEnviroScreen 4.0 Poverty Map. Accessed July 2022 from <https://oehha.ca.gov/calenviroscreen/indicator/poverty>

¹² Abinanti, A., Cavaliere, A., Nulph, A., George, B., Lucchesi, A., Madrid, M., Fisher, A., Ruecker, T., Preciado, V., Smith, J., Balandran, G. (July 2020). *To’ Kee Skuy’ Soo Ney-Wo-Chek’ I Will See You Again in a Good Way Progress Report* (pp. 28). Yurok Tribal Court and Sovereign Bodies Institute. Accessed July 2022, from

https://www.sovereign-bodies.org/files/ugd/6b33f7_c7031acf738f4f05a0bd46bf96486e58.pdf

¹³ Abinanti, A., Cavaliere, A., Nulph, A., George, B., Lucchesi, A., Madrid, M., Fisher, A., Ruecker, T., Preciado, V., Smith, J., Balandran, G. (July 2020). *To’ Kee Skuy’ Soo Ney-Wo-Chek’ I Will See You Again in a Good Way Progress Report*. Yurok Tribal Court and Sovereign Bodies Institute. Accessed July 2022, from https://www.sovereign-bodies.org/files/ugd/6b33f7_c7031acf738f4f05a0bd46bf96486e58.pdf

¹⁴ 43 U.S.C. § 1331; <https://www.law.cornell.edu/uscode/text/43/1331#>

salmon runs are increasingly threatened, endangered, or at risk.¹⁵ For Tribes and other entities that rely on fisheries for subsistence, access to even a small quantity of fish is important for food security and to the continuance of cultural traditions.¹⁶ These fisheries are at risk of potential further impacts by offshore wind energy and related infrastructure development in Humboldt Bay, as well as the larger context of climate change.

Potential impacts of the offshore wind industry on the human, marine and coastal environments are front of mind in the North Coast region. Offshore wind projects cannot happen without adequate landside and port infrastructure. The offshore wind project will likely require pier construction for turbine assembly, more reliable frequent and deeper dredging to ensure vessel access to Humboldt Bay, and construction of additional port facilities.¹⁷ Fully developing the Humboldt Wind Energy Area will necessitate future electric transmission infrastructure to connect offshore wind generation to California's transmission grid.¹⁸ The project and accompanying landside developments can cause impacts to marine mammals, eelgrass, birds, oysters, salmon, and a variety of fish that Tribal Nations and others rely on. Many of these critical resources are already impacted by climate change and outdated resource management practices, so they are ill-prepared to sustain additional impacts. BOEM must also ensure human needs are addressed and further human, marine and coastal impacts are avoided, minimized or mitigated, in a way that centers equity and community decision-making through a robust, well-funded community-centered bid credit package and stipulations that protect the environment.

We appreciate the Biden-Harris Administration, Department of the Interior and Bureau of Ocean Energy Management's commitment to investing in energy and climate resilience. In order to advance offshore wind to meet the ambitious federal 15 GW goal, significant investments are needed in the communities that will be hosting this new industry, and it is important that those communities realize the many potential benefits of offshore wind.

The North Coast Offshore Wind Community Benefits Network respectfully requests the federal government prioritize the following path forward for offshore wind development, which includes a 50% bid credit package being incorporated into the Final Sale Notice, and a request that BOEM give scoring priority to bid credits over all-cash bids **as a clear demonstration of regional partnership and investment**. These recommendations are guided by dual desires to support climate and energy resilience, while ensuring that this industry develops and operates equitably and sustainably, and in partnership with our communities to address our region's unique needs and connection with our natural resources. We recommend data transparency, funding for research and monitoring and an

¹⁵ [Shilling, Fraser; Negrette, April; Biondini, Lori; and Cardenas, Susana. \(July 2014\). *California Tribes Fish-Use*. State Water Resources Control Board and the US Environmental Protection Agency.](#)

¹⁶ [Conditional Concurrence, page 78](#)

¹⁷ [Per Coastal Commission: "...future development related to construction of offshore wind facilities will likely have a variety of effects. Some effects will occur due to the redevelopment of the Redwood Marine Terminal facilities to accommodate offshore wind development and infrastructure buildout for offshore wind energy. Significant development will likely occur at the Humboldt Harbor District, which is closest to the Humboldt WEA and likely to be the location of staging for lease exploration activities as well as future onshore development for infrastructure needs. Industrial activity and development at ports can result in significant environmental burdens for communities of concern living near ports including air, water, noise and light pollution (EPA, 2021). This not only affects residents, but also workers and visitors who might recreate near port areas. (Conditional Concurrence page 112)

