June 28, 2022

The Bureau of Ocean Energy Management
1849 C Street, N.W.
Washington, D.C. 20240

Re: Call for Information and Nominations: Commercial Leasing for Wind Energy Development on the Outer Continental Shelf Offshore Oregon, BOEM-2022-0009-0001

To whom it may concern,

The National Ocean Industries Association ("NOIA") appreciates the opportunity to provide comments on the above-referenced Call for Information and Nominations ("Call") by the Bureau of Ocean Energy Management ("BOEM") for wind leasing offshore Oregon. A 50-year-old organization, NOIA represents all segments of the offshore energy industry. Further, our members include not just energy developers, but also the businesses large and small that do the work of building, supplying, and maintaining these projects. In other words, we represent thousands of blue-collar and white-collar employees stretching from New England to the Gulf Coast and across the nation. In fact, NOIA members have been critical in building out not only the pioneering turbines off the coasts of Northern Europe, but also the limited yet growing number of turbines in U.S. waters.

ECONOMIC DEVELOPMENT

Offshore wind will bring immense economic benefits not only to areas off the east coast where projects are developed (in this call, particularly) but also to place like the Gulf Coast where our membership has served as a key part of the service, supply, and manufacturing base, as we have described in prior dockets.[1] There are enormous economic opportunities that offshore wind will bring during the buildout of an offshore wind industry, including in areas outside the "first mover" regions. This dynamic is something we describe in our concurrently-submitted filing on the Mid-Atlantic Call, where jobs are springing up in places like Virginia even though suppliers in the Northeast had something of a "head start" on offshore wind-related work.. We may see a similar patter on the west coast, where NOIA has already assessed[2] that an offshore wind boom could create tens of thousands of jobs and nearly $400 million in annual state tax revenue in California alone. A successful lease sale in the Pacific Northwest could drive local investment and manufacturing there as well.

[1] https://www.noia.org/wp-content/uploads/2021/08/8.2021-NY-Bight-Comments-NOIA.pdf
[2] https://bit.ly/3gt5X4v

OREGON'S COMMITMENT TO RENEWABLE ENERGY AND RECOGNITION OF REGULATORY BARRIERS

As BOEM mentions in the Call, Oregon is among the states that have set a 100% renewable energy electricity requirement. Likewise, the state is notably interested in offshore wind. Governor Brown commented after returning from the COP26 climate conference in Scotland last year that "Seeing what they are doing offshore in Scotland was an eye opener, and we should be taking advantage of the technology that's being used in other countries and frankly implementing it here… It's a really wonderful, concrete example of where we can expand our investments in ways that will help Oregonians. Particularly our most vulnerable low-income Oregonians and at the same time tackle climate change."[3]

Notably though, the state has among the most aggressive timelines (by 2040) for getting to its 100% renewable energy target. The state also sets a prohibition on new or expanded natural gas-fired power plants. This, as the Oregonian Newspaper comments, leaves state utilities with "big challenges" in meeting governmental and community targets, stating quite bluntly that "In reality, however, no one, including the utilities, knows how they will achieve the bill's most ambitious targets, which stairstep from 80% clean electricity by 2030, to 90% percent by 2035 and 100% by 2040."[4] In fact, in discussing this prospect the Oregonian specifically cited the possibility of offshore wind but cautioned its readers that the "regulatory, permitting and financial obstacles are high."

Of course, NOIA applauds the process BOEM has used to date in moving forward with offshore leasing and permitting for wind projects. However, there remains an arduous process of building infrastructure in the United States, and view that process as potentially in conflict with renewable energy targets and climate goals. We would encourage BOEM to rise to the challenge and help lessen the regulatory and permitting challenges cited by locals wherever possible by quickly moving forward from this call to a Proposed—and ultimately Final—Sale Notice.

DECONFLICTION AND SPECIES PROTECTION WILL BE KEY, WHILE CALL AREAS SHOULD NOT BE REDUCED AT THIS STAGE

In other regions, a consistent issue of public concern and governmental focus has been the need to reduce multiple-use conflicts and increase interagency coordination. Given this, we believe early coordination is key. Therefore, we applaud BOEM's work to minimize overlap of the Call Areas with fisheries. As BOEM notes, the two highest-value fisheries landed in Oregon ports are avoided by the nearly 14 mile distance from shore. BOEM also avoided conflict by ensuring that several fishing habitat in offshore banks were also not included in the Call Areas. Notably,

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[3] https://www.kgw.com/article/tech/science/climate-change/governor-brown-climate-change/283-ec251ab1-3918-43f3-a30a-af67af369a58#:~:text=Kate%20Brown%20wants%20offshore%20wind,26)%20in%20Scotland%20in%20November.

