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Re: Scoping for Humboldt Wind Energy Environmental Assessment

Dear Ms. Thurston-Keller,

Thank you for the opportunity to comment on the scope of the Environmental Assessment (EA) for the Humboldt Wind Energy Area (WEA). We appreciate the ongoing coordination between the Bureau of Ocean Energy Management (BOEM) and state of California. Each of our agencies, as described below, plays an important role in California's policy framework, including implementing our climate and clean energy goals and protecting and conserving coastal and ocean resources in California, which are themselves experiencing increasing impacts from climate change.

We will be individually and collectively working to assess the potential role of offshore wind in California's electricity system and the broader infrastructure implications of this potential energy resource. We are also committed, and through a variety of review, coordination, and authorization functions have a role in helping to ensure, that the activities covered in the EA are carried out in a manner that protects ocean health and the state's blue economy.

As this process moves forward, we also want to reiterate our commitment to working in partnership with BOEM to bring forward the best available information regarding environmental considerations, existing uses of the ocean, results from science-based studies that have been funded by federal and state agencies, and the California Offshore Wind Energy Gateway to this process. We are also committed to working

proactively on stakeholder and public engagement, including working with California Native American Tribes.

Offshore wind represents an opportunity for California to generate carbon free energy near coastal load centers, diversify the state's renewable energy portfolio, utilize existing onshore electrical infrastructure, and provide local, regional and statewide economic benefits. California also has a deep commitment to conserving and enhancing the tremendous natural resources, recreational, economic, scenic and other important values of the coastal environment, including protecting fisheries resources, marine life, and cultural resources. We are active participants in the study, development, and regulation of future offshore wind projects off the coast of California. The state agencies described below are vested in the successful oversight of these processes and we are jointly submitting these comments for BOEM's review.

California Energy Commission

The California Energy Commission (CEC) is the state's primary energy policy and planning agency and plays a critical role in creating the energy system of the future by crafting and implementing policies and programs to create a low-carbon economy. Since its establishment in 1974, the CEC has advanced the state's climate and energy goals while ensuring that the state's energy systems remain reliable, safe, and affordable. The CEC's portfolio is broad and includes promoting energy efficiency, incentivizing energy innovation, advancing cleaner transportation, licensing thermal powerplants with generating capacity of 50 megawatts or more, developing strategies to address energy emergencies, and implementing the state's Renewables Portfolio Standard.

California Public Utilities Commission

The California Public Utilities Commission (CPUC) regulates investor-owned utilities and other retail electric load-serving entities across the state. It authorizes electric utility rates and procurement, establishes electric utility service and safety standards and ensures that load-serving entities have sufficient energy resources available to provide safe and reliable service at reasonable cost. The CPUC's integrated resource planning process for entities under its jurisdiction ensures the development of the generation, energy storage and transmission resources needed to achieve the state's goal of 100 percent zero-carbon electricity by 2045 in a cost-effective manner.

California Coastal Commission

The California Coastal Commission was established by voter initiative in 1972 (Proposition 20) and later made permanent by the Legislature through adoption of the California Coastal Act of 1976. In partnership with coastal cities and counties, The Coastal Commission plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the Coastal Act to include (among others) construction of buildings, divisions of land, and activities that change the

intensity of use of land or public access to coastal waters, generally require a coastal permit from either the Coastal Commission or the local government. Additionally, the California Coastal Commission maintains the ability to review activities in Federal waters that impact coastal resources as authorized under the Coastal Zone Management Act.

California Department of Fish and Wildlife

The California Department of Fish and Wildlife (Department) is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state (Fish & G. Code, Section 711.7, subd. (a) & 1802; Pub. Resources Code, Section 21070). The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., Section 1802). The Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. The Department is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California, and ensuring fisheries are sustainably managed under the Marine Life Management Act.

