

August 10, 2020

100 Howe Avenue, Suite 100 South
Sacramento CA 95825



Subject: State Lands Commission 2021-2025 Strategic Plan

Dear Commissioners and Executive Director Lucchesi,

The American Wind Energy Association of California (AWEA-California) appreciates the opportunity to submit these comments as the State Lands Commission prepares its next strategic plan. AWEA-California represents global leaders in renewable energy and offshore wind development, seeking to build offshore wind projects to serve California. Offshore wind should be a critical component of California's clean energy future and Blue Economy. AWEA-CA offers the following recommendations for how the Commission can advance offshore wind in its strategic plan.

I. Set a long-term vision and establish the Commission's authority to oversee implementation

While the 2021-2025 Strategic Plan will focus on planning the work of the Commission for the next five years, it should be designed to serve a much longer-term vision for the state. AWEA-CA recommends that the Commission set a twenty- or twenty-five-year vision for the state that aligns with California's clean energy and greenhouse gas reduction requirements and then, working backward from that vision, determine the steps that need to be implemented in the next five years.

The vision should center around the state's environmental health and ability to mitigate carbon emissions while growing the Blue Economy.¹ We commend Controller Betty Yee's leadership as the keynote speaker for the first meeting for the development of the national [Ocean Climate Action Plan \(OCAP\)](#) in October 2019, where she emphasized the importance of aggressive climate policy to sustaining California's economic prosperity. The OCAP establishes two long-term goals that we believe should also be a part of any strategic plan for management of California coasts and waters:

1. To use ocean and coastal resources to reduce greenhouse gas emissions and draw atmospheric CO₂ down to safe levels, and
2. To enable coastal communities to more effectively and equitably adapt to climate impacts.

AWEA-CA recommends that in the development of this Strategic Plan, the Commission consider its role and authority more broadly than it has in the past. The Commissioners leading the agency serve as an extension of the Governor's Office with a unique ability to direct and coordinate state activities that

¹ The World Bank defines the Blue Economy as "sustainable use of ocean resources for economic growth, improved livelihoods, and jobs while preserving the health of ocean ecosystems."

span multiple agencies and jurisdictions. The Strategic Plan should contemplate not only what should be done directly within state waters and state lands but also how development and economic activities that cross those state lands and waters can and should benefit the state. We see the State Lands Commission as an entity that can create critical linkages at seams: both between physical jurisdictions (e.g., local to state to federal waters) as well as between state agencies with distinct responsibilities.

II. Establish a long-term goal to bring offshore wind to scale: 10 GW by 2040

Renewable energy represents the most important ocean-based carbon mitigation strategy globally based on mitigation potential by 2050.² OCAP sets the objective “to catalyze large scale deployment of offshore wind power in the US that rivals the EU,” and OCAP highlights the benefits of large-scale deployment: “Producing 100 GW offshore wind energy will not only offset carbon emissions, it will also create new jobs in manufacturing, construction, and maintenance of offshore wind farms in coastal communities.”

California, as led by the Commission, should establish a goal to bring offshore wind to scale and to the forefront of the state’s Blue Economy. The Ocean Protection Council (OPC) set the first state goal for offshore wind, calling for a commercial scale project by 2026. AWEA-CA recommends that the Commission adopt the goals of achieving 10 GW of offshore wind by 2040, with an interim goal of 3 GW by 2030. A 2030 interim goal will be essential to driving investment as soon as possible to contribute to economic recovery following the COVID-19 pandemic. By building within the existing Morro Bay and Humboldt call areas and utilizing existing transmission capacity, the offshore wind industry could bring 3 GW of offshore wind online within the next decade to stimulate economic development in San Luis Obispo and Humboldt counties. California needs to move quickly to realize this mid-term economic benefit.

The 2040 goal is essential to bringing offshore wind to sufficient scale to maximize in-state economic development potential, drive technology cost reductions, make a meaningful contribution to the state’s clean energy future, and address Department of Defense resistance to offshore wind.

