



LOUISIANA WILDLIFE FEDERATION

The voice of Louisiana's wildlife and natural resources since 1940.

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Secretary Thomas Harris
Louisiana Department Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge, LA 70821
via: OMR@la.gov

RE: Comments on Draft Operating Agreements for DOW LA Gulf Wind, LLC in Lafourche and Terrebonne Parishes (Docket No. OMR 23-03); and Cajun Wind, LLC in Cameron Parish (Docket No. OMR 23-04)

Dear Secretary Harris,

Louisiana Wildlife Federation (LWF) would like to offer the following comments regarding the two draft Operating Agreements between the State of Louisiana and DOW LA Gulf Wind (Docket No. OMR 23-03) and between the State of Louisiana and Cajun Wind (OMR 23-04).

First, LWF would like to acknowledge that we understand the important role that renewable energy plays in our nation's energy transition. However, this transition must be done responsibly in a way that avoids areas of most significant impact. LWF has serious concerns about the wildlife impacts of offshore wind projects in Louisiana nearshore waters.

While we understand that the State Mineral and Energy Board acts solely as a landowner when considering operating agreements and that operators must still abide by all state, federal, and local laws, we feel it is important to express our concerns with the current process and to highlight the environmental concerns from the beginning to allow for avoidance measures to be put in place rather than only considering mitigation after the fact.

Responsible offshore wind development (i) follows the mitigation hierarchy to first avoid, then minimize, mitigate, and monitor adverse impacts on marine and coastal habitats and the wildlife that rely on them, (ii) meaningfully engages state and local governments and stakeholders from the outset, (iii) uses the best available scientific and technological data to ensure science-based and stakeholder-informed decision making, and (iv) is adaptable by incorporating technological advances as they become available.

At the State Mineral and Energy Board meeting in August 2023, LWF expressed concerns regarding the state process for offshore wind and the distinct difference from the federal process – that being that the state is neglecting to first conduct site analyses to determine what areas in state waters (*if any*) are potentially feasible for future offshore wind projects prior to approving operating agreements.

During the federal comment process for siting offshore wind in the Gulf of Mexico, in which the Bureau of Ocean Energy Management (BOEM) solicits stakeholder and expert input to help inform its siting decisions, LWF joined other concerned groups cautioning against permitting offshore wind turbines within 20 nautical miles from shore. This science-based precautionary measure was recommended to protect marine mammals, neotropical migrants, coastal and marine birds, and wintering waterfowl. This recommendation was adopted by BOEM.

LWF has serious concerns about whether offshore wind in state waters can meet the criteria of responsible development, particularly under the current permitting regime, which lacks a robust environmental analysis and comprehensive siting process.

Wildlife Impact Concerns in Nearshore Waters

Louisiana's wetlands and coastal waters create a productive and vital ecosystem that supports numerous species of birds, fish, marine mammals, sea turtles, invertebrates, and their habitats.

The most striking area of concern for wildlife is the potentially significant impact to birds – which are already experiencing severe declines across North America. A seminal study in 2019 published in the journal *Science* (Rosenberg et. al) noted the “[c]umulative loss of nearly three billion birds since 1970, across most North American biomes, [signaling] a pervasive and ongoing avifaunal crisis” – that’s nearly 30% of North America’s birds gone in just 50 years. The study found the greatest proportional loss among species overwintering in coastal regions (42%). Consistent, steep losses were also noted among shorebird species (37%). The study highlighted ongoing habitat loss and coastal disturbance among the key threats to birds.

An estimated 100 million migratory, nesting, and wintering birds rely on Louisiana’s coast annually. These include species listed and protected under the Endangered Species Act (ESA), such as piping plover (endangered), red knot (threatened), and eastern black rail (threatened), as well as candidate species such as the golden-winged warbler. Eastern forest birds, shorebirds, and grassland birds make up approximately 60% of Louisiana’s birds and all populations have declined by about a third over the last 50 years.

Louisiana lies at the heart of the Mississippi Flyway. For long-distance migrants, Louisiana lies at the intersection of two migratory pathways: the Trans-Gulf Migratory Route and the Circum-Gulf Migratory Route. Louisiana includes a high diversity of migratory birds that utilize the coastal and nearshore areas (including the air space) – approximately 330 species, in fact.

The western Gulf of Mexico is important for the Trans-Gulf Migratory Route. A 2019 study in *Global Change Biology* (Horton et. al) looked at the timing, intensity, and distribution of bird migration in the Gulf of Mexico and found that 2.1 billion birds fly over the Gulf each spring. The western Gulf passage rates (from Atchafalaya Bay → west) was 5.4x higher than in the central or eastern Gulf. This is critical to keep in mind when considering projects such as Cajun Wind off the coast of Cameron Parish.