California State Lands Commission

The California State Lands Commission (CSLC) manages the State's sovereign tidelands and submerged lands, in addition to the beds of California's navigable lakes and waterways, pursuant to the common law Public Trust Doctrine. The CSLC's jurisdiction extends along the State's entire coastline and offshore islands from the ordinary high water mark, as measured by the mean high-tide line (except for areas of fill or artificial accretion, or where the boundary has been fixed by agreement or court decision) to the state/federal boundary, approximately 3 nautical miles offshore. The CSLC has authority to issue leases or permits for the use and development of sovereign land and resources consistent with the Public Trust and in the best interests of the State. The Commission also retains broad oversight authority over Public Trust lands legislatively granted to local jurisdictions (Pub. Resources Code, §§ 6005, 6009, subd. (c), 6009.1, 6301, 6306, 6501.1.). All tidelands and submerged lands, whether granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Public Trust Doctrine.

Governor's Office of Planning and Research

The Office of Planning and Research (OPR) serves as "staff for long-range planning and research and constitute the comprehensive State Planning" (Gov. Code § 65040). OPR serves "as a liaison to coordinate effective inclusion of the military in the

development and implementation of state energy and environmental policy" (Gov Code §65040.7). OPR runs the State Clearinghouse which coordinates state agency review and comment on California Environmental Quality Act and National Environmental Protection Act documents (California Code of Regulations, Title 14, Sections 15000-15387 and Presidential Executive Order 12372).

Ocean Protection Council

The California Ocean Protection Council (OPC) is a Cabinet-level state policy body within the California Natural Resources Agency that advances the Governor's priorities for coastal and ocean policy and works broadly to protect healthy coastal and ocean ecosystems for current and future generations. OPC was established by the California Ocean Protection Act, and its actions are guided by the Strategic Plan to Protect California's Ocean and Coast (2020-2025). One of the stated blue economy objectives in the strategic plan is to work towards development of commercial scale OSW in California that minimizes impacts on marine biodiversity, habitat, currents and upwelling, fishing, cultural resources, navigation, aesthetics and visual resources, and military operations. OPC prioritizes collaboration between state and federal agencies and other partners to maximize consistency in decision-making and safeguard California's coast and ocean.

The state agency joint comments on the EA Scoping address analyses needed to fully understand the impacts of the studies and activities that may be conducted by potential lessees.

In addition to the joint agency comments on the EA Scoping, the agencies are including additional comments and information requests that will assist the state's evaluation of siting-level impacts during the next steps leading to a potential lease sale.

Analysis of Leasing Environmental Impacts in the EA

Project Description: The current description of lessee activities described in the Humboldt Area ID Memo is very general and does not provide a clear picture of what specific activities will take place during this stage of the leasing process. We recommend developing a more detailed project description, including the methods of investigation that lessees will be using for their studies. For example, the Humboldt Area ID Memo lists biological, geological, geotechnical and archaeological surveys, but does not discuss the methods used to perform these surveys. The methods should define the environmental impacts and the analysis. Including a complete and robust project description in the EA will assist with our ability to understand the impacts of leasing activities and provide comments on the draft EA.

Impacts of Underwater Sound: The EA should identify the potential impacts to marine species, particularly marine mammals, from underwater sound. The upcoming site-specific studies may require geophysical surveys or other research techniques that use

acoustics and assessing the impacts of these research techniques to marine species will assist the State in its federal consistency analysis.

Water Quality: The use of vessels and equipment in conducting studies in the Humboldt WEA will bring the possibility of fuel, oil or other hazardous materials spills. The EA should assess this potential impact and recommend measures to prevent or contain accidental spills so as to minimize any possible adverse impacts of the leasing activities on the marine (and terrestrial) environment.

Commercial and Recreational Fishing: The EA should consider the seasonality (such as opening and closing dates) of fisheries in this region when determining the timeframe and location of upcoming surveys/studies that may be conducted. As survey vessels will likely preclude certain fishing activities from taking place in their vicinity, these impacts should be carefully measured to minimize disruption to commercial and charter fishing activities. It is critical for the impact assessment to break down impacts by fishery wherever possible. Additionally, it would be helpful to discuss any potential impacts from presence/docking of survey vessel to piers in Humboldt Bay as they may impact the available space for existing harbor facility users.

Public Access and Recreation: The EA should identify the staging areas and transit pathways for vessels and equipment before going out to the Humboldt WEA and identify any potential impacts to public access and recreational use of the shoreline, coast and/or harbor based upon the use and location of staging areas.

