

For those following offshore wind development in California, January 19, 2024, marked an important moment—the release of the long-awaited [Draft Assembly Bill 525 Offshore Wind Strategic Plan](#) from the California Energy Commission (CEC). Some important foundations for offshore wind, a new but growing industry in California, had already been laid. [Assembly Bill 525](#) (AB 525, Chiu, Chapter 231, Statutes of 2021) lent momentum to the development of offshore wind in the state by identifying important next steps that the CEC should take in coordination with other agencies. After AB 525 was signed into law, the CEC set [offshore wind state planning goals](#) in 2022 (2 to 5 gigawatts (GW) by 2030 and 25 GW by 2045). (One gigawatt is sufficient to meet electricity demand for about one million average homes in the state, [according to the CEC](#)). In 2022, the Bureau of Ocean Energy Management (BOEM), held the state's first offshore wind auction, auctioning off [five leases](#) in Central and Northern California.<sup>[1]</sup>

But even as developers currently work through site assessment plans and other [permitting requirements](#), until January, no California agency had yet laid out a comprehensive vision and analysis for the industry in the state. The release of the draft Strategic Plan, therefore, marks a step towards a more cohesive state approach towards offshore wind.

Drafted in coordination with federal, state, and local agencies, and in consultation with tribal governments and stakeholders, the Strategic Plan (the Plan) consists of three volumes: [Volume I](#) provides an overview, [Volume II](#) constitutes the main report, and [Volume III](#) consists of appendices. The Plan, among other functions:

- Identifies sea space for future California offshore wind development;
- Discusses economic & workforce and port & infrastructure development;
- Assesses transmission needs;
- Examines permitting processes; and
- Lifts up possible impacts on tribal nations, fishermen, underserved communities, and national defense, while outlining potential approaches to avoid and mitigate these impacts.

The CEC will be holding a draft Strategic Plan workshop on a date to be determined. [Public comment](#) on the draft Plan is due March 22, 2024.

Because CLEE has spent the last year conducting [research](#) and hosting a series of conversations on community benefits agreements in the context of offshore wind development, this post focuses on portions of the Strategic Plan that discuss the effects of offshore wind on communities and ways to mitigate those effects. In total, the Strategic Plan addresses impacts on and strategies for three groups: fishermen, environmental justice and

underserved communities, and tribal nation members. While fishermen play a critical role in the offshore wind process, the analysis in this post focuses on tribal nations and underserved and environmental justice communities and the Plan's analysis and recommendations for these groups. This post will also look at the Plan's treatment of Community Benefits Agreements (CBAs) and capacity building.

An initial analysis of the Strategic Plan reveals that:

- The Strategic Plan summarizes public comments, feedback, and a variety of reports, and puts forward various recommendations, but does not consistently outline suggested roles for state and federal agencies, or a timetable on which various recommendations should be completed. Also unclear is where relevant agencies currently are in their inter-agency planning processes.
- The Plan appears to place slightly differing amounts of emphasis on developing tribal community benefits agreements (CBAs) versus CBAs for underserved communities. This may be because tribal communities have been more vocal up to this point about this issue.
- The Strategic Plan mentions co-management and recommends it as a possible tool. Co-management models, among other legal mechanisms, should be actively adopted in California in a way that ensures ongoing, substantive collaboration between tribal governments and relevant government agencies. This would give tribal governments a fuller voice in development processes that affect tribal communities and resources.
- The Plan's examples of capacity building do not seem to be geared towards strengthening civic infrastructure or augmenting technical assistance, both of which will be necessary in order for communities to participate fully in offshore wind development processes. Rather, the capacity building examples seem to be oriented towards specific benefits like job training. Strengthening civic infrastructure and community capacity in offshore wind-impacted communities is acutely needed to ensure that offshore wind benefits all Californians, and an expanded discussion to that effect in the Plan should be considered.
- The Plan's authors should consider creating a standalone section for CBAs within the report, perhaps combining it with a more holistic discussion of capacity building, in order to emphasize not only the potential community benefits that can flow from CBAs but also the process role that CBAs can play in creating a stronger voice for impacted communities.

To add to the policy offshore wind discussion around community benefits, CLEE will be publishing a report in the next month cataloguing CBA examples and will be developing a CBA framework in the next eight months that suggests baseline, foundational CBA

components for California community benefits agreements.

### **Tribal Nations**

The Strategic Plan summarizes input from tribal representatives received through both consultations and written comments, including, for example, concerns about damage to natural and cultural environments, violence against native persons, a desire for good paying jobs and energy reliability, and fears that the offshore wind industry will extract resources from tribal communities without making investments in tribal members.

