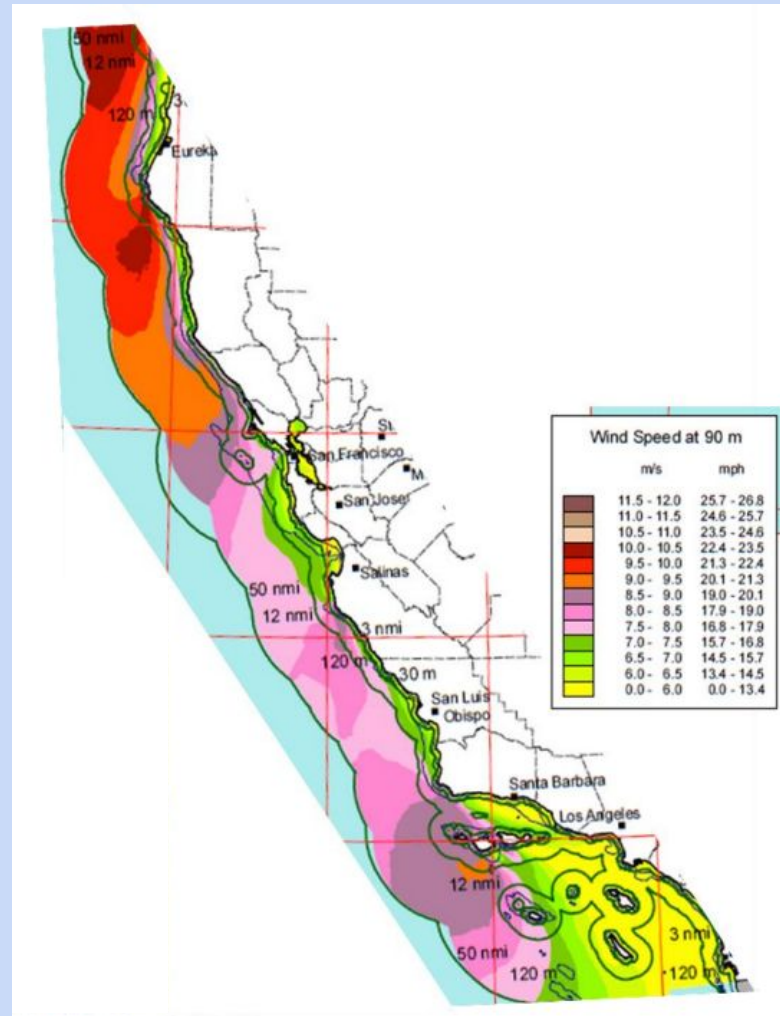


# Offshore Wind Considerations

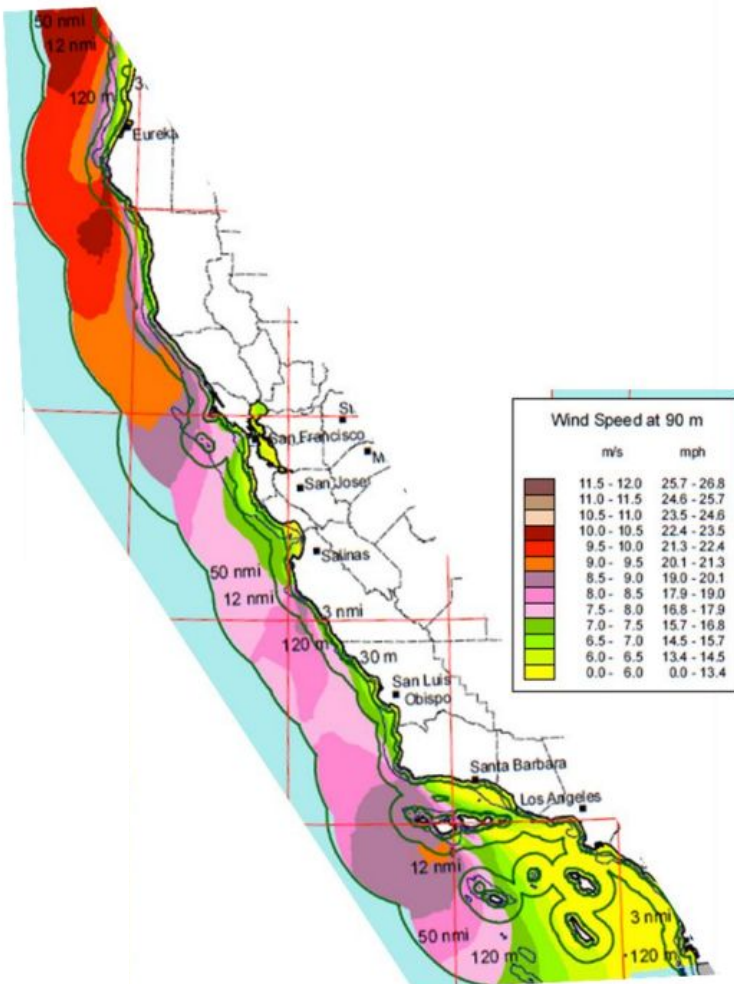
Christopher Mouawad,  
EAC Legislative Fellow