Louisiana hosts a significant percentage of many populations of colonial waterbird species found in the northern Gulf of Mexico, including sandwich terns (83%), Forster's terns (71%), royal terns (51%), tricolored herons (48%), brown pelicans (47%), and black skimmers (44%), among others (Remsen et al. 2019). While colonies span the entire Louisiana coast, there are significant numbers in the eastern part of the state, including near the Gulf Wind project area.

There are many breeding colonies of least terns in western Louisiana that could be significantly impacted by a project in Cameron Parish. Nearshore islands that are relatively isolated, such as those found in the area proposed by Cajun Wind, are important for these birds, since that isolation offers a safe haven from mammalian predators.

Louisiana has invested significant resources to restore habitat for these birds. Funds from the Deepwater Horizon oil spill settlement have gone towards restoration projects including Queen Bess Island, Rabbit Island, HNC Island in Terrebonne Bay (currently in engineering and design). These projects are specifically designed to restore bird habitat along coastal Louisiana. While a turbine could be placed a reasonable distance from the colony's nesting location, the birds also travel some distance to forage. Additionally, coastal Louisiana includes several wildlife refuges that are important for recreation and are, in part, managed to protect avian resources. Protecting the state's coastal investments is critical when considering nearshore projects.

The American Bird Conservancy developed a Wind Energy Risk Assessment Map which denotes the entire nearshore habitat in Louisiana to be of "Critical Importance" or "High Importance" (map is available at <https://abcbirds.org/program/wind-energy-and-birds/wind-risk-assessment-map/>). The map labels the entire Barataria-Terrebonne Estuary and coastal Louisiana islands as *critically important* – and a Globally Important Bird Area.

LDNR and project operators should work closely with the Louisiana Department of Wildlife & Fisheries (LDWF) to address their concerns with the potential impact of wind energy infrastructure in nearshore waters on migratory birds and coastal breeding birds. Key concerns that LDWF has raised include impacts to Trans-Gulf migrants, threatened and endangered species, and impacts to colonial-nesting waterbirds (particularly collision with infrastructure, displacement from suitable habitat, and the current lack of information for risk evaluation).

While bird impacts are of great concern, conflicts between wind energy infrastructure and other species must also be considered as well as potential impacts of benthic disturbance.

Five of the world's seven sea turtle species inhabit the Gulf of Mexico year-round, and all five of these species are protected by under the ESA: leatherbacks (endangered), loggerheads (threatened), Kemp's ridleys (critically endangered), green (threatened), and hawksbill (endangered). Coastal Louisiana is considered a hot spot for sea turtle foraging activity, especially for Kemp's ridleys and loggerheads.

Nearshore Louisiana waters are home to two coastal fish species that are protected under the ESA: giant manta rays(threatened) and Gulf sturgeon (threatened). Part of easternmost coastal Louisiana has been designated as Critical Habitat for the Gulf sturgeon.

The first ever State of the Bats report, released in 2023, found that 52% percent of North America's bat species need conservation action. While white-nose syndrome is a significant threat to bat populations across the country, collisions with onshore wind turbines are known to kill hundreds of thousands of bats per year across the country. Long-distance seasonal migrating bats are the most vulnerable to fatalities with wind energy infrastructure. Though impacts may be significantly different offshore vs. onshore, data is still needed for proper assessment.

Of all the butterfly species in the world, none have a more extensive migration than the monarch butterfly. Monarchs make an incredible journey of up to 3,000 miles from Canada to Mexico during fall migration (September-November) and back during spring migration (March-June). Monarchs have been observed off the coast of Cameron, LA resting on oil platforms. Populations of these butterflies have dropped significantly over the years – so much so that they were considered for listing under the ESA. In 2020, the U.S. Fish & Wildlife Service (USFWS) noted that while “listing the monarch butterfly as an endangered or threatened species is warranted but precluded by higher priority actions... With this finding, the monarch butterfly becomes a candidate for listing; we will review its status each year until we are able to begin developing a proposal to list the monarch.” In 2022, the International Union for Conservation of Nature added the monarch butterfly to its Red List of Threatened Species. Though the Monarch may not be on the USFWS threatened and endangered list due to current resource limitations, as a candidate species for future listing, there is a clear need for conservation.

Information Gaps

Offshore wind infrastructure in nearshore waters is unprecedented. There are many data gaps that need to be addressed to identify areas of least impact. Without this qualitative data, it is not possible to adequately assess risks.

Plans are underway to develop an offshore wind master plan for Louisiana. Findings of this plan need to be reviewed prior to any site selection processes for potential wind energy development in state waters. An effective plan will include a framework that follows the mitigation hierarchy which can then be used to guide responsible decision-making by LDNR.

LDNR should explicitly consider foraging movements around colonial waterbird nesting rookeries (e.g., by pelicans, terns, herons, and egrets), near-shore movements of shorebirds (e.g., sandpipers and plovers), noise and construction effects on marsh birds (e.g., rails and bitterns), and spring and fall migratory movements (including ecological differences thereof) of trans-Gulf migratory species (e.g., passerines, long-distance migratory shorebirds, and various waterbirds and seabirds) when evaluating potential risk of offshore wind development.

Technology that allows individual tracking of bird species is important. While some studies exist, much more is needed to understand the birds' biology and risk to wind energy infrastructure in the Gulf of Mexico – and in this case, in Louisiana's nearshore waters. This is also critical for broader-scale tracking of various wildlife species.

On a clear day, many migrating birds would fly over Coastal Louisiana completely, landing in the central or northern part of the state. Weather events such as spring storms and cold fronts, however, could alter a bird's flight pattern, as the bird may fly lower, looking for a landing spot.

There is no precedent for the evaluation of wind energy infrastructure on trans-Gulf migratory birds. Some observations on bird collisions with oil platforms found a collision rate of 200,000-321,000 deaths/year (Russell et al. 2005). Lighting is a key factor on infrastructure. While oil platforms are stationary, there are additional considerations needed when there is a moving structure such as rotating turbine blades. These risks are amplified during poor weather conditions as birds fly at lower altitudes.

LDWF has indicated the need for more information on collision vulnerability and displacement vulnerability. Interactions of birds with wind energy infrastructure has only been looked at for larger bodied birds such as ducks and loons – and only for wind projects far offshore. Research is needed for colonial waterbirds near colony sites or for small-bodied migratory birds. Data gaps that need to be filled for proper assessment include flight altitude and migration pathways for migrant species, home range size, foraging distance, and flight behaviors for colonial waterbirds as well as identification of activity hotspots.

Additional research is also needed on potential impacts to other species that utilize Louisiana's coast and nearshore waters. For example, very little data exists for bat movement patterns offshore. Bats could utilize offshore wind infrastructure as a stopover site during migration. Baseline data is needed to avoid potentially significant impacts (if any) and to inform future mitigation needs. Similar research is needed on butterflies – particularly to avoid major impacts on monarch butterflies, which have experienced devastating population declines recently.

Stakeholder Engagement

Finally, LWF would like to address the public comment process for these draft operating agreements. The draft agreements were initially released with a 10-day review period that included the Thanksgiving holiday with hearings scheduled the Monday immediately following. While we are very appreciative for LDNR acknowledging our concerns on this tight timeline and extending the comment period, we would like to highlight that these considerations should be standard protocol. Releasing a short review period that includes a major holiday is not conducive for a robust stakeholder engagement. The comment deadline extension announcement noted that a 30-day comment period is not required for operating agreements; this should be reviewed in the spirit of a robust stakeholder engagement process. Allowing adequate input early in the process is key to ensure the most responsible progression possible for such a nascent industry. It would also be very helpful during public hearings to provide a general overview for any members of the public to understand what is being considered and available for their feedback. Finally, it's worth noting that the public hearing for DOW LA Gulf Wind included both an afternoon and evening option but only an afternoon hearing was held for Cajun Wind; it would be helpful to offer an evening meeting option for all future hearings as many members of the public may not be available during the day.

Offshore wind development in state waters is unprecedented in the United States and rare in Europe, as it often poses greater risks to wildlife and habitats, which is why LWF urges a more robust process that involves stakeholders at the outset – a key provision of “responsible development”, as previously mentioned.

LWF appreciates the extended deadline for comments and for your consideration of our concerns for wildlife and habitat impacts of proposed offshore wind development in nearshore waters, the need for more science, and robust stakeholder engagement. If you have any questions about any of the concerns raised in this letter, please reach out to stacy@lawildlifefed.org.

Louisiana Wildlife Federation is a statewide, nonprofit organization that represents 21 affiliate organizations and more than 10,000 members dedicated to the conservation of Louisiana’s wildlife and natural resources.

Sincerely,



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Executive Director



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Coastal Policy Manager