For long-term economic recovery, California must establish new industries that support skilled, middle-class jobs in manufacturing, construction, operations, and supply chain. By achieving a scale of at least 10 GW, offshore wind could stimulate the creation of 9,000-10,000 jobs, with roughly fifteen percent in operations and maintenance.³ Building 9 GW of offshore wind in California would draw over \$44 Billion in capital investment to the state.⁴ A pipeline at sufficient scale, at about 8 GW, will be needed to draw private investment in local infrastructure and manufacturing that will maximize job creation.⁵ On the East Coast, state goals (amounting to over 25 GW) have already stimulated \$1.3 Billion in private infrastructure and manufacturing investment despite the fact that there is only one 30 MW project operational on the East Coast today. California could also position itself at the center of a growing global innovation-focused industry with the potential to serve a 500 GW market.⁶ Setting a goal of 10GW by

² See High Level Panel for A Sustainable Ocean Economy, https://oceanpanel.org/sites/default/files/2019-10/HLP_Report_Ocean_Solution_Climate_Change_final.pdf

³ American Jobs Project, *The California Offshore Wind Project: A Vision for Industry Growth*, February 2019; UC

⁴ https://www.awea.org/resources/publications-and-reports/white-papers/offshore_lease_economic_impacts

⁵ Berkeley Labor Center, *California Offshore Wind: Workforce Impacts and Grid Integration*, September 2019.

⁶ U.S. Department of Energy:

<https://www.energy.gov/sites/prod/files/2019/08/f65/2018%20Offshore%20Wind%20Market%20Report.pdf>

2040 helps attract supply chain investment locally in California. It is localizing the supply chain that both maximizes local job creation and drives down cost.

Ten gigawatts of offshore wind further align with the state's clean energy needs. California load-serving entities will require roughly 15-22 GW of new renewables and 11-16 GW of battery storage by 2030 to achieve carbon reduction and reliability requirements.⁷ By 2050, California will need an estimated 150 GW of new renewables to achieve its climate goals.⁸ The SB 100 Joint Agency Report will, for the first time, examine whether offshore wind will be a significant part of a 2045 least-cost electricity portfolio and should further justify AWEA's proposed target. Given the long-lead time in planning, permitting, and building offshore wind and related transmission and infrastructure, the state must set clear goals and begin planning now to achieve our SB 100 goals.

Finally, California's establishment of a state goal for offshore wind will help us break through the Department of Defense's objections that have impeded offshore wind leasing in California. In 2018, the Bureau of Ocean Energy Management (BOEM) published a Call for Information and Nominations to obtain nominations from companies interested in commercial wind energy leases within three "call areas": Diablo Canyon and Morro Bay in the Central Coast and Humboldt in the North Coast. Since this time, the lease auction process has been delayed due to conflicts in the federal government over developable sea-space. The California Energy Commission (CEC) has been working hard to move conversations forward. A strong signal about the quantity of offshore wind the state requires would put these negotiations on track to successful resolution, enabling BOEM to hold lease auctions in 2021.

III. Guide a statewide effort to identify sufficient sea-space for offshore wind

The Commission should work with partner state and federal agencies (specifically the CEC, OPC, Governor's Office, and BOEM) to identify, at a high-level, the most promising areas for commercial leasing sufficient to achieve a 10 GW offshore wind deployment goal. The identified areas should minimize both conflicts with the Department of Defense as well as potential impacts to ocean species and cultural and tribal resources. This effort should coordinate with the ongoing mapping efforts funded by the OPC and CEC⁹ to ensure that all efforts are organized around achieving a long-term offshore wind goal. Within the call areas, the state should build on BOEM's previous work to assess potential impacts and use conflicts. The focus for studies within the call areas should be data collection and research that will facilitate project permitting. This approach aligns with OCAP's recommendation: "To the extent that marine spatial planning has already determined the best areas for offshore wind power in a region, keep those records updated with the best available science, and fill in any gaps in regions that have not yet been adequately mapped; the goal is to have all of the key usable offshore wind hotspots across the US mapped and leases made available immediately."

To help advance our understanding of the marine environment and potential conflicts with OSW development, we would encourage the SLC together with the CEC, OPC, and the Governor's Office to lead an information exchange with European countries and companies that have two decades of experience in offshore wind in the Atlantic Ocean and North Sea. We also recommend that the

⁷ CPUC, Decision 20-03-028, 2019-2020 Electric Resource Portfolios to Inform Integrated Resource Plans And Transmission Planning, March 2020.

⁸ E3, *Deep Decarbonization in a High Renewables Future*, May 2018.

⁹ Assessments underway by the [Conservation Biology Institute](#) and [Point Blue Conservation Science](#).

Commission build on the work of the U.S. Department of Energy Synthesis of Environmental Effects Research (SEER), the American Wind Wildlife Institute (AWWI), and the Pacific Offshore Wind Energy Research (POWER) group to understand which risks and data gaps are most significant and which may be less important.

