



Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

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Jean Thurston-Keller
Bureau of Ocean Energy Management
Pacific Regional Office – Renewable Energy Section
760 Paseo Camarillo, Suite 102 (CM 102)
Camarillo, CA 90101



Dear Mrs. Thurston-Keller,

Thank you for the opportunity to provide Bureau of Ocean Energy Management (BOEM) comments in response to the publication of Draft Wind Energy Areas (WEA) regarding the Commercial Leasing for Wind Energy Development on the Outer Continental Shelf (OCS) offshore Oregon. We would like to thank BOEM and its staff for their ongoing consultation with the Department of Land Conservation and Development (Department) in support of the BOEM Oregon Intergovernmental Task Force and in the continued outreach and engagement efforts to Oregonians on the topic of Offshore Wind (OSW) Energy Leasing. The Department also acknowledges that a decision to lease an area does not equate to a decision to permit the construction of an offshore array. A lease decision by BOEM would only permit individual developers to conduct site characterization activities in support of a Construction and Operations Plan (COP), which we understand would take years of development and study. The Department is responding to the “Draft WEA” public comment opportunity to provide the Department’s perspective on the leasing process and relay concerns heard by stakeholders during the comment period and previously in the leasing process.

The Department recognizes that BOEM added additional opportunity for public engagement and stakeholder review in their leasing process through the conduct of an extra process step to publish the Draft WEAs with an extended timeline (60 day) to receive comments. Community involvement in planning decisions is the purpose of Goal 1 of Oregon’s Land Use Planning System and this added step reflects BOEM’s commitment to coordinate with the State of Oregon on this issue. The Department also recognizes the added costs and staff time necessary for this to occur and would like to thank BOEM for the extra time and effort made to honor Oregon’s requests.

The Department will not be providing comment with the intent to further limit the geographical area of the Draft WEAs or assess their relative suitability for offshore wind development. Rather, we offer the following comments to reiterate and update our comments from the 2022 Call Area

comment opportunity, as well as to remind BOEM of key Oregon policies that will be significant to an eventual federal consistency review. In participating with BOEM during webinars and public meetings held on the topic of the Draft WEAs and stakeholder discussions convened during the comment period, Department staff heard some messages that it would like to emphasize and raise regarding community concerns about the potential risks of OSW energy development to the State of Oregon within the Draft WEA's. Those messages are provided below:

- Economic and socio-cultural impacts to coastal communities resulting from the potential impacts to fisheries – specifically the mid-water and bottom trawling fisheries - remain a *major* concern. This was a concern identified and documented in the last Department comment letter to BOEM regarding the Call Areas.
- Floating OSW technology is unproven and untested at depths of 300 – 1300 meters of depth which could lead to additional risks of economic and environmental harm to Oregon's communities and natural resources.
- Cables and landing sites from OSW could present adverse effects to ocean users or species. A greater understanding of how development in the Draft WEAs would relate to the number, scale, and location of cables represent necessary context to understand potential offshore and onshore effects. Cable burial is required to handle ecological impacts and for maximum compatible use of the ocean resources.
- Impacts to the viewsheds along Oregon's coast, including important cultural locations of Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI) and Coquille Indian tribes, remain a concern following BOEM's visual simulation studies. There is further work to be done to demonstrate specific project impacts if development proceeds in the Draft WEAs.
- There is a public concern that the OSW projects will cause changes in the oceanography and atmospheric conditions of the state, potentially affecting coastal upwelling and primary productivity that contributes to the richness of Oregon's offshore resources.
- BOEM will need to evaluate and responsibly manage the uncertainties and potential risks related to cumulative impacts from multiple turbines or arrays if development proceeds.
- Many expressed that the development of a new use of the ocean should not come at the cost of existing uses and resources that provide benefits to food security and the economies of Oregon coastal communities. A comprehensive discussion of community benefits and tradeoffs will likely be a necessary component in any future decision to allow development of OSW.