From a process perspective, the Plan clarifies that tribal representatives have requested a greater voice and a “a direct role in the decision-making process” during offshore wind development. The Plan also states that tribal representatives have called for early access to offshore wind planning documents, the ability to create guidance alongside relevant state agencies, and the hiring of tribal members for cultural and environmental monitoring. In addition, various tribes seek the realization of robust tribal community benefits agreements (or as the CEC has dubbed them, TCBAs) with lease holders and agencies.

In response to many of these suggestions, the Plan recommends the “collaborative development” of solutions. The Plan also suggests contracting with tribal members for needed offshore wind related roles and establishing local, tribal, and equitable hiring standards. Lastly, the report recommends that state and federal agencies examine opportunities for greater tribal access to and stewardship of the ocean (see [Vol. II](#), pp. 269, 271).

The Plan points out that the demands placed on tribal members by numerous consultation requests present a significant burden and notes tribal members’ calls for increased technical assistance and capacity building resources, as well as compensation for participation in consultative processes. (see [Vol. II](#), p. 65).

One solution that could address at least some of the concerns raised by tribal nations and summarized in the Plan is tribal co-management of natural resources with state and federal agencies. The Strategic Plan features a public comment from the Yurok tribe, which discusses the Bears Ears National Monument [co-management agreement](#) (between the Bureau of Land Management, the U.S. Forest Service, and the five tribes of the Bears Ears Commission) as a viable model for shared decision making and resource management.

The Strategic Plan names co-management (along with CBAs and measures such as “the purchase and return of ancestral lands, cultural easements, ...joint powers agreements, and

other legal mechanisms”) as tools to minimize impacts on tribal communities. However, the Plan does not appear to directly commit to implementing co-management in California. An important next step for California would be to do so. This would not only fully recognize tribal sovereignty but would also give tribal governments a fully realized voice on matters that affect tribal communities and tribal cultural and natural resources.

### **Underserved Communities**

In some places, the Strategic Plan blends its discussion of underserved and environmental justice communities with tribal nation impacts and needs. For example, the Plan emphasizes energy equity for “underserved, tribal, and rural communities” stating that offshore wind presents an opportunity for greater energy equity and benefits. The Plan highlights the importance of handling environmental justice and equity early in the development process in a thoughtful manner while giving community a participating role.

Referencing the [2021 SB 100 Joint Agency Report](#) (which analyzes different pathways to achieve the state’s goal of 100 percent renewable and zero-carbon electricity for retail and state loads by 2045), the Plan underscores the importance of keeping electricity affordable and reliable, especially for those who pay a greater share of their income for energy needs; the need to lower air pollution from local power plants, especially where communities are disproportionately burdened by fossil fuel pollution; and the importance of ensuring training and good-paying jobs for those who have been impacted by fossil fuel infrastructure in the past. Here, as elsewhere in the report, the Strategic Plan declines to outline suggested roles for various relevant agencies and declines to relate whether or how agencies are currently coordinating on next steps for offshore wind in the state.

The Plan summarizes feedback from community members and environmental justice advocates, including the need to address impacts on communities near offshore wind development. These impacts could include: restricted housing supply and lower affordability, higher cost of living, increased truck traffic and air pollution, detrimental air quality near ports, and possible oil spills from oil-based lubricants and equipment.

The Plan also summarizes recommendations from community members and environmental justice advocates on outreach and engagement practices, including: assembling advisory boards composed of community leaders, working with trusted community groups, providing significant advance notice for meetings, convening meetings in trusted places and at times when working residents can participate, ensuring that food and childcare are available, and creating accessible, translated meeting materials.

Additional proposals from environmental justice and community advocates include:

- Greater engagement with affected communities and funding to enable engagement
- Closing existing oil and gas facilities
- Working towards zero emissions at ports serving roles in offshore wind (OSW) and electrifying trucks that may serve roles in OSW development and supply chains
- Funding community resilience programs
- Employing monitoring and adaptive management practices
- Robust, legally binding community benefits agreements (CBAs)

The Plan's recommendations include "early regular, and meaningful community outreach and engagement with underserved communities, nongovernmental organizations, local governments, and other potentially impacted underserved groups." The Plan recommends establishing local, tribal, and equitable hiring standards. Finally, the report recommends an evaluation of methods to increase stakeholder capacity and allow participation in the OSW development process. ([Vol. II](#), pp. 270, 271.)

In terms of mitigation strategies, the Plan in part recommends exploring community benefits with communities and creating assistance programs that would address impacts to underserved communities, such as Local Community and Minority-Owned Business Enterprise Programs and Local and Minority Business Enterprise Hiring Programs.

