PUBLIC COMMENTS RECEIVED

RE: PROPOSED OPERATING AGREEMENTS

CAJUN WIND LLC

AND

DOW LA GULF WIND, LLC

DECEMBER 13, 2023

STATE MINERAL & ENERGY BOARD MEETING

LEGAL & TITLE REPORT

ITEM NOS. 1 & 2

From: Stacy Ortego <stacy@lawildlifefed.org>
Sent: Monday, November 20, 2023 10:22 AM
To: Office of Mineral Resources <OMR@LA.GOV>
Subject: question about operating agreement comment deadline

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Good morning,

Am I correct in reading the notice that comments for these wind operating agreements are due by the meetings next week?

Is there not supposed to be at least a 30 day comment period?

Thanks,

Stacy Ortego
Coastal Policy Manager
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FOURCHON

READY TODAY.
READY FOR TOMORROW.

November 