Oregon's federally approved Coastal Zone Management Program, the Oregon Coastal Management Program (OCMP), is housed within the Department. The OCMP serves as the primary agency for coordinating the State's review of federal decisions to permit, license, or otherwise authorize activities for renewable energy facilities within the waters and seafloor of the OCS adjacent to the Oregon Territorial Sea, that have reasonably foreseeable effects on coastal resources or uses. The State reviews such federal actions for consistency with the Territorial Sea Plan (TSP) and the applicable enforceable policies of the OCMP, pursuant to the National Oceanic Atmospheric Administration's (NOAA) Coastal Zone Management Act (CZMA) federal consistency regulations at 15 CFR Part 930.

Based on discussions with BOEM over the past year, the Department expects that any decision to issue a lease within the Draft WEAs would be subject to a federal consistency review under 15 CFR 930, Subpart C. The Department further expects that a BOEM decision to approve a COP for a specific project within these areas would also be subject to state CZMA review under 15 CFR 930, Subpart E.

In 2015, the State of Oregon established a Geographic Location Description (GLD) for offshore renewable energy activities, which reserved the right of federal consistency review for those activities to a depth of 500 fathoms. This geographic extent was based on the expected technological limits of that time, but BOEM's Draft WEAs extend to a depth of 1,300 meters (~700 fathoms), in response to changing expectations of the technical feasibility to develop in deeper waters.

The Department's conversations with BOEM have led us to understand that BOEM's own regulations for the development of COPs (30 CFR § 585.627) require an applicant to provide a Consistency Certification from the affected state or states. The Department also agrees with the expectations of BOEM staff that an offshore wind project off the Oregon coast, out to the extent of the Draft WEAs, would result in reasonably anticipated effects to Oregon coastal uses and resources as a result of increased vessel transit, visual effects, and effects to Oregon fisheries and fishing communities. Such a project would be subject to federal consistency review and would need to demonstrate full consistency with Oregon's NOAA-approved Enforceable Policies.

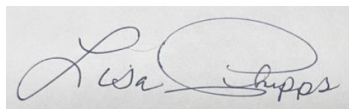
The primary uses and resources of concern to the OCMP (documented in the GLD as reasonably foreseeable effects) are those that ensure the continued functional integrity of the marine ecosystem and use of the area for commercial and recreational fishing and other uses. Areas needed to ensure the preservation and use of important marine resources and uses include:

- Areas necessary for the survival of threatened and endangered species;
- Areas that are ecologically significant to maintaining ecosystem structure, biological productivity, and biological diversity;
- Areas that are essential to the life history or behaviors of marine organisms;
- Biological communities that are especially vulnerable because of the size, composition, or location in relation to the impacts of the proposed activities;
- Biological communities that are unique or of limited range within the region;
- Areas important to the biological viability of commercial and recreational fisheries;
- Areas important to fisheries, including those that are important on a seasonal basis, to individual ports or particular fleets, or of particularly high value species;
- Habitat areas that support food or prey species important to the sustaining the commercial and recreational fisheries; and
- Beneficial uses such as navigation, recreation, scientific research, cable corridors, and aesthetic enjoyment including ocean viewsheds.

In addition, the GLD has documented a list of important marine resources and uses. For instance, the potential changes to Oregon's ocean viewsheds via OSW development activities is a concern that the state of Oregon accounted for in the development of TSP Part Five, specifically the Visual Resources Protection Standard. The Department would like to thank BOEM for generating visual simulations for arrays within the Draft WEAs, recognizing that the products represent worst-case-scenarios.

Thank you for considering these comments and please include them in the BOEM record. The Department encourages BOEM to move forward on a timeline that allows for the full consideration of the issues brought forward by the Department, Tribes, and Oregon stakeholders and is committed to consulting with BOEM on future needs of the OSW leasing process.

Respectfully,

A handwritten signature in black ink that reads "Lisa Phipps". The signature is written in a cursive style with a large loop for the letter 'P'.

Lisa Phipps

Manager, Oregon Coastal Management Program

Oregon Department of Land Conservation and Development