### Northern California Lease Areas

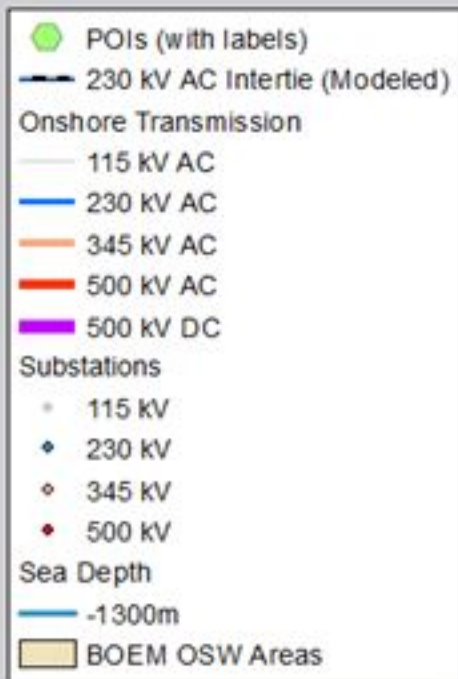


### Central California Lease Areas



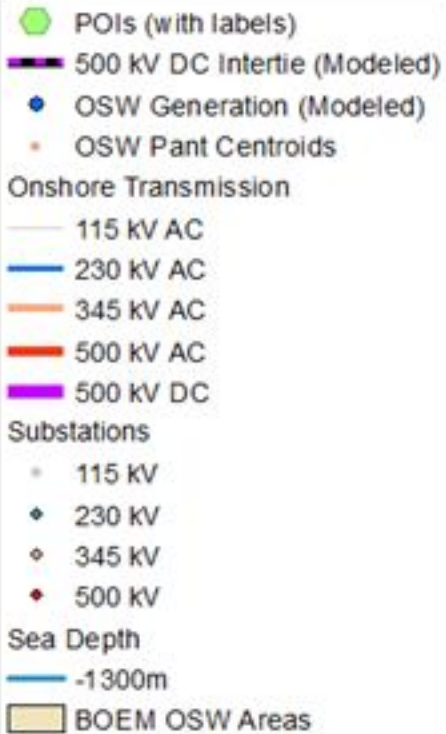
### Scenario 1:

3.4 gigawatts (GW) of installed OSW capacity connected through a 2030 high voltage alternating current (HVAC) Radial Topology



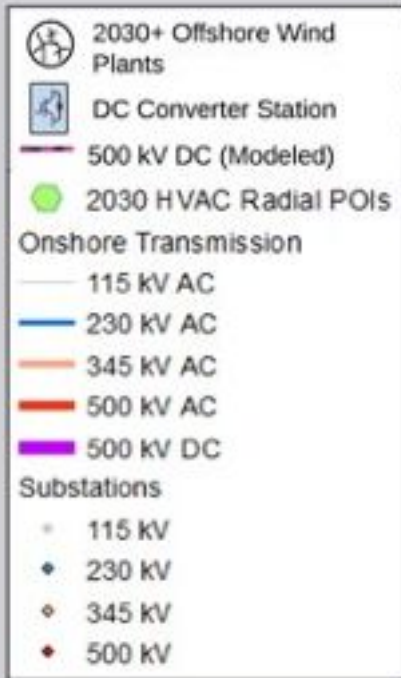
## Scenario 2:

16.3 GW of installed OSW capacity connected through a 2030+ high voltage direct current (HVDC) Radial Topology

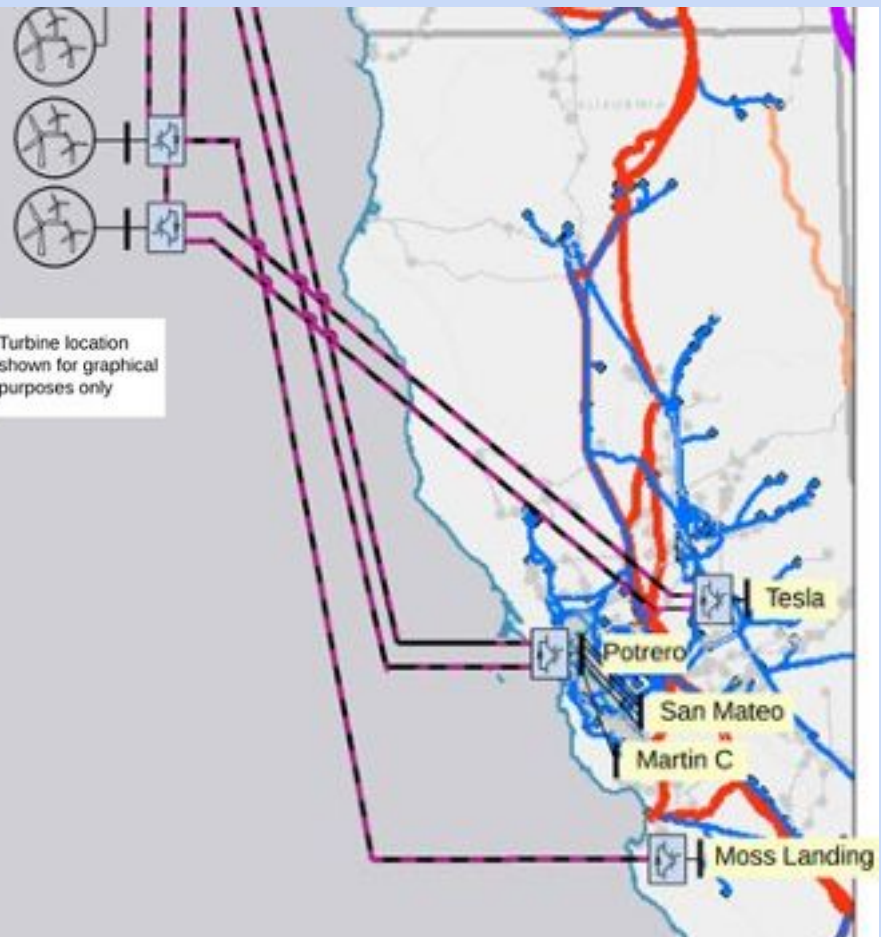


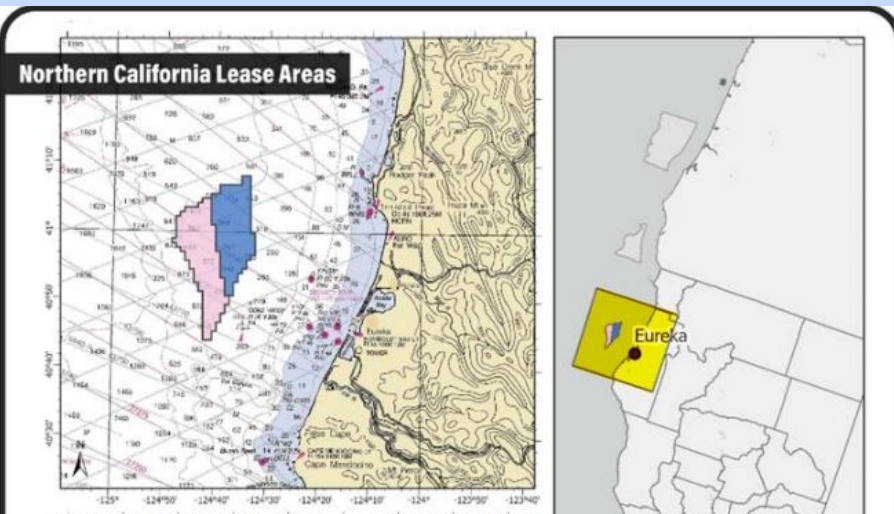
### Scenario 3:

16.3 GW of installed OSW capacity connected through a 2030+ multi-terminal high voltage direct current (MTDC) Backbone Topology



Turbine location shown for graphical purposes only

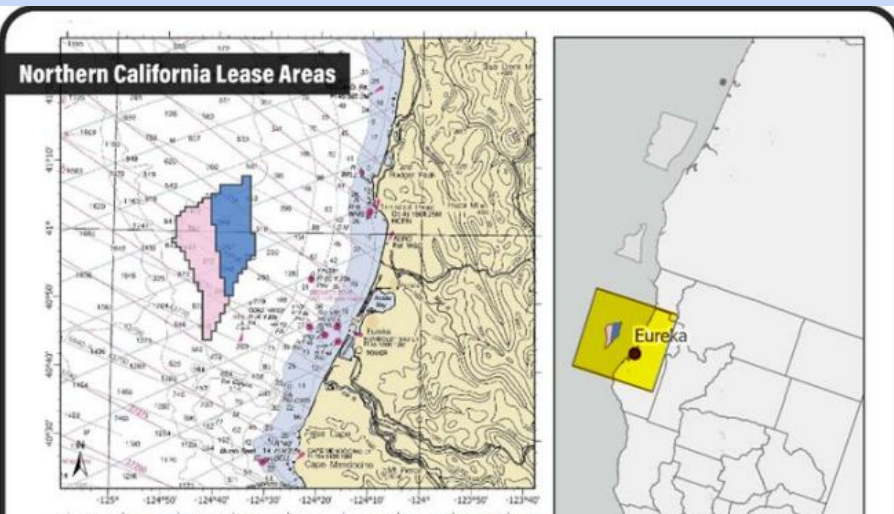




Map shows:

- Habitat Areas of Particular Concern
- Essential Fish Habitat Conservation Areas
- California National Marine Sanctuaries

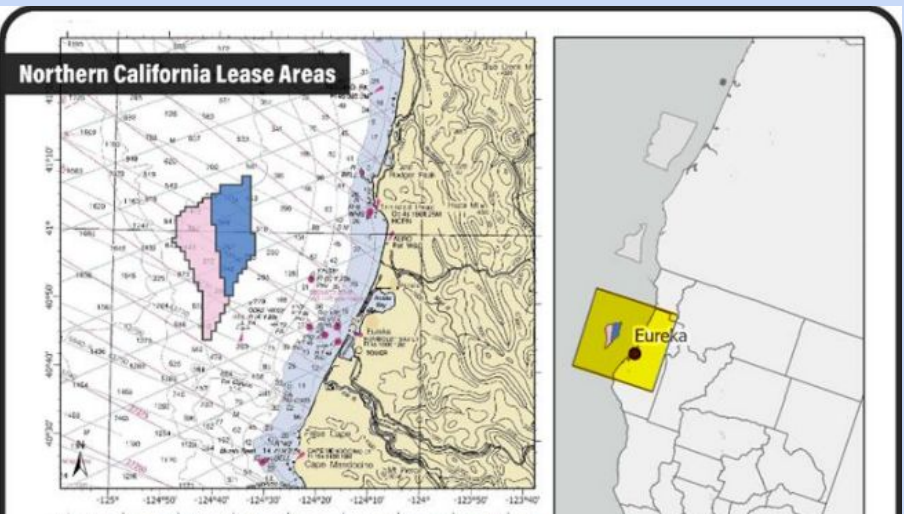




Map shows:

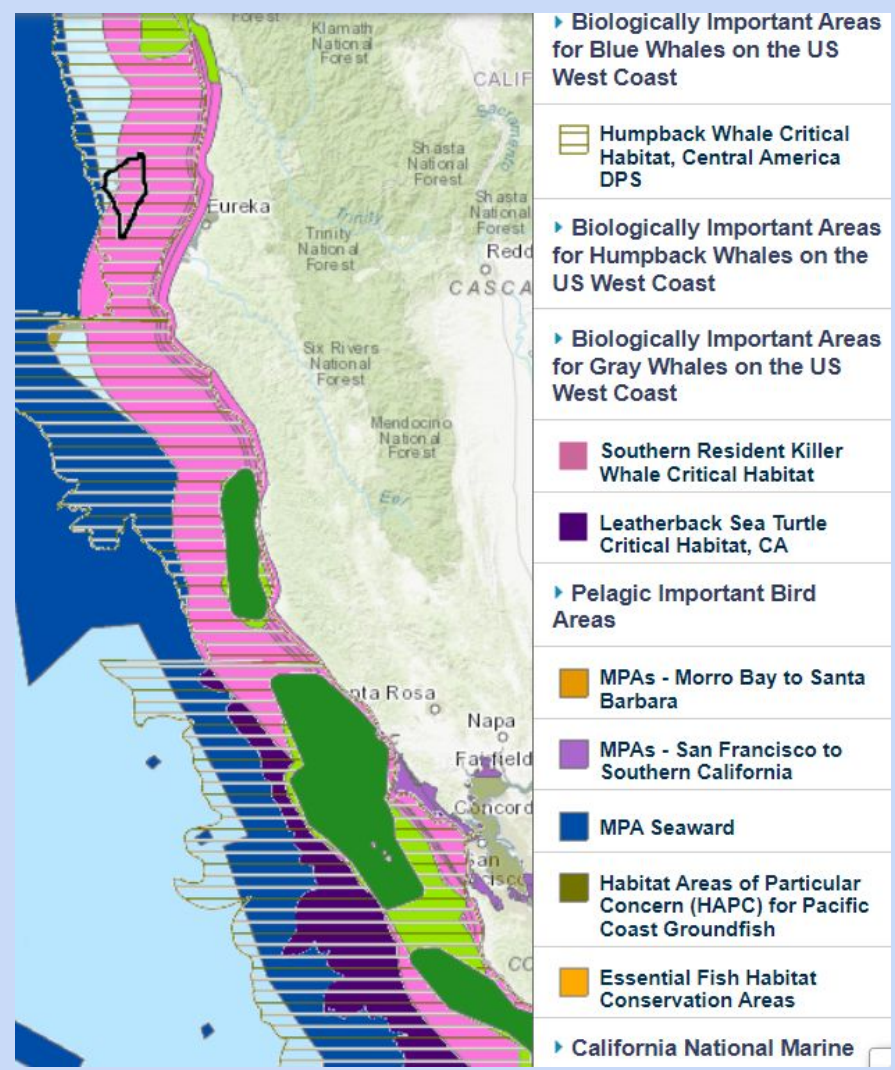
- Habitat Areas of Particular Concern
- Essential Fish Habitat Conservation Areas
- California National Marine Sanctuaries
- +
- Marine Protected Areas (Seaward; SMCA; SMRs)





Map shows:

- Habitat Areas of Particular Concern
- Essential Fish Habitat Conservation Areas
- California National Marine Sanctuaries
- +
- Marine Protected Areas (Seaward; SMCA; SMRs)
- +
- Habitat Areas (Whales; Birds; Turtles)







# Coastal Zone Management Act

## 43 U.S.C. § 1337(p) Leases, easements, or rights-of-way for energy and related purposes

- (1) In general  
The Secretary . . . may grant a lease, easement, or right-of-way on the outer Continental Shelf for activities not otherwise authorized in this subchapter . . .
- (4) Requirements  
The Secretary shall ensure that any activity under this subsection is carried out in a manner that provides for—
  - (A) safety;
  - (B) protection of the environment;**
  - (C) prevention of waste;
  - (D) conservation of the natural resources of the outer Continental Shelf;**
  - (E) coordination with relevant Federal agencies;
  - (F) protection of national security interests of the United States;
  - (G) protection of correlative rights in the outer Continental Shelf;
  - (H) a fair return to the United States for any lease, easement, or right-of-way under this subsection;
  - (I) prevention of interference with reasonable uses . . . of the exclusive economic zone, the high seas, and the territorial seas;
  - (J) consideration of—**
    - (i) the location of, and any schedule relating to, a lease, easement, or right-of-way for an area of the outer Continental Shelf; and
    - (ii) any other use of the sea or seabed, including use for a fishery, a sealane, a potential site of a deepwater port, or navigation;**
  - (K) public notice and comment on any proposal submitted for a lease, easement, or right-of-way under this subsection; and
  - (L) oversight, inspection, research, monitoring, and enforcement relating to a lease, easement, or right-of-way under this subsection.





