



Oregon

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State Land Board

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Governor

Jean Thurston-Keller
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LaVonne Griffin-Valade

Secretary of State

Tobias Read

State Treasurer

Subject: Comments on the Bureau of Ocean Energy Management Draft Wind Energy Areas – Commercial Leasing for Wind Power Development on the Oregon Outer Continental Shelf

Dear Jean Thurston-Keller,

The Oregon Department of State Lands appreciates the opportunity to provide comments in response to the Bureau of Ocean Energy Management (BOEM) Call for Draft Wind Energy Areas – Commercial Leasing for Wind Power Development on the Oregon Outer Continental Shelf.

The Department of State Lands (DSL) is the administrative agency of the State Land Board with a mission to ensure Oregon's school land legacy and protect wetlands and waterways of the State through superior stewardship and service. DSL has a regulatory and land management role in developing undersea cable infrastructure within the submerged and submersible land of Oregon's territorial sea (3 miles from the shoreline out to sea). DSL reviews and authorizes easements for uses of the seafloor, including placement of fiber optic and power cables, pipelines, and other utilities within the territorial sea. DSL also issues a removal-fill permit for the removal, fill and alteration of sediments, rock, and other materials (greater than 50 cubic yards) comprising the submerged and submersible land underlying the territorial sea. Thus, any offshore wind energy project likely requires both an easement authorization and a removal-fill permit from DSL.

DSL has been tracking efforts under the BOEM Oregon Intergovernmental Renewable Energy Task Force since 2019 and appreciates the extensive research and assessment reports for drafting the Wind Energy Areas known as the Coos Bay and Brookings Call Areas.

DSL is pleased to provide the below comments for BOEM consideration, with the hope these comments will be informative and helpful in guiding future decisions.

1. Spatial separation requirements are needed.

BOEM states the visual simulations model a total of 262 20-MW turbines for a total generating capacity of approximately 5,240 MW of renewable energy for two Draft Wind Energy Areas. Considering that each offshore wind platform has at least one power cable plus a station-keeping system (mooring lines), an undetermined number of power cables would enter Oregon's territorial sea to transport electricity from the Outer Continental Shelf to upland. The placement of these cables will need to be consistent with Part 4 of the Oregon Territorial Sea Plan (TSP Part 4). Each cable needs to be buried, to the extent practicable, under the Oregon seabed, and needs to go through an environmental impact assessment and federal consistency review. As stated above, the placement of each cable will require an easement from DSL and likely a removal-fill permit.

In April 2023, DSL provided comments on BOEM's proposed Renewable Energy Modernization Rule to add a requirement for marine spatial planning, in particular, spatial separation standards for submarine cables and renewable energy infrastructure, to alleviate cable overlapping and potential cable breakage that may disrupt communication and energy supply and impact the marine environment. We request spatial planning and requirements be integrated prior to approval of these commercial leasing areas.

2. Piloting and phasing are needed to address challenges.

As there has been no offshore wind energy development to date along the Oregon coast, DSL supports developing pilot demonstration projects prior to approval of large commercial buildouts. BOEM should approve the minimum number of offshore wind turbines to evaluate potential technical, environmental, economic, and social impacts and risks in Oregon before committing to the larger offshore wind developments with hundreds of wind turbines. DSL also supports phased development of commercial projects to better allow for monitoring and adaptive management.

This recommendation is consistent with the state's approach to authorizing ocean renewable energy in the territorial sea. As stated in Part Five of the Oregon Territorial Sea Plan:

"Oregon prefers to develop renewable energy through a precautionary approach that supports the use of pilot projects and phased development in the initial stages of commercial development. If developed in a responsible and appropriate manner, in accordance with the requirements of this Part and other applicable state and federal authorities, renewable ocean energy may help preserve Oregon's natural resources and enhance our quality of life."

In September 2022, the Oregon Department of Energy prepared a report "Floating Offshore Wind: Benefits and Challenges for Oregon" which described the following six challenges:

- Concerns about adverse effects on coastal communities, existing industries, the environment, and cultural resources.
- Siting and permitting.
- Technology readiness and costs.
- Port infrastructure and sea vessels.