IV. Develop a streamlined permitting roadmap

Given its responsibility for permitting transmission lines and other offshore wind infrastructure that will cross state waters and lands, the State Lands Commission will be the lead agency for CEQA review of offshore wind projects in federal waters. In this role, the Commission should lead the CEQA analysis for the whole of the project, including turbines, transmission, and associated infrastructure. AWEA-CA understands that the Commission, CEC, OPC, and other agencies have been meeting regularly as part of the Marine Renewable Energy Working Group to understand and synthesize the existing framework for permitting offshore wind projects off the coast of California. The next critical step is to develop a more streamlined and coordinated process in which the multiple steps for permitting offshore wind can be completed in tandem rather than sequentially. This roadmap should integrate the state's requirements along with BOEM's permitting process. This process should seek to provide adequate public input, engage all agencies effectively, and identify any permitting challenges early on.

To that end, the State Lands Commission should convene a working group that includes the Governor's Office of Planning and Research, CEC, Coastal Commission, OPC, Parks and Recreation Department, Department of Fish and Wildlife, BOEM, and others, as appropriate, to collectively develop and produce guidelines, timeframes, and milestones for a coordinated, comprehensive, and efficient permitting process for offshore wind facilities and associated electricity and transmission infrastructure off the coast of California.

This program should draw from the framework created by the Renewable Energy Action Team (REAT), established by the state during the Great Recession. In just over two years, the REAT agencies jointly permitted 15 utility-scale solar energy projects (5,700 MW) on public lands and paved the way for many more. By working together and coordinating state and federal environmental review and permitting processes under NEPA and CEQA, DOI and California were able to complete complex renewable energy project siting and permitting decisions involving multiple state and federal agencies in as little as 12 months while ensuring proper protections for species and habitats.

V. Convene ports, construction, operators, and industry to develop port plans

Offshore wind will require port facilities with the laydown space, quayside areas, water depth, distance to installations and clearance height out to sea to accommodate the fabrication, assembly, installation, and maintenance of offshore wind turbines. No port in California is currently equipped to serve the offshore wind industry. The Port of Humboldt provides one of the best opportunities for assembly of floating offshore wind platforms and is eager to become a new offshore wind hub, but it will require substantial upgrades and renovations. Other ports with insufficient clearance to transport assembled components out to sea, such as Richmond or Oakland, may be suitable for construction and fabrication while others, such as Morro Bay Harbor, may serve operations and maintenance activities.¹⁰ There may also be state lands near ports that could serve as staging or lay down areas or could be utilized to

¹⁰ <https://www.boem.gov/sites/default/files/environmental-stewardship/Environmental-Studies/Pacific-Region/Studies/BOEM-2016-011.pdf>

expand port capacity to support the offshore wind industry. Determining the right network of ports and adjacent lands that could supply a combination of services based on each port's unique characteristics will require careful assessment and planning by the state.

Although the Commission doesn't have jurisdiction over ports in the state, for the purpose of port planning, the Commission should view its role as an extension of the Governor's Office with a unique ability to look and work across agencies and entities. The Commission should include in its Strategic Plan an intent to develop an assessment and plan to upgrade ports to support a large-scale offshore wind industry in the next decade. There are multiple entities that will be involved in readying one or more ports for offshore wind, including port authorities, contractors in the construction industry, port operators, and offshore wind developers. Preparing ports, harbors, and construction and manufacturing businesses for offshore wind will also require adequate state and local investment in jobs and workforce training, particularly in the Central Coast and North Coast, where economic challenges have been exacerbated by the COVID-19 pandemic.

The Commission should thus serve an important role in convening the various public and private entities that will be needed to prepare port infrastructure and the workforce to enable coordinated project phasing and investment. A useful model for this type of planning was performed by the Massachusetts Clean Energy Center¹¹ and the City of New Bedford.¹²

Finally, the Commission should help ports interested in offshore wind business position themselves to receive federal support for upgrades. For example, the Majority Staff Report for the Select Committee on the Climate Crisis recommends an increase in funding for DOT and/or EPA grant programs to prepare coastal port infrastructure to service offshore wind development.¹³ California must be well prepared to receive this assistance if made available.

Conclusion

Bringing offshore wind to scale in California should be a priority objective in the State Lands Commission Strategic Plan. We need the state to begin planning today to build an offshore wind industry that will help mitigate carbon emissions and create thousands of new jobs for Californians. The Commission should position itself as a leader in the state with a bold vision and the ability to work across agencies and jurisdictions to build a future where offshore wind is a central part of California's Blue Economy.

Sincerely,

Molly Croll
Director, Offshore Wind Program
AWEA-California

¹¹Massachusetts Clean Energy Center, [Port and Infrastructure Analysis for Offshore Wind Energy Development](http://www.nbedc.org/wp/wp-content/uploads/2014/02/MA-Port-Study-Final-Report_4-20-10.pdf), February 2010 http://www.nbedc.org/wp/wp-content/uploads/2014/02/MA-Port-Study-Final-Report_4-20-10.pdf

¹² City of New Bedford, [Ready for Offshore Wind](#)

¹³ Select Committee On The Climate Crisis [Majority Staff Report](#), June 2020



August 17, 2020

Ms. Betty Yee, State Controller and Chair California State Lands Commission
100 Howe Ave., Suite 100S
Sacramento, CA 95825

RE: Seabed Mining Would Harm the Marine Ecosystem and Should be Addressed in California

Dear Ms. Yee and Members of the Commission,

We are writing to request that the California State Lands Commission include an update to Commission regulations governing seabed mining on California Submerged Lands as an objective in the Commission's 2021-2025 Strategic Plan. As leaders of non-governmental organizations with a focus on marine conservation efforts and other environmental protections, our mission statements are inextricably linked to the health of California's marine resources.

We are specifically asking for a prohibition on seabed mining for hard minerals, including but not limited to phosphorite, metals, and metal-enriched sands, on or under California Submerged Lands, and request that the Strategic Plan update prioritize this proactive reform.

The ocean, especially the nearshore ocean, is facing a compounding array of stressors that will increasingly challenge our ability to understand and co-exist with a healthy ocean, including:

- Industrialization
- Climate change
- Ocean acidification

In this context, it is critical to identify and address emerging and future threats, including activities that might harm sensitive seafloor habitats that provide critical ecosystem functions and services. Rooted in the increased demands of a growing population, dwindling terrestrial sources, or technological advances that either require novel minerals or facilitate their profitable extraction, a growing body of evidence points to accelerating interest in the exploitation of ocean minerals, including those found in the nearshore areas along continental margins.

Scientists are warning that the ecological impacts of seabed mining could be profound. Without action by the Commission, mining could someday occur in California's nearshore waters, with significant negative impacts, including:

- Smothering or toxicity from sediment plumes;
- Increased noise;
- Loss of biodiversity;
- Light pollution; and,
- Physical disturbance of the seabed, up to and including the removal of plants, animals, and substrate.

Negative social and economic impacts of marine mining could also be severe for stakeholders and communities dependent on existing ocean uses like fishing, tourism and cultural resources.

One of the first core tenets of an ecosystem-based approach to resource management is to avoid sensitive areas. Given its importance to marine mammals, economically important fisheries, tourism, and other important, water-dependent societal uses, the three-mile wide nearshore area regulated by the state is a highly sensitive area that is incompatible with a high impact activity like seafloor mining. For this reason, the current regulatory regime of lease applications on a case-by-case basis merits reconsideration and the preclusion of hard mineral mining on submerged lands would be a more proactive and durable solution to this emerging threat.

We appreciate the opportunity to engage with the Commission and look forward to continued collaboration as you develop the new Strategic Plan.

Sincerely,

Northcoast Environmental Center (NEC)
Larry Glass
Chief Executive Officer

Pacific Environment
Nicole Portley
Marine Program Officer

Point Arena Lighthouse
Mark Hancock
Executive Director

Oceanic Preservation Society
Courtney Vail
Director of Strategic Campaigns

Marine Mammal Center
Adam Ratner
Associate Director of Conservation Education

Forest Unlimited
Larry Hanson
President of the Board

California River Watch
Larry Hanson
President of the Board

Ventana Wilderness Alliance
Richard Popchak
Development Director

Redwood Forest Foundation, Inc.
Mark Welther
President & CEO

North Coast RC&D Council
Oona Heacock
Executive Director

Creek Land Conservation
Don Chartrand
Executive Director

Mattole Restoration Council
Sarah Vroom
Executive Director

Channel Islands Restoration
Ken Owen
Executive Director

Save Our Shores
Katherine O'Dea
Executive Director

Beach Ecology Coalition
Karen Martin
Board Chairman

Friends of the Ballona Wetlands
Scott Culbertson
Executive Director

Endangered Habitats League
Dan Silver
Chief Executive Officer

Blue Latitudes Foundation
Emily Hazelwood
Co-President



August 17, 2020

State Controller Betty T. Yee
Chair, California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento CA 95825

RE: 2021-2025 California State Lands Commission Strategic Plan (Agenda Item 59)

Dear Chair Yee,

We are writing today to request that the California State Lands Commission (Commission) address the potential development of seabed mining for hard minerals¹ on California Submerged Lands in the Commission's 2021-2025 Strategic Plan. Ultimately, Pew and Surfrider recommend that the Commission consider revising its policies and regulations to preclude the possibility of seabed mining for hard minerals. Factoring this potentially emergent issue into the Commission's long-term planning through inclusion in the new strategic plan would be a proactive and sensible first step.

Our organizations have been participating in the ongoing scoping process for the new strategic plan and gratefully acknowledge the Commission for its efforts to date, especially in light of the unanticipated new challenges facing the agency in recent months. We particularly appreciate the thoughtful, inclusive and extended scoping process the Commission has conducted. Our concerns about seabed mining represent a new issue, concerning a growing global industry, and the frequent, regular opportunities to engage with the Commission have allowed for ample opportunity to share information and benefit from Commission feedback. We also appreciated the recent opportunity to discuss the details of our proposal with Commission and Commissioner staff, and we very much look forward to continuing dialogue as the strategic plan development process continues.

We are concerned that currently, Commission policy and practice allow for approval of lease applications for seabed mineral prospecting and extraction. However, a comprehensive analysis of the potential impacts of such an impactful new industry has not been prepared. Furthermore, an analysis sufficient to justify approval of prospecting or mining operations probably could not be developed at this time due to information limitations, especially with regards to *in situ* observations of mining operations. At the same time, there is sufficient information available to conclude that seabed mining for hard minerals in nearshore areas is incompatible with a

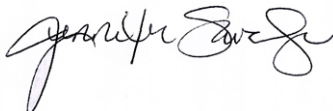
¹ For the purposes of these recommendations, "hard minerals" are seabed mineral resources other than sand, gravel and shell historically extracted for existing uses such as beach re-nourishment, aggregate etc., including but not limited to phosphorite, metals, and metal-enriched sands

sustainable ocean economy. Therefore, we believe the Commission should proactively withdraw California's submerged lands from consideration for hard mineral leasing. As a first step, inclusion of this issue in the new strategic plan would help facilitate a thorough survey of available scientific information, a regulatory review, and consideration of regulatory revisions to protect Public Trust Resources on and under the nearshore seabed from mining impacts. Given the narrow focus and specificity of our request, we recognize the need to identify and develop the right approaches to incorporating this issue into the new strategic plan, and we hope to work collaboratively with the Commission to do so. One potential approach we suggest for consideration would be to prioritize the consideration of emerging issues, activities, industries, and threats. The ocean, especially the nearshore ocean, is facing a compounding array of stressors: industrialization, climate change, ocean acidification and other forces will increasingly challenge our ability to understand and co-exist with a healthy ocean.

In this context, it is critical to identify and address emerging and future threats, and to be aggressively proactive in doing so. This proactivity should apply to planning and visioning efforts, for instance by casting a wide net and contemplating a long timeline when seeking to identify emerging issues. It should also apply to consideration of potential responses and actions: a proactive approach to emerging issues should strive to implement the precautionary principle through policies and regulations that prohibit the development of new industries unless and until a thorough analysis has demonstrated that those industries will not cause long-term adverse effects or negatively impact critical ecosystem functions and services. A strategic plan commitment (goal) centered on such a thorough and forward-looking examination of emerging issues could potentially be accompanied by strategies and actions that guide the Commission toward regulatory reviews, regulatory or information gap analyses, and implementation of any appropriate precautionary reforms in response to those gaps.

In conclusion, we again ask for Commission consideration of seabed mineral management reforms that will better protect California's submerged lands and the sustainable ocean activities and coastal economies those submerged lands support. Our organizations consider seabed mining for hard minerals an emerging issue of high importance given the potential magnitude of the negative impacts and the weight of scientific evidence demonstrating that seabed mining is incompatible with nearshore ecosystems. We hope that the Commission will take the key first step toward shielding California's marine resources and dependent communities from potential adverse or even irreversible impacts of seabed mining by addressing the issue in the 2021-2025 Strategic Plan. We look forward to continuing engagement. Thank you again for your leadership, vision, and commitment in undertaking this planning effort.

Sincerely,



Jennifer Savage
California Policy Manager
Surfrider Foundation



Tom Rudolph
Officer, Conserving Marine Life in the U.S.
The Pew Charitable Trusts