OCEANA Protecting the World's Oceans

222 NW Davis Street, Suite 402
Portland, OR 97209 USA

+1.503.235.0278
OCEANA.ORG

May 12, 2021

Senator Lee Beyer, Chair
Senate Committee on Energy and Environment
900 Court St. NE, S-411, Salem, Oregon 97301

RE: HB 3375 - Offshore Wind - Support

Dear Senator Beyer:

Oceana is an international ocean conservation organization focused on protecting the world's oceans. We support efforts, such as House Bill 3375, that promote offshore wind development while minimizing conflicts with ocean users and impacts on the ocean ecosystem.

Oceana has over 1.2 million members and supporters in the United States, including 22,000 here in Oregon. For nearly 20 years, Oceana staff in Oregon have campaigned to protect our coastal and ocean ecosystems while advancing responsible management approaches for human uses and activities like ocean fisheries. Oceana has conducted scientific research and exploration off the Oregon coast to identify and describe important ecological areas. We have worked with the State of Oregon, Pacific Fishery Management Council and National Marine Fisheries Service to protect Oregon's rich coastal and ocean ecosystems by implementing science-based approaches that protect unique and important ocean habitats, ecologically important forage fish, and vulnerable fish and wildlife populations.

While progress has been made, climate change poses an existential threat to our oceans and the people and communities that depend on them. Human-caused emissions of carbon dioxide and other greenhouse gases are causing ocean warming, acidification, oxygen loss, and decreased fish production.[1] Climate change models project significant change over the coming century with predicted declines in ocean productivity, species range shifts, and habitat loss. As an urgent priority, we must shift from fossil fuel-based energy sources to clean energy. Offshore wind has the potential to help bridge the transition to our clean energy future. As such, Oceana supports responsibly developed and sited offshore wind that first avoids, then minimizes and mitigates impacts to ocean wildlife and habitats.

Oceana supports HB 3375 because it sets a goal for the state to plan for the development of up to 3 gigawatts of floating offshore wind power by 2030 while minimizing conflicts with ocean users and the ecosystem. We want to be helpful in achieving this ambitious goal as offshore wind is critical to the transition to a clean energy future to combat the climate crisis. That said, we have

[1] IPCC, 2019: IPCC Special Report on the Ocean and Cryosphere in a Changing Climate [H.-O. Pörtner, D.C. Roberts, V. Masson-Delmotte, P. Zhai, M. Tignor, E. Poloczanska, K. Mintenbeck, A. Alegría, M. Nicolai, A. Okem, J. Petzold, B. Rama, N.M. Weyer (eds.)] Available, https://www.ipcc.ch/srocc/

concerns over potential impacts to ocean habitats and marine life. As part of the study and planning called for in HB 3375, we recommend the following:

- **Spatial Planning:** A critical step is to identify important ecological areas, areas to be avoided, and areas where offshore wind may be best suited to minimize impacts to the ocean ecosystem and existing human uses. A regional planning process should use the best available science and information and include identification of ecological features based on criteria such as ecological significance, biological diversity, rarity, sensitivity, and critical habitat for endangered species. Such a planning process must also consider human uses.
- **Full compliance with existing laws:** Any offshore wind lease and project must comply with existing laws including the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), Migratory Bird Treaty Act, and the Magnuson Stevens Fishery Conservation and Management Act (MSA). Offshore wind development must adhere to a rigorous review process that uses best available science to consider immediate and cumulative impacts to ocean wildlife under the ESA and MMPA; critical habitat under the ESA; Essential Fish Habitat and Habitat Areas of Particular Concern under the MSA; and ensure that proper alternatives are considered through a full NEPA analysis.
- **Noise Reduction:** Projects should be required to use the best commercially available technology and methods to minimize sound levels during surveys, development, operations, and decommissioning.
- **Year-Round Monitoring:** Each project must include a monitoring and research plan to assess and report the effects of the project on the ocean ecosystem including marine habitats, wildlife, fishery resources and protected species. Changes should be compared to a baseline study. Monitoring should include acoustic and visual monitoring.
- **Shut-Down Procedures:** If protected species such as threatened and endangered humpback whales, blue whales, fin whales, killer whales or leatherback sea turtles are detected by visual or acoustic monitoring within an appropriate buffer area, surveys, construction and if necessary, operations, should be suspended. Survey and construction activities during well documented seasonal gray whale migrations should be avoided.
- **Decommissioning**: Floating offshore wind projects may install massive anchors, hundreds of miles of cable and other equipment in public ocean waters and on the seafloor. Companies must be responsible for removing their equipment if and when the project ends without relying on at-sea disposal or abandonment. A decommissioning plan with proper bonding must be required.

Oceana is hopeful that offshore wind can be part of an effective response to the climate crisis. The potential for offshore wind energy is significant and should be pursued with careful planning and policies that protect our ocean ecosystem. With HB 3375, we appreciate the legislature taking a proactive approach that will help the state plan for offshore wind in a responsible manner that advances clean energy goals while protecting our outstanding coastal and ocean ecosystems.

Sincerely,

Ben Enticknap
Pacific Campaign Manager and Senior Scientist