Cumulative Effects: The Humboldt WEA is large enough to support multiple lease sales. The EA should analyze the cumulative effects of multiple offshore wind developers conducting studies around the same time.

Additional Information for Siting-level Analysis

Before BOEM holds a lease sale, the Coastal Commission will conduct a federal consistency review of leasing activities. This is the State's primary regulatory mechanism to provide review of the potential lease areas in federal waters selected by BOEM. To inform this analysis, the Coastal Commission will need to assess potential impacts to coastal resources from wind development within the Humboldt WEA to determine if this type of development is consistent with the enforceable policies of California's Coastal Management Program. We appreciate BOEM's willingness to assist the state agencies in developing a robust analysis and request BOEM's assistance in developing additional information on the following topics:

Marine Resources and Water Quality: It is important that we have a more comprehensive understanding of benthic habitat in the Humboldt WEA. This is critical as it may necessitate the identification of specific lease areas within the Humboldt WEA that avoid large benthic habitat features, such as reefs, rocky bottom, and areas of significant biogenic habitat. For example, the California Offshore Wind Energy Gateway includes data on the locations of deep-sea corals and sponges, many of which appear

to be near or in the Humboldt WEA. Gaining a better understanding of potential impacts to these habitats is important for developing informed siting decisions and alternatives.[1]

In addition, it is critical to have a more detailed understanding of the use of the Humboldt WEA by marine mammals (e.g., migrating, feeding, and/or breeding in the area), sea turtles, fish species (including species not reflected in commercial fishing data) and migratory and native seabirds to better understand the siting impacts (e.g., entanglement, collision, noise) of the Humboldt WEA and the tradeoffs of leasing areas within the area. The WEA is located on the continental shelf and along the shelf break, an area which is associated with foraging and migration of marine mammals and seabirds. Little is known about the potential for disruption of along-shore movement of these species and presents possible significant impacts. Lastly, much of the data available on the California Offshore Wind Energy Gateway is at a coarse scale, which makes determining impacts of leasing within specific parts of the Humboldt WEA challenging. Having data available at a finer scale will help in the determination of which portions of the Humboldt WEA may be best for future leasing activities.

Oceanographic Considerations: The development of large-scale offshore wind energy projects has the potential to reduce the wind stress at the sea surface, which could have local and/or regional implications on California wind-driven upwelling, nutrient delivery, and ecosystem dynamics. Consequently, it is important to have an analysis of the potential changes in California coastal upwelling from offshore wind project development over a variety of environmental conditions, device characteristics, and wind farm configurations. The analysis would provide the physical basis for quantifying the effects of trophic level stressors on ecosystem function, including fisheries.

Infrastructure Upgrades and Indirect Impacts to the Humboldt Area: As mentioned in the Humboldt Area ID Memo, eventual full buildout of the Humboldt WEA will require interconnection and transmission upgrades to the grid in the Humboldt area. Near the Humboldt WEA, the offshore state waters are under the direct jurisdiction of the CSLC, and therefore, the CSLC would act as the lead agency under CEQA for consideration of leases for seafloor infrastructure crossing state waters. Other activities required as part of developing offshore wind facilities (e.g., shore power landings or upgrading port and harbor areas) may involve lands granted to local jurisdictions such as (but not limited to) the Humboldt Bay Harbor, Recreation, and Conservation District, City of Eureka, and City of Arcata. We encourage BOEM staff to continue working closely with the CSLC to ensure all necessary infrastructure siting decisions are made with jurisdictional considerations in mind, and to ensure alignment of NEPA and CEQA documents.

Full buildout of the Humboldt WEA would likely lead to further development of port facilities in Humboldt Bay to address construction and maintenance of the offshore wind turbines and would affect the existing harbor users including public recreational users,

[1] Data on deep sea corals and sponges can be found on the California Offshore Wind Energy Gateway here: https://caoffshorewind.databasin.org/maps/

commercial and recreational fisherman, the seafood processing and wholesale sector, aquaculture facilities, and other public and commercial enterprises. Port development will also result in environmental impacts, including impacts to eelgrass, mud flats, salt marsh, and the species that rely on those habitats, which includes state California Endangered Species Act (CESA) listed species.