# Coastal Zone Management Act

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- (J) consideration of—
  - (ii) any other use of the sea or seabed, including use for a fishery, a sealane, a potential site of a deepwater port, or navigation;



# National Seashore

One of the primary goals of the National Parks Service (NPS) in maintaining National Park System units is “to conserve the scenery, natural and historic objects, and wildlife. . . and to provide for the enjoyment of the scenery, natural and historic objects, and wildlife in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations” (54 U.S.C. § 100101(a)).

Further, “the authorization of activities. . . shall not be exercised in derogation of the values and purposes for which the System units have been established, except as directly and specifically provided by Congress.” (54 U.S.C. § 100101(b)(2)).

Congress **has** acted in regards to power generation and transmission... (54 U.S.C. § 100303)

## Point Reyes National Seashore





# National Seashore

Specifically, Congress has allowed for the Secretary of the Interior to grant a right of way (R/W) to “public utilities” for “electrical plants, poles, and lines for the generation and distribution of electrical power” (54 U.S.C. § 100902(a)(1)(A)).

Congress has also allowed the Secretary to grant a R/W to “facilities” for “electrical poles and lines for the transmission and distribution of electrical power” (54 U.S.C. § 100902(b)(1)(A)).

For both public utilities and for power and communication facilities, the R/W “shall be allowed within or through a System unit” upon “the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.” (54 U.S.C. § 100902(a)(3); (b)(3)).

The prohibition on interfering with “free access by the public” does not apply to these R/Ws. (54 U.S.C. §§ 100303; 102101)

Point Reyes National Seashore





# Wilderness Areas

“A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where **the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain**” (16 U.S.C. § 1133(c)).

“there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.” (16 U.S.C. § 1133(c)).

“Within wilderness areas in the *national forests* designated by this chapter, the President may. . . . authorize. . . . power projects, transmission lines, and other facilities needed in the public interest” (16 U.S.C. § 1133(d)(4)).

