

Washington Coastal Marine Advisory Council

c/o Washington of Ecology SEA Program PO Box 47600 Olympia WA 98504-7600

The Honorable Jay Inslee
Governor of Washington
PO Box 40002
Olympia, 98504-0002

August 1st, 2024

SUBJECT: Recommendations on the 2024 Gridworks Report on Proposed Offshore Wind Engagement

Dear Governor Inslee,


On behalf of the Washington Coastal Marine Advisory Council (WCMAC), thank you for the opportunity to provide your office with our suggestions, concerns, and recommendations regarding the report submitted to your office entitled "*A Proposed Offshore Wind Engagement Framework for Washington State*," hereinafter, referred to as the "Report." This Report, which researched and recommended ways to shape the "planning and evaluation of offshore wind off Washington's Pacific Coast," was circulated to WCMAC membership in a draft and final form for review and comment.

As you are aware, the collective membership of the WCMAC collaboratively works to ensure the resiliency and vibrancy of coastal Washington and the protection and preservation of existing ocean uses. The WCMAC consists of a wide range of coastal stakeholders who come together pursuant to its statutory charge to create a forum to discuss and provide recommendations on coastal management issues (see [RCW 43.143.060](#)).

On July 10th, 2024, WCMAC held a Special Meeting where the membership, by an affirmative vote¹, authorized the submittal of a letter to you containing the collective comments and recommendations on the Gridwork's Report. This letter builds upon the WCMAC's recommended "*Principles of Engagement*," dated January 10th, 2023, regarding offshore wind (OSW) projects.

We are grateful for your initiation of this work and your commitment to further review, assess, and respond to potential offshore wind energy development and potential formal interactions with the Bureau of Ocean Energy Management (BOEM) OSW lease process. While OSW is the

¹ State agencies and the Governor's Office recognize and value the role of the WCMAC in advising the Governor, Legislature, and agencies on coastal management issues. A vital part of this is ensuring that recommendations to the Governor are representative of coastal stakeholders' perspectives while also being informed by agency expertise. For this reason, WCMAC representatives from state agencies and the Governor's Office have participated in discussion of the Gridworks report but have abstained from either supporting or opposing these recommendations. ***The views and recommendations included in this letter reflect only those of the non-state agency WCMAC representatives.*** The Governor's Office has, and will continue, to solicit input on the Gridworks report from agency experts, federally recognized Tribes, and stakeholders including the WCMAC.



subject of this report, there is an awareness that our state may be asked to consider large scale offshore wave, geothermal, or other emerging energy generation schemes. While the Report and this letter will focus on OSW, the recommendations found in both may also apply to these other forms of offshore energy generation.

It is important to note at the outset, the voting members of the WCMAC agreed that Gridworks should be commended for their work in developing the Report. Their ability to effectively engage with a wide range of interested individuals and entities was remarkable given the extremely short period of time they had to undertake their assigned tasks. Their work provides important insight into the thoughts up and down the coast regarding OSW and Washington's involvement in that energy sector.

Furthermore, nearly all of the WCMAC's voting members supported the belief statement that "Washington State should refrain from engaging/participating in the BOEM process until more engagement and research" has been conducted. This indicates the importance of utilizing your unique leadership position to develop and craft a "Washington Way" to prepare for potential future engagement and research needs regarding offshore energy projects. Washington's unique character requires a novel approach to the standard OSW process to ensure the continuation of our coastal communities' traditions, heritage, and culture, which are interwoven with the ecological, economic, and social components that make our coast an invaluable part of this incredible state. It was caveated by one member that a significant amount of research in this area has been done, and before requesting more research be conducted, an evaluation of the available research should be undertaken.

As you are aware, the Report made seven recommendations. The following will provide the WCMAC's response to each of those recommendations. It is fair to say that an underlying and significant source for the concerns raised is BOEM's track record of proceeding with their procedures and processes in awarding OSW leases with little apparent concern, recognition, or resolution of the issues raised by stakeholders, NGOs, state, tribal, and local governments.

