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August 30, 2023

Submitted via Regulations.gov

Ms. Liz Klein
Director
Bureau of Ocean Energy Management
Environment Branch for Renewable Energy
45600 Woodland Road
Mail Stop VAM-OREP
Sterling, VA 20166

Re: IBEW Comments on Docket No. BOEM-2023-0034, Notice of Intent to Prepare an Environmental Assessment for Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf Offshore Delaware, Maryland, and Virginia

Dear Director Klein:

The International Brotherhood of Electrical Workers, AFL-CIO, CLC (IBEW) appreciates this opportunity to comment on the Bureau of Ocean Management's (BOEM's) Notice of Intent (NOI) to prepare an environmental assessment of three Wind Energy Areas (WEAs) for the development of offshore wind energy in the Central Atlantic region.¹ The IBEW is a labor organization representing approximately 820,000 active and retired members, with approximately 420,000 members working in the construction industry, including approximately 16,000 members in Maryland, Virginia, and Delaware. These highly skilled and trained IBEW members routinely build and maintain all types of energy facilities throughout the United States, including offshore wind facilities.

The IBEW submits these comments to express our concern with the current WEAs, which we believe are insufficient to address the climate crisis and meet both federal and state renewable energy targets, i.e., President Biden's goal of 30 gigawatts (GW) of offshore wind by 2030 and Maryland's goal of 8.5 GW of offshore wind by 2031. As noted in the comments submitted by Maryland State Delegate Lorig Charkoudian, revising the WEAs is necessary to ensure that offshore wind targets and broader climate emission reduction targets are met. Expanding the WEAs would not only represent sound environmental policy

¹ *Notice of Intent to Prepare an Environmental Assessment for Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf Offshore Delaware, Maryland, and Virginia*, Docket No. BOEM-2023-0034, 88 FR 50170 (Aug. 1, 2023).



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aligned with the Administration's goal of addressing the climate crisis,² it would also support the Administration's goal of advancing equity³ by creating well-paying jobs and expanding job opportunities for disadvantaged and marginalized communities in deploying clean energy technologies and building this infrastructure.

I urge you to consider in your environmental assessment the long-term, adverse environmental and socio-economic effects of moving forward with the current WEAs, and not the WEAs outlined in the attached map.⁴ As explained below, time is running out to combat climate change and create good, local, union jobs by expanding the country's offshore energy infrastructure. Throttling the development of offshore wind in the Central Atlantic will endanger opportunities to encourage productive use of our environmental resources to "eliminate damage to the environment and biosphere."⁵

I therefore urge you to revise the WEAs immediately to allow for a significantly larger area to be considered for wind energy development in the Central Atlantic region.⁶ Specifically, I urge you to adopt the WEAs outlined in the attached map, which will make more of the outer Continental Shelf (OCS) "available for expeditious and orderly development"⁷ and increase total energy generating capacity by roughly *eighty-six percent* - from 6.3 GW to 11.7 GW - with only modest adjustments. The attached map adjusts the two U.S. Coast Guard fairways and maintains the portions of Call Area B that were deemed by the U.S. Navy, U.S. Air Force, and National Aeronautics and Space Administration (NASA) to be worthy of "further study." Importantly, this

² Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, 86 FR 7619 (Feb. 1, 2021).

³ Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 86 FR 7009 (Jan. 20, 2021).

⁴ See 40 C.F.R. § 1501.3(b)(2)(i), (ii) (requiring BOEM to consider the "long-term" and "adverse effects" of its actions).

⁵ 42 U.S.C. § 4321.

⁶ See 30 C.F.R. § 585.211(b)(1) ("We may consider for lease those areas nominated in response to the Call for Information and Nominations, *together with other areas that BOEM determines are appropriate for leasing.*") (Emphasis added).

⁷ 43 U.S.C. § 1332(3).



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proposal only makes modest adjustments to two of the proposed Coast Guard fairways – it does *not* diminish the total number of proposed Coast Guard fairways, nor does it diminish their width.

Pursuant to the Outer Continental Shelf Lands Act (OCSLA) subsection 8(p)(1)(C), the Secretary of the Interior, in consultation with relevant Federal agencies, may grant a lease, easement, or right-of-way on the OCS for activities that produce or support the production of energy from sources other than oil and gas.⁸ The Secretary must ensure that activities under this subsection are carried out in a manner that provides for twelve goals, including protection of the environment and ensuring a fair return on investment to the United States.⁹ The Secretary must balance these goals as there may be conflict or tension among them. The Secretary retains “*wide discretion to weigh [these] goals as an application of her technical expertise and policy judgment.*”¹⁰

I understand that BOEM is required to balance the needs of all stakeholders in designating the WEAs, but I am concerned that the environmental, environmental justice, and socio-economic impacts of this decision did not receive sufficient consideration. Achieving the Biden-Harris administration’s renewable energy, domestic supply chain, and equity goals, and ensuring a fair return on investment, is dependent on the availability of sufficient offshore wind lease areas. The Central Atlantic region will not be able to realize the promise of a flourishing offshore wind industry – including the ability to create good, local, union jobs – unless the WEAs are expanded.

As you know, urgent action is necessary because the Inflation Reduction Act (IRA) prevents BOEM from issuing new offshore wind leases unless, within the year preceding the issuance of the lease, BOEM holds at least one offshore oil or gas lease sale *and* offers sixty million acres for offshore oil or gas leases.¹¹ BOEM’s last guaranteed offshore oil and gas sale is currently scheduled for

⁸ 43 U.S.C. § 1337(p)(1)(C).

⁹ 43 U.S.C. § 1337(p)(4)(A)-(L).

¹⁰ See Secretary’s Duties under Subsection 8(p)(4) of the Outer Continental Shelf Lands Act When Authorizing Activities on the Outer Continental Shelf (Apr. 9, 2021), <https://www.doi.gov/sites/doi.gov/files/m-37067.pdf> (Emphasis added).

¹¹ 43 U.S.C. § 3006(b)(2).





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September 2023,¹² so September 2024 is now the deadline for offshore wind lease sales unless Congress takes action to change this rule. Plus, BOEM's proposed five-year program for oil and gas leasing for 2023-2028 includes anywhere from *zero* to eleven lease sales, so BOEM may not satisfy the IRA's requirements for some time.¹³

I believe the attached map reflects a better balance of all stakeholders' needs to build offshore wind to meet federal and state climate goals and sufficiently address the climate crisis. In addition, expanding the WEAs will provide significant economic, social, and environmental justice benefits that will not be realized if the WEAs remain unchanged, including the ability to create good, union jobs, particularly in local and disadvantaged communities.

Once again, the IBEW appreciates this opportunity to comment and looks forward to assisting the Bureau of Ocean Energy Management in expanding our nation's offshore wind infrastructure.

Sincerely yours,

Kenneth W. Cooper
International President

KWC:mea
Attachment

¹² BOEM, *Lease Sale 261* (last visited Aug. 23, 2023), <https://www.boem.gov/oil-gas-energy/leasing/lease-sale-261>.

¹³ BOEM, 2023-2028 National Outer Continental Shelf Oil and Gas Leasing Proposed Program 4 (July 2022), https://www.boem.gov/sites/default/files/documents/oil-gas-energy/national-program/2023-2028_Proposed%20Program_July2022.pdf; see Cong. Rsch. Serv., *Offshore Wind Provisions in the Inflation Reduction Act 1* (Sept. 29, 2022), <https://crsreports.congress.gov/product/pdf/IN/IN11980> (Some of BOEM's leasing scenarios "would offer sufficient sales and acreage to meet the IRA's criteria for enabling offshore wind leasing while others would not.").