Phillip Burton Wilderness Area





# Marine Protected Areas

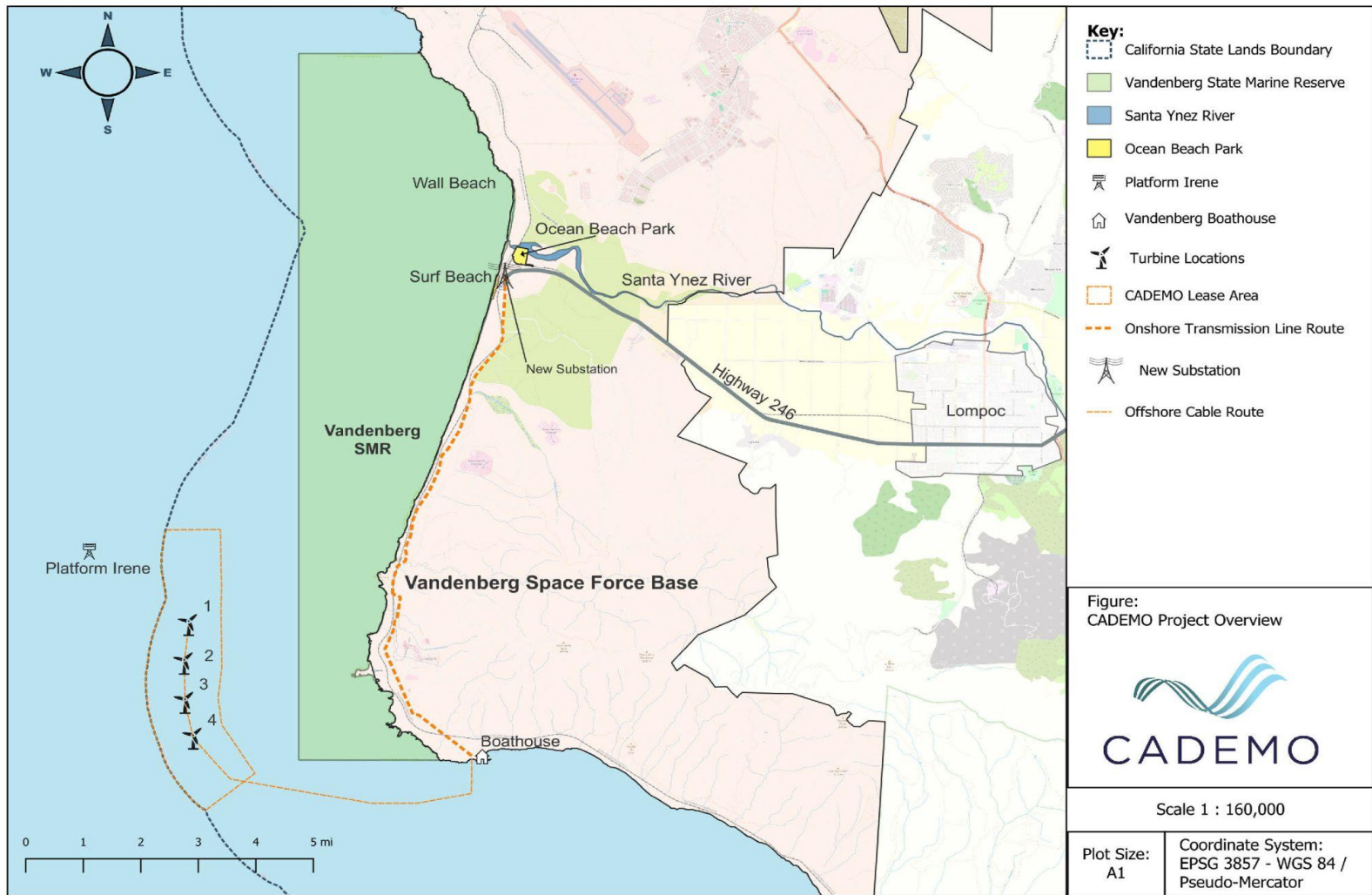
“Notwithstanding any other provision... the taking of a marine species in a marine life reserve is prohibited” Cal. Fish & G. Code § 2860)

“The department, in evaluating proposed projects with potential adverse impacts on marine life and habitat in MPAs, shall highlight those impacts in its analysis and comments related to the project and **shall recommend measures to avoid or fully mitigate any impacts** that are inconsistent with the goals and guidelines of this chapter or the objectives of the MPA” (Cal. Fish & G. Code § 2862).

Map shows:

- Bodega Head SMR
- Bodega Head SMCA
- Point Reyes SMCA
- Drakes Estero SMCA
- Point Reyes SMR
- Estero de Limantour SMR
- Duxbury Reef SMCA
- Point Reyes SMR
- Headlands Special Closure
- Point Resistance Special Closure
- Double Point Special Closure