The first recommendation in the Gridworks Report was strongly supported by the WCMAC voting members. This recommendation encourages the state to "engage in meaningful consultation on offshore wind issues with Washington Tribes, following Millennium Agreement guidelines." This recommendation recognizes and reiterates the essential need of our state to offer to engage in consultation with each of the tribal nations that would be impacted by OSW proposals. In our support for this recommendation, we recognize that each tribal nation is its own sovereign with its own interests and concerns with the right to engage or not engage with our state in OSW matters. It is our understanding that all the four coastal treaty tribes in Washington and the Affiliated Tribes of Northwest Indians have articulated in public forums the shortfalls they have seen in the BOEM process as it has proceeded to date in Oregon and California.

The second recommendation in the Gridworks Report was supported by WCMAC's voting members. This recommendation states that Washington "should develop and/or support a

regional consortium to provide independent expert analysis and peer review of, guidance for, and prioritization of the research and analysis informing responsible OSW development off the Pacific Coast.” Members voiced that such a consortium would need to have engaged leadership to ensure a strong focus with defined outcomes that will promote the timely production of relevant data and information. It is possible that such a consortium could coordinate with other coastal governments addressing the BOEM OSW leasing and permitting process. If pursued, this effort should build upon existing research efforts to effectively and efficiently address current and future OSW information needs. Importantly, it was emphasized that the funding for such work should primarily be a responsibility of the federal government, potentially shared by the State.

The third recommendation in the Gridworks Report was supported by all of WCMAC’s voting members. This recommendation called for our state to actively determine and articulate “its policy priorities relative to OSW development off the state coast prior to a BOEM process, including any timelines for considering OSW development.” The WCMAC believes that this needs to be done before the BOEM process. The process of developing OSW priorities will need to be supported, while the outcomes will need thorough and timely vetting. In reviewing Gridworks’ report, there were numerous listed partners and those need to be reviewed as to their abilities, capacities, and expertise in undertaking the envisioned policy work.

The fourth recommendation in the Gridworks Report failed to garner consensus amongst WCMAC’s voting members. While ten of the fifteen voting members supported this recommendation, four raised concerns about how “a concept framework for responsible OSW development” that would then “encourage and elevate priorities around responsible OSW development” would be developed.

Questions were raised about how this would be done in relationship to the third recommendation. There were concerns related to the timing and sequencing between this recommendation and others in the Report. WCMAC members strongly believed that the recommended ‘pre-work’ had to be done before consideration of, let alone development of, any framework for “responsible OSW development.” Additional concerns were raised about the generality of the recommendation and its expected outcome. Concern was also voiced over the effectiveness of the suggested community benefit agreements (CBAs) in adequately assessing and resolving mitigation needs that would follow OSW development, that inadequate attention was paid to “avoiding and minimizing conflicts” and that there was too much emphasis on the CBA’s as a solution for dealing with potential negative impacts. Generally, the inclusion of an ‘off-ramp’ process for Washington was appreciated.

One WCMAC member was opposed to this recommendation stating that Washington has not evaluated the need OSW for generated power. They felt that the recommendation voiced a foregone conclusion about the BOEM process, OSW development, and Washington’s position regarding both.

The fifth recommendation in the Gridworks Report was supported by WCMAC’s voting members. This recommendation called for a “thorough investigation and comprehensive catalog

of Washington’s legal authorities under the federal Coastal Zone Management Act and other jurisdictional authorities” relevant to the permitting of OSW developments via the BOEM process. In developing this publicly available catalog of authorities, the state should also explain how conflicts between federal and state authorities could be resolved or addressed. Additional state statutory authorities could be made part of this proposed catalog to include Washington’s Ocean Resource Management Act and the state’s Marine Spatial Plan. Support was also articulated for the state to establish a Geographic Location Description for OSW activities in federal waters. This catalog should be developed prior to the pursuit of Recommendation No. 4.