¹⁸ "Transmission Alternatives for California North Coast Offshore Wind Volume 3: Transmission Analysis" Accessed July 2022 from <http://schatzcenter.org/pubs/2022-OSW-R3.pdf> and related presentation. Accessed July 2022 from <http://schatzcenter.org/pubs/SchatzCenter-NorthCoastOffshoreWind-TransmissionAlternatives-20220525.pdf>

adaptive management approach, as needs will evolve over the three decade life of the project. This approach must be rooted in the hierarchy of first avoiding, then minimizing and mitigating adverse impacts on wildlife and habitat. At a high level, our recommendations include:

1. **Community-centered recommendations and 50% bid credit package, including:**
 - 1.1. Support for the **Workforce Training and/or Domestic Supply Chain Development** credit at 20%, with recommended changes to incorporate equity, reflect ongoing work in our region around training, and to expand opportunities to support local workforce and enterprises;
 - 1.2. Support for the **Lease Area Use CBA credit** with an increase to bring the credit percentage to 3%;
 - 1.3. New stipulation requiring creating and funding a **North Coast Community Benefits Fund stipulation** and a credit of 10%, to reflect the unique needs of our region, particularly underserved, and underrepresented communities and Tribal Nations, around housing, other infrastructure and services incorporating recommendations from Condition #5 - Engagement with environmental justice and local communities - contained in the California Coastal Commission's (CCC) Conditional Concurrence;
 - 1.3.1. Creation of a community steering committee, incorporating recommendations from Condition #5 in the CCC's Conditional Concurrence;
 - 1.4. New stipulation requiring creating and funding a **Regional Tribal Capacity Fund** and a credit of 10%, to support Tribal Nations in overcoming capacity constraints grounded in historical dispossession and the disproportionate impact of extractive industries on Tribal lands, cultures, economies, and livelihoods;
 - 1.5. New stipulation requiring creating and funding a **Tribal Fisheries Benefit Fund** and a credit of 3%, to address the specific impacts to Tribal sustenance and cultural fishing; and
 - 1.6. New stipulation requiring creating and funding an **Environmental Monitoring and Research Fund** credit of 4%, to ensure resources to fill key data gaps, address equity and related to new stipulations as outlined directly below in # 5, among others.
2. A new stipulation to ensure meaningful outreach and engagement with environmental justice communities, reflecting recommendations from Condition #5 in the California Coastal Commission's (CCC) Conditional Concurrence.
3. Support for, with recommended changes, the Native American Communications Plan to reflect recommendations from Condition #6 in the CCC's Conditional Concurrence, and the history of Tribal Nations in this region.

4. Support for the Project Labor Agreement stipulation, with recommended changes to increase opportunities for local communities, underrepresented communities, and Tribal Nations, and to address community safety.
5. Lease stipulations to strengthen environmental protections, including:
 - 5.1. New stipulations addressing decommissioning
 - 5.2. New stipulations to protect benthic habitat
 - 5.3. New stipulations to address Adaptive Monitoring and Management of Upwelling Impact
 - 5.4. New stipulations to prevent secondary entanglements for wildlife
 - 5.5. New stipulations committing to data transparency, monitoring commitments and creating adaptive management and monitoring plans with reimbursement for certain actions
 - 5.6. Revisions to protected species stipulations to incorporate specific protections around noise, vehicle speed and avian collisions

Our rural and Tribal region is notably different from areas where BOEM may have previously permitted offshore wind development. In particular, poverty, the lack of existing infrastructure, established workforce development programs for emerging jobs, and other landside supports such as housing, healthcare, child care services and environmental restoration and protection must be addressed. The recommended community-centered 50% bid credit package would result in direct regional investment to prepare for and partner with offshore wind energy development and related industry and would address the imperative needs of commercial fishermen, Tribal fisheries, Tribal Nations, and the broader North Coast communities described above. This structure would allow currently marginalized and underrepresented communities to be centered in decision-making and enable those communities to monitor impacts and implement community benefits, while addressing future burdens on finite services, housing and other infrastructure related to development of the offshore wind industry.