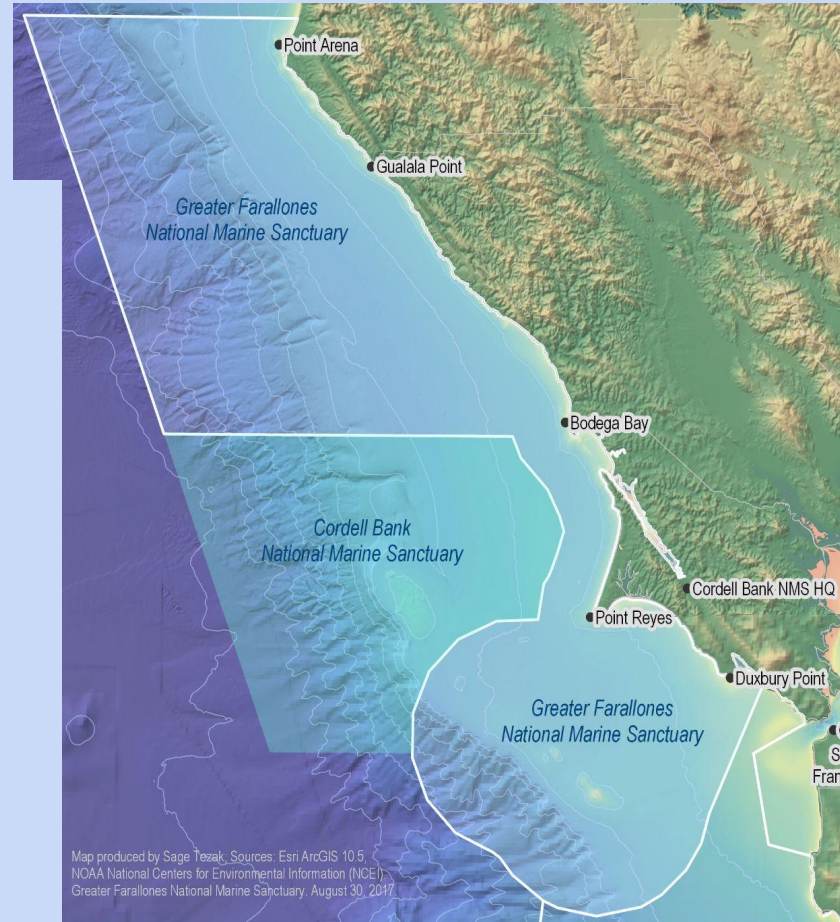
# National Marine Sanctuaries

It is unlawful for any person to “destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary” (16 U.S.C. § 1436).

“The Director, at his or her discretion, may issue a special use permit” (62 F.R. § 922.31; see also 16 U.S.C. 1441).

“The prohibitions... do not apply to any activity executed in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary Permit issued pursuant to [Special Use Permits]” (80 F.R. 13108 § 922.82(d); see also 80 F.R. 13115 § 922.112(d); ).

“A person may conduct an activity otherwise prohibited.... if such activity is specifically authorized and conducted with the scope, purpose, terms, and conditions of a permit” (80 F.R. 13108 § 922.83(a); see also 80 F.R. 13115 § 922.133(a)).







## Alternative 2, Cropped Bank to Coast

This alternative crops the top of Alternative 1 to address concerns with numerous subsea cables in the sanctuary and to ameliorate naming concerns expressed by Indigenous communities.



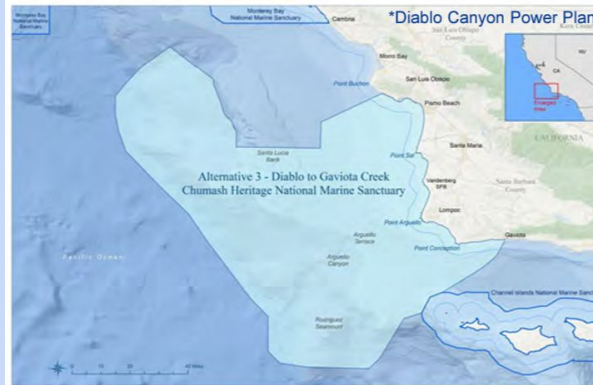
## Initial Boundary Alternative

This boundary, at approximately 7,600 sq. mi, represents the boundary option in the original sanctuary nomination and included in NOAA's Notice of Intent; subsequent options are built off this initial alternative.



## Alternative 3, Diablo to Gaviota Creek

This alternative adjusts the Initial Boundary Alternative by excluding the Diablo Canyon Call Area, as well as a broad coastal area to route subsea cables from offshore wind areas to shore near Morro Bay and DCCP\*.



\*Diablo Canyon Power Plant

## Agency-Preferred Alternative

*Alternative 2 and Sub-Alternative 5b*





# Main Takeaway

Relevant to EAC - where will offshore wind impacts occur?

## Possible Guiding Principles for Policy on Offshore Wind:



Consider Impacts to **Existing** Designations:

- ★ Marin County Coastal Zone
- ★ Point Reyes National Seashore
- ★ Phillip Burton Wilderness Area
- ★ Marine Protected Areas
- ★ National Marine Sanctuaries

Tools for EAC Involvement:

- ★ **Wilderness Act**
- ★ **Discretionary Permitting Process**
  - Coastal Commission [Coastal Zone Management Act]
  - National Park Service [National Park Service Organic Act]
  - Department of Fish & Wildlife [Marine Life Protection Act]
  - National Oceanic Atmospheric Administration [Marine Sanctuaries]
  - Bureau of Oceanic Energy Administration [Non-designated Waters]
  -
- ★ **Informed Precedent**
  - Vandenburg State Marine Reserve
  - Chumash National Marine Sanctuary