The Plan's suggestions from advocates regarding underserved communities should be strongly considered and implemented if at all possible. To begin with, the process-oriented recommendations are foundational components that will enable California residents to participate in the state's offshore wind process. In addition, advocates' calls for community engagement funding represent a crucial concern. The Plan could consider including funding for community engagement, along with other measures, in an expanded, stand-alone section on capacity building and CBAs.

## **Community Benefits Agreements and Capacity Building**

### *Community Benefits Agreements*

Volume II of the Strategic Plan, while summarizing comments from stakeholders and Tribes regarding community benefits agreements (CBAs), directly addresses CBAs for underserved communities in the workforce section of the report. (The Plan analyzes fishermen CBAs separately in Volumes II and III, but this post does not cover fishing CBAs. The Strategic Plan also mentions various additional measures beneficial to communities, including Project

Labor Agreements and workforce development initiatives, which are not addressed here.)

A short discussion of CBAs in Volume II, Chapter 7, covering workforce, mentions the potential benefits of CBAs for both developers and communities and outlines the financial commitments developers have made towards CBAs. In addition, in Volume III, the Plan identifies the need for common, shared elements for tribal CBAs, including: funding towards tribal roads, housing, energy reliability, tribal energy generation, microgrids, transmission line development and improvements, food sovereignty, public health, subsistence and commercial fishing, and workforce training and development. Lastly, the Plan recommends the development of a template tribal community benefits agreement with baseline requirements, as well as additional options that could be available for discussion between tribes and developers.

The Plan seems to place different emphasis on tribal CBAs as opposed to CBAs for underserved communities, which may be due in part to a greater number of tribal representative comment submissions on the issue. While the Plan contains detailed recommendations for tribal CBAs, including creating “strong, legally binding, tribal community benefits agreements” for tribal nation members, the Plan is less specific in its discussion of CBAs with respect to environmental justice and underserved communities, suggesting that mitigation strategies include “[engaging] with potentially affected underserved communities to explore community benefit agreements.” In a separate section, the Plan suggests that a strategy for addressing impacts on underserved communities would be to “[support] the development of community benefits agreements as required by offshore wind lease agreements with BOEM.” However, CBAs are not included in the “Recommendations” section that immediately follows. In at least one place, the Strategic Plan assumes a stronger tone, suggesting that “CBA negotiations are important for all stakeholder groups and host communities, and they are especially vital to protect and uplift underserved communities that are burdened by environmental and social injustice.” This theme, however, is not echoed everywhere in the Plan.

### *Capacity Building*

In the workforce chapter in Volume II, the Strategic Plan promotes the value of capacity building: “It is imperative to recognize not only the potential of offshore wind as a clean and sustainable energy source, but also the critical importance of building capacity for communities.” The Plan underlines the key role of capacity building for tribal nations and underserved communities who otherwise might not be able to participate in consultations, community engagement processes, and CBA negotiations. However, the Plan’s examples of capacity building do not seem to be geared towards strengthening the civic infrastructure

and technical assistance that will allow communities to fully engage, but rather towards specific benefits like job training. An expanded, more holistic, freestanding section discussing CBAs and capacity building could be helpful.

## **Conclusion**

The CEC's draft Strategic Plan presents offshore wind's potential impacts on underserved and environmental justice communities and tribal nations and recommends strategies for addressing those impacts. The Plan is most detailed when summarizing comments from stakeholders and tribal members. Less clear from the Plan is how the CEC and other agencies will implement the Plan's recommendations and on what timeline. Community benefits agreements, which will be a crucial tool to help impacted communities have a say in offshore wind development, are addressed in a limited way in the Plan. However, by lifting up community participation, capacity building, energy equity and resilience, tribal co-management and contracting, and strong community benefits agreements (CBAs), the Plan points the way to a more inclusive, fair offshore wind development process. In the coming months, CLEE will draft a CBA Framework to add an actionable outline and more detailed ideas to the offshore wind development policy conversation in California and beyond.

*For more information on offshore wind in California, please see [\*\*Offshore Wind & Community Benefits Agreements in California: An Introduction\*\*](#).*

[1] The Bureau of Ocean Energy Management (BOEM), the federal agency with lead authority for permitting and regulating offshore wind leases, held the state's first offshore wind auction in December of 2022 and formally executed the state's first [\*\*offshore wind leases for five wind energy areas\*\*](#) on June 1, 2023. Three of these are northwest of Morro Bay, CA, and two are northwest of Eureka, CA. In 2024, Lessees are moving forward to the next stage in the planning and [\*\*permitting process\*\*](#): site assessment plans. For more background, please see [\*\*Offshore Wind & Community Benefits Agreements in California: An Introduction\*\*](#).