The sixth recommendation in the Gridworks Report failed to garner consensus from WCMAC’s voting members. Eight WCMAC members, including five members representing state agencies, abstained – non-agency members cited the need for more information on the proposed options before making an informed vote.

An important note about this recommendation, and the one that follows, is that both apply “if” Washington enters a BOEM process regarding OSW development. Five members supported the recommendation to form some type of an advisory body. However, with three different types of an “advisory body” being offered in the Report, there were calls for additional information and a desire to further assess the tradeoffs associated with each of the proposed entities. For example, Option A proposes establishing an entity via a Memorandum of Understanding (MOU) with the implication of the created entity having some decision-making authority. Option B is inclusive but appears to lack the standing of a ‘formal BOEM task force.’ Additional information was needed to better evaluate these three different approaches. Further, practical concerns and skepticism were raised on developing, funding, and staffing such an entity. Doubts about the effectiveness of “asking” BOEM to facilitate these efforts were expressed.

Six WCMAC voting members had general concerns with this recommendation. Multiple members voiced their position that they do not trust nor have any faith that BOEM will meaningfully engage with whatever body the state creates. Given the options, many of these members felt that Option B would be their preferred entity. However, they did not want BOEM to initiate any process, nor the state to invite BOEM to do so, until a clear and definitive engagement process was developed. One member was opposed to this recommendation. They did not trust BOEM to “engage in a meaningful way.” While echoing the same concerns articulated by other WCMAC members, this member did acknowledge that the proposed Option B was their preferred approach due to its inclusivity.

The seventh recommendation in the Gridworks Report was support by the WCMAC’s voting members. However, six WCMAC members, including five members representing state agencies, abstained. The one, non-agency member cited the need for more information on the proposed options before making an informed vote.

Voting WCMAC members coalesced around a Washington developed and supported approach. This support was based upon the need to ensure that “if Washington State enters a BOEM leasing process” that “BOEM’s interactions with Tribes, stakeholders, and the public during a BOEM leasing process” were “inclusive, comprehensive, and meaningful.” This approach aligns

with WCMAC's Principles of Engagement and is foundational to how future leadership and officials should respond to OSW proposals and the BOEM process. While there were questions about BOEM's requirements to implement our state priorities, or how such an approach could be made binding on BOEM and others, the WCMAC members felt creating this "Washington Way" was paramount to the future of Washington, the Tribal Nations along its coastline, and the communities and people that live, work, play, and sustain themselves on the coast. This approach would ensure the continued health and productivity of our ocean and its inhabitants

The path forward will not be easy, nor always clear. However, in the effort to pursue clean, renewable energy to meet Washington's energy and climate solutions, we cannot lose the resiliency and sustainability of our State's maritime traditions, culture, and heritage on speculative, nascent commercial interests. State leaders will need to have at their fingertips detailed information on the ecological, economic, and social components of Washington's Pacific Coast. Research needs must be identified, and funding to start that research must be secured as soon as possible. There needs to be a focus on how OSW may affect general ocean processes cumulatively and at varying scales. Research is also needed on site-specific impacts associated with nearshore and onshore OSW transmission. Finally, there will be a need for all involved to have a clear understanding of the short-term and long-term costs of the energy generated by OSW and any OSW project's cost to the citizens of our state.

The WCMAC is appreciative of the incredibly detailed, insightful work undertaken by the Gridworks team in an extremely short amount of time. That hard work is clearly reflected in the Report that has been submitted to the Governor's office for review and consideration. The WCMAC looks forward to working with you and your staff in the further development of an approach that is reflective of our state regarding potential OSW and offshore energy projects that may trigger the BOEM process. With dedication, leadership, and a good deal of hard work, there is little doubt that such a pathway will ***ensure that Washington is the ultimate beneficiary of the outcome of such a process.***

Respectfully submitted on behalf of the WCMAC,



William "Rod" Fleck
Chair WA Coastal Marine Advisory Council

CC:

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