This recommended investment structure through the Pacific Wind Lease Sale 1 (PACW-1) auction and leasing processes will ensure the offshore wind energy areas and related industries are developed safely, protect the natural environment, provide for a fair return on investment, and protect national security interests¹⁹ in accordance with BOEM's authorities under the Outer Continental Shelf Lands Act (OCSLA). These changes also meet federal and state goals and policies around environmental and climate justice - including the California Coastal Commission's Environmental Justice Condition, and benefit transfer to Tribal Nations and underserved communities, in alignment with the Justice40 Initiative. Additional federal environmental justice requirements that support our recommendations include:

- **Executive Order 13985** – Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- The **Department of the Interior (DOI) Equity Action Plan**
- **Executive Order 13175** – Consultation and Coordination With Indian Tribal Governments
- **Executive Order 14008** – Tackling the Climate Crisis at Home and Abroad

¹⁹[Outer Continental Shelf Lands Act, 43 U.S.C. § 29 \(2017\).](#)

- **Executive Order 13990** – Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis

There are several legal and policy supports for this set of recommended lease stipulations and bid credits, including:

- 1. Outer Continental Shelf Authorities support Bid Credits and Lease Stipulations to protect the environment and communities.²⁰**
- 2. The Secretary of the Interior has broad discretion to design and implement bid credits and stipulations.**
- 3. Community-centered stipulations and a 50% bid credit package will satisfy BOEM's requirement to *protect the environment* under (p)(4)(B).**
 - a. Community-centered stipulations and a 50% bid credit package will satisfy BOEM's requirement to *protect the national security interest* under (p)(4)(F).**
 - b. Community-focused stipulations and credits will satisfy BOEM's requirement to *protect safety* under (p)(4)(A).**
 - c. An expanded package of bidding credits satisfies the OCSLA's highest responsible bidder requirement, mandating the consideration of multiple factors.**
 - d. Community-centered bid-credits and PLA structures fulfill BOEM's requirement to hold OCS in the national interest.**
- 4. Increased environmental protections will address BOEM's requirements to protect the environment.**

We believe community-centered stipulations and a 50% bid credit package not only support BOEM's state and federal policy mandates, but offer win-win solutions, creating trust, good will and public/private strategic partnerships at the outset of what will be a long relationship. Future wind projects are more likely to succeed in the long-term if our communities can meaningfully benefit from and participate at all stages. BOEM and developers can achieve these aims by incorporating our recommendations, which center local communities in decision-making, direct early and foundational investments to local social, physical and economic infrastructure, and improve relationships with Tribal Nations. Further, a simplified bid credit package focused on payments into targeted funds for specific results to be determined by the community may help to streamline the auction bidding and scoring process for both BOEM and bidders.

Early investment directly in our communities through the community-centered recommendations and 50% bid credit package outlined above will provide the structure, capacity and resources for positive and ongoing engagement with the lessees and state and federal agencies. Without these investments we run risks of repeating the past mistakes of previous extractive industries.

²⁰ Congress enacted the Submerged Lands Act in 1953, which set the federal government's title and ownership of submerged lands at three miles from a state's coastline. The Outer Continental Shelf Lands Act (OCSLA), also passed in 1953, provides for federal jurisdiction over submerged lands of the Outer Continental Shelf (OCS) and authorized the Secretary of the Interior to lease those lands for mineral development. In 2009, the Department of the Interior (DOI) announced final regulations for the OCS Renewable Energy Program, which was authorized by Section 388 of the Energy Policy Act of 2005, authorizing the Secretary of the Interior to offer leases, easements, and rights-of-way on the OCS for offshore renewable energy activities. BOEM was established under DOI Secretarial Order 3299 (August 29, 2011), to exercise the conventional and renewable energy-related management functions of the Minerals Management Service, including but not limited to, activities involving resource evaluation, planning, and leasing authority.

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 - KaterinaO@hafoundation.org and BrynaL@hafoundation.org. Thank you for your consideration.

Respectfully,



Bryna Lipper, CORE Hub Advisory Council Member & Chief Executive Officer, Humboldt Area and Wild Rivers Community Foundation



Katerina Oskarsson, CORE Hub Executive in Residence

Enclosure: Comments of the Redwood Region Climate and Community Resilience Hub and North Coast Offshore Wind Community Benefits Network 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

CC: *(listed in alphabetical order)*

The Honorable Virginia Bass, District 4 Supervisor, Humboldt County Board of Supervisors

The Honorable Rex Bohn, District 1 Supervisor, Humboldt County Board of Supervisors

The Honorable Michelle Bushnell, District 2 Supervisor, Humboldt County Board of Supervisors

The Honorable Diane Feinstein, U.S. Senator for California

The Honorable Jared Huffman, 2nd Congressional District, U.S. House of Representatives

The Honorable Steve Madrone, District 5 Supervisor, Humboldt County Board of Supervisors

The Honorable Mike McGuire, 2nd Senate District, California State Senate

The Honorable Gavin Newsom, Governor of California

The Honorable Alex Padilla, U.S. Senator for California

Christina Snider, Tribal Advisor to Governor Gavin Newsom

The Honorable Garth Sundberg, Sr., Chair, North Coast Tribal Chairperson's Association

The Honorable Mike Wilson, District 3 Supervisor, Humboldt County Board of Supervisors

The Honorable Jim Wood, 2nd Assembly District, California State Assembly