It is worth noting that RTI Infrastructure, Inc. is in the process of installing a subsea fiber optic cable to build telecommunication infrastructure within and offshore of Samoa, California as well as within or near the Humboldt WEA. The infrastructure includes transpacific fiber optic cables that would carry telecommunication data to connect the United States with Asia (e.g., Singapore, Taiwan, and Japan) and Australia. Identification of lease areas as well as siting of cables and other development in-shore and within the Port should take the fiber optic cables into account to ensure that offshore wind equipment does not damage or interfere with fiber optic cable functionality. Further, the sites will need to remain accessible to RTI, and partners, to conduct offshore surveys and maintenance of those cables.

It is critical to assess impacts to existing port users at a programmatic level and we look forward to continuing to work with BOEM to better understand and communicate how offshore wind will change the local area to Humboldt stakeholders.

Commercial and Recreational Fishing: The Humboldt Area ID Memo aggregates all fisheries together for discussion. However, the assessment of impacts should be broken out by fishery and show trends over time. This will allow for a more robust and useful analysis of impacts to fisheries. The California Department of Fish and Wildlife has preliminarily identified the following fisheries as potentially impacted within the WEA: albacore, sablefish, Pacific hake, spot prawn, krill, California halibut (mostly nearshore), Pacific halibut, groundfish, and hagfish. However, additional fisheries-specific analyses are needed to determine the scale and magnitude of the impact to potentially affected fisheries. In addition, nearshore fisheries including market squid, sardine, salmon, sea cucumber, coastal pelagic species, and Dungeness crab could be directly impacted by transmission cable construction and operation.

Additionally, charter fisheries should be specifically considered in fisheries analyses. Although charter fisheries operate under recreational catch allocations, they are a commercial venture, and the potential extent of impacts to the charter fishing sector from offshore wind development is currently unknown. For example, charter fishing for albacore tuna takes place out to 30 miles off the Humboldt coast and may be impacted by the buildout of the Humboldt WEA.[2]

Finally, we would like to work with BOEM to explore ways to require and enforce mitigation for impacts to fisherman as part of its leasing and/or project review process. Offshore wind is likely to result in impacts to fisheries and fishing communities. To address these impacts, the State intends to work with fisherman and industry to develop

[2] Albacore data can be requested from the California Department of Fish and Wildlife here: https://wildlife.ca.gov/Conservation/Marine/MFSU#48329364-resources

a comprehensive approach to minimization and mitigation. We invite BOEM to partner with the State on these efforts.

Scenic and Visual Resources: California's Coastal Management Program requires that "the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance" (PRC §30251). To assist the Commission in its analysis of visual impacts from potential offshore wind development, we intend to use visual simulations developed previously by BOEM at Patrick's Point State Park (north of Eureka). We encourage BOEM to develop additional visual simulations from other key observation points on the North Coast and share these and any other relevant information on impacts to public views with the public and relevant state agencies.

Tribal and Cultural Resource: We recognize and appreciate the efforts that BOEM has made to engage with tribal communities on the North Coast. The Coastal Commission and other state agency staff are working through the consultation process with tribes as well and look forward to continued collaboration with federal partners to ensure that state and federally recognized tribes are able to constructively contribute to the offshore wind development process and that potential impacts to tribal and cultural resources are identified and addressed.

Air Quality: Greenhouse gas (GHG) and criteria pollutant emissions may be a factor in this project depending on the size and scale of the proposed development as well as the type of vessels and fuel being used during construction and maintenance of offshore wind infrastructure. It will be important to quantify potential emissions to understand air quality and climate-related impacts from future wind projects in this area. We ask for BOEM's assistance in developing estimates of potential GHG and criteria pollutant emissions to inform siting and leasing decisions.

Conclusion

We thank BOEM for the opportunity to provide comment on the proposed scoping of the Humboldt Environmental Assessment. The representative agencies on this letter are committed to working with our federal partners to ensure that the state is progressing towards it's renewable energy goals while minimizing any potential adverse impacts on the environment and community. We will continue to work together to support and complement the efforts already made to ensure a successful outcome of future offshore wind energy development on the North Coast. Thank you.

Sincerely,

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