

California Offshore Wind Lease Sale Announced by Bureau of Ocean Energy Management

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On October 21, 2022, the U.S. Bureau of Ocean Energy Management (“BOEM”) published a [Final Sale Notice](#) (“FSN”) for commercial leasing for wind power on California’s Outer Continental Shelf (“OCS”). Specifically, the FSN announces a list of eligible bidders, deadlines, lease stipulations, and financial terms and conditions for an auction of five leases within the Humboldt Wind Energy Area (“WEA”) and Morro Bay WEA. We highlighted [these elements of the FSN](#) and [discussed bid credits](#) in prior blog posts. Here, we summarize several aspects of the FSN which stem from the California Coastal Commission’s consistency determinations for both WEAs.

Specifically, BOEM will include lease stipulations taken from the Coastal Commission’s consistency determinations. Potential bidders should be aware that these stipulations include:

- **Marine Mammal Monitoring Measures:** lessees must implement all marine wildlife and protection and monitoring measures during all marine operations (e.g., surveys, buoy installation and removal), consistent with vessel and worker safety. In addition, prior to the start of offshore activities, the lessee must provide awareness training to all project-related personnel and vessel crew, including viewing of an applicable wildlife and fisheries training video, on the most common types of marine wildlife likely to be encountered in the project area and the types of activities that have the most potential for affecting the animals.
- **Coordination with the California Coastal Commission:** lessees must coordinate with the California Coastal Commission to ensure the lessee’s survey and Site Assessment Plan submissions are coordinated and consistent, minimize impacts to coastal resources, and provide the data and information necessary for analysis of future consistency certifications.
- **Site-Specific Spill Prevention and Response Plan:** lessees must submit a site-specific Spill Prevention and Response Plan at least 30 days before commencement of any in-water survey activities or as part of any survey plan or Site Assessment Plan. The Plan must identify the worst-case spill scenario and demonstrate that adequate spill response equipment will be available. The Plan must also include preventative measures the lessee will implement to avoid spills; clearly identify responsibilities of onshore and offshore contractors and the

lessee's personnel; and must list and identify the location of oil spill response equipment (including booms), appropriate protocols, and response times for deployment.

- **Critical Operations and Curtailment Plan ("COCP"):** lessees must include a COCP as part of any survey plan. The COCP must define the limiting conditions of sea state, wind, or any other weather conditions that exceed the safe operation of offshore vessels, equipment, or divers in the water; that hinder potential spill cleanup; or that in any way pose a threat to personnel or the safety of the environment. The COCP must provide for a minimum ongoing five-day advance weather forecast during offshore operations.

Additionally, the FSN states that BOEM is preparing lease stipulations requiring engagement with the California Native American Heritage Commission to identify Tribes that have cultural or historical ties to the Lease Areas. Regular reporting requirements for lessees will include identification of Tribes and parties that may be affected by lessees' activities on the OCS and with whom the lessees have engaged, providing updates on engagement activities, documenting potential adverse effects to the interests of Tribes and parties, and documenting how, if at all, a project has been informed or altered to address those potential effects.

BOEM will hold an online mock auction for potential bidders on December 5, 2022, at 7:00 a.m. Pacific Standard Time. The auction for these leases will take place on December 6, 2022, at 7:00 a.m. PST.

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