- Transmission infrastructure.
- Long-term power off-takers and energy markets.

DSL is currently working with our state agency partners to address some of these challenges through updates to Oregon's Territorial Sea Plan. The Oregon Department of Land Conservation and Development (DLCD), in consultation with the Oregon Ocean Policy Advisory Council, established a working group for revisions to TSP Part 4 that addresses the placement of telecommunication cables, power cables, pipelines, and other utilities in Oregon's territorial sea.

Compared to the original version, TSP Part 4 covers requirements not only for telecommunication cables but also for power cables, pipelines, and other utilities or fixtures.

The new TSP Part 4 updates also include:

- Establishing the Joint Agency Review Team coordinated by DSL to facilitate communication and collaboration between state agencies and other stakeholders in the early stages of the project planning and permitting process.
- Considering undersea cables, pipelines, and other utilities as part of critical infrastructure that is subject to physical threats and natural disasters.
- Requiring the Resource and Use Inventory and Effects Evaluation from the applicants for environmental protection and mitigation measures.
- Requiring undersea infrastructure decommissioning at the end of the operational life cycle and seabed recovery to maintain the long-term protection of marine ecosystems, preservation of their ecological functions, and economic and social services.

The Land Conservation and Development Commission is anticipated to consider approving the updated TSP Part 4 in November 2023. DSL will then amend its associated administrative rules for granting easements in Oregon's territorial sea. In examining those rules, DSL anticipates considering establishment of separation distance standards between existing undersea cables and other marine or coastal activity, as well as establishing spatial protection zones as lessons learned from other countries (e.g., the United Kingdom, Australia, and New Zealand).

3. Critical infrastructure and natural disasters need to be considered.

Critical infrastructure is subject to risks associated with physical threats and natural disasters. It is also now increasingly exposed to cyber risks. Connections and interdependencies between infrastructure elements and sectors mean that damage, disruption, or destruction to one infrastructure element can cause cascading effects, impacting the continued operation of another.

Oregon is in the Cascadia Subduction Zone. According to the U.S. Geological Survey, the last major earthquake in the Pacific Northwest was over 300 years ago. Geological evidence indicates that such great earthquakes have occurred at least seven times in the last 3,500 years, with a return interval of 400 to 600 years.

Considering that offshore wind energy floating technologies have not been tested in the Pacific Northwest conditions, we echo the above recommendation for pilot projects and phased development prior to a full commercial buildout. This will give the developer and BOEM an opportunity to evaluate the security of the buildout and implement adaptive management techniques to ensure wind turbines and infrastructure can withstand a subduction zone earthquake and/or a tsunami.

4. Meteorological data assessment, climate conditions, visibility, and potential wind speed.

DSL acknowledges the preparation of the Meteorological Data Assessment Report for BOEM Oregon Call Areas. However, this report analyzes only 10-year (2012-2021) measurements and meteorological conditions associated with the Coos Bay and Brookings Call Areas.

The World Meteorological Organization recommends a 30-year standard reference period to reflect the changing climate and its influence on day-to-day weather. Climate change could affect weather patterns and changes in meteorological parameters (e.g., temperature, precipitation, humidity, wind speed, and direction) in the following decades, and as a result, visibility assessment and wind energy production. We recommend that BOEM continue to model changing climate conditions to avoid and minimize impacts to the Oregon coast and territorial sea from offshore wind energy development.

DSL thanks BOEM for considering these comments and encourages BOEM to move forward on a timeline that allows for the full consideration of the issues stated in this letter. DSL looks forward to continuing to collaborate with BOEM, other federal agencies, Oregon state agencies, local and tribal governments, and communities on assessing the opportunity and potential for offshore wind development in the State of Oregon.

Please don't hesitate to reach out to our Submerged Cable Analyst, Nataliya Stranadko, to discuss any of these comments or issues further.

Sincerely,

Christopher Castelli
Acting Deputy Director

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