[4] https://www.oregonlive.com/business/2021/07/utilities-face-big-challenges-meeting-100-clean-electricity-by-2040-target.html

BOEM commented in the Call that invertebrate fisheries suggest higher biological productivity on the shelf than on the slope, where the Call Areas are centered. The data available on chlorophyll concentrations[5] also suggest this is the case. This is not to dismiss other fisheries with lower catch amounts, but it is worth noting.

Ongoing collaboration between BOEM, the National Marine Fisheries Service (NMFS), the Pacific Fishery Management Council, Oregon Department of Fish and Wildlife, and the fishing industry will reduce conflicts further as wind leasing and project approvals proceed. Likewise, BOEM is coordinating with the U.S. Coast Guard to address towboat and crabber lanes under the Pacific Port Access Route Study (PACPARS) which includes collaboration with the State of Oregon to choose areas that reduce potential impacts to maritime traffic and fisheries vessels and activities.

Looking ahead, BOEM should continue to work with the state and the National Oceanic and Atmospheric Administration, including National Centers for Coastal Ocean Science (NCCOS) and NMFS to refine and update wildlife and habitat maps. We also encourage BOEM to continue engagement with NMFS and state or local governments for their expertise on marine and avian resources and commercial fisheries—possibly even to allow the creation of joint datasets or other documents that will allow a solid foundation from which to meet the requirements of all applicable environmental and species protection statutes efficiently.

At the same time, BOEM further expressed the need to continue examining cetacean and other marine species in the process of refining the Call Areas. To that end, NOIA would point out pre-emptively that:

1. Sei whales in the North Pacific tend to be distributed far out to sea beyond the Call Areas and are rare in the California Current;[6]

2. The highest densities of blue whales tend to be along the California coast rather than in the Oregon Call Areas[7];

3. The highest densities of fin whales tend to be mainly outside the Oregon Call Areas[8];

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[5] Data derived from the NASA OceanColor Aqua and Terra MODIS and VIIRS (1997-2017) data products, available as a map on Databasin.org and accessed on June 10, 2022 at https://databasin.org/datasets/db3eebd78251470e9d82031093f76588/.

[6] Reported in the Sei Whale Stock Assessment Report and Barlow, J. 2016. Cetacean abundance in the California current estimated from ship-based line-transect surveys in 1991-2014. Southwest Fisheries Science Center, Administrative Report, LJ-2016-01. 63.

[7] Becker et al (2016) Moving Towards Dynamic Ocean Management: How Well Do Modeled Ocean Products Predict Species Distribution. Remote Sensing. 8(2), 149; https://doi.org/10.3390/rs8020149. Data products available on Databasin.org and accessed on June 10, 2022 at https://databasin.org/datasets/d9d1d8f459aa4f90a891073f9bef7b4d/.

[8] Becker et al (2016) Moving Towards Dynamic Ocean Management: How Well Do Modeled Ocean Products Predict Species Distribution. Remote Sensing. 8(2), 149; https://doi.org/10.3390/rs8020149. Data products available on Databasin.org and accessed on June 10, 2022 at https://databasin.org/datasets/d9d1d8f459aa4f90a891073f9bef7b4d/.

4. The highest densities of sperm whales tend to be farther west than the proposed Call Areas[9];

5. The Call Areas are outside of the currently identified biologically important areas for cetacean feeding, with the exception of very small overlap with one of the humpback whale feeding areas in the very southeastern tip of the Brookings Call Area[10]

6. Although the region is important for the critically endangered leatherback sea turtle and other sea turtle species, the Call Areas are farther from shore than most species main distributions and are closer to shore than most leatherback sea turtle use. Critically, there has been reported effectively "zero" density predicted in the Call Areas.[11]

7. While data used by the state of Oregon has been difficult to find for public consumption online, it is our understanding that the *Endangered Species Act*-listed bird species noted by BOEM tend to be farther (short-tailed albatross and Hawaiian petrel) and nearer (marbled murrelet and western snowy plover) to shore than the Oregon Call Areas, suggesting that there is low potential for impacts to these species in the Call Areas.

We appreciate the importance of collaboration, data collection, and BOEM's initial work to avoid conflicts entirely through the tailoring of the Call Areas. However, at this stage BOEM should maintain the full Call Areas as Wind Energy Areas ("WEAs")and only consider further delineating leases for sale within those WEAs in collaboration with industry as additional data is gathered. In other words, we would caution *against* taking areas off the table pre-emptively or before industry has had a chance to explore opportunities for workable leases and windfarm layouts. We are aware that some may look to the possibilities of floating wind on the West Coast as a reason to push WEAs westward, both for the sake of visibility concerns and to further avoid any potential conflict with fisheries. We oppose the approach of eliminating areas at this stage.

Floating wind has great promise, though it is fair to say that added depth and added distance from shore could mean added complexity. While offshore oil and gas development is markedly different from offshore wind development, there is a reason why NOIA's Gulf of Mexico developers have slowly followed the technology to reach deeper waters for oil and gas development. In offshore wind, depth and distance will mean more significant mooring lines, longer ties back to shore from substations, and other logistical issues. These are not insurmountable, and some companies may be ready to undertake it now. However, BOEM

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[9] Becker et al (2016) Moving Towards Dynamic Ocean Management: How Well Do Modeled Ocean Products Predict Species Distribution. Remote Sensing. 8(2), 149; https://doi.org/10.3390/rs8020149. Data products available on Databasin.org and accessed on June 10, 2022 at https://databasin.org/datasets/d9d1d8f459aa4f90a891073f9bef7b4d/.

[10] Calambokidis, J., Steiger, G. H., Curtice, C., Harrison, J., Ferguson, M., Becker, E., DeAngelis, M., & Van Parijs, S. M. (2015). 4. Biologically important areas for selected cetaceans within U.S. waters – West coast region. In S. M. Van Parijs, C. Curtice, & M. C. Ferguson (Eds.), Biologically important areas for cetaceans within U.S. waters (pp. 39-53). Aquatic Mammals (Special Issue), 41(1). 128 pp.

[11] Maxwell, S. M. et al. Cumulative human impacts on marine predators. Nat. Commun. 4:2688 doi: 10.1038/ncomms3688 (2013). Data products available on Databasin.org and accessed on June 10, 2022 at https://databasin.org/datasets/9bdddb86c6e04c13963bf0b421cc4027/.

should not pre-emptively move the WEAs westward (at the expense of the eastern portions currently included) without allowing developers a chance to look at the areas in the WEAs as they stand now.

LEASES SHOULD MINIMIZE UNDUE BURDENS

In the Call, BOEM indicates that it anticipates imposing terms and conditions, including mitigation measures, at the leasing stage. We recommend that BOEM consider how guidance documents and mitigation stipulations may differ on the US West Coast from other areas previously leased and work to collaboratively develop terms and conditions through consultation and public engagement. Past does not need to be prologue regarding leasing terms, but above all else we encourage clarity for lessees as early in the leasing process as is practicable.

For example, we would caution against overly prescriptive rules *requiring* Project Labor Agreements, as some have recently called for in other regions[12]. While some projects such as the Vineyard Wind 1 site off New England have secured a PLA[13], such agreements are complicated and not suited for all areas. They also are not necessarily appropriate as a requirement given the already prescriptive nature of federal OCS leases. Our members are dedicated to ensuring that domestic energy creates domestic jobs, but the nature of those agreements should be considered on a case-by-case basis to the extent possible under state law.

Similarly, we recognize that the Department is particularly interested in building up the domestic supply chain and helping bring jobs to long-disenfranchised communities. The majority of NOIA's members are in the service and supply industries—rather than large operators and developers—and we know that many of them are doing their due diligence to find ways to invest in communities. Thus, BOEM's Call has the potential to trigger the creation of significant jobs across the supply chain and benefit local communities as well. Looking forward we would caution, however, that not all local investment decisions are practicable. Our members are navigating the potential of state and local requirement rules already. Developers and their partners in the service and supply side are making decisions on how best to invest ahead of what will prove to be a trans-regional opportunity. Some equipment will be made at existing facilities along the Gulf Coast that have historically served the oil and gas industry with a diverse workforce. As business decisions are being made, flexibility and *certainty* of a project pipeline are the best ways to attract investment. Letting our members and the nationwide industry know that leases are coming, and that a reasonable pipeline for reviewing and (possibly) approving Construction and Operations Permits will follow, will provide the certainty to attract capital and invest in facilities.

We would also continue to caution about the outlook for prescriptive requirements on spacing for transit of vessels. We know that there are reasonable approaches to allowing the transit of

[12] https://thehill.com/policy/energy-environment/3508550-texas-democrats-unions-call-on-interior-to-protect-workers-rights-in-offshore-wind-leasing/

[13] https://www.vineyardwind.com/press-releases/2021/7/16/building-trades-union-and-vineyard-wind-sign-historic-project-labor-agreement

fishing, shipping, or recreational vessels through turbine areas. To the extent the Department is examining designated spacing or separation within lease areas or between individual leases, the distancing should be as consistent as possible and use existing terminology and standards to avoid undue confusion. The Department should focus on coordinating with the U.S. Coast Guard to ensure that these areas have workable guidelines for vessel transit and have clear and consistent aids to navigation. However, we continue to believe that corridors between leases and lanes within lease areas are not—and should not be mandated as—a one-size-fits-all-regions matter.

CONCLUSION

NOIA strongly supports leasing off the coast of Oregon. Moving ahead with not only this Call but also reaching a Final Sale Notice and ultimately leasing will bring enormous benefits to the United States. We applaud your continued efforts to bring offshore wind to market from federal waters.

Very respectfully,

Erik Milito
President
National Ocean Industries Association

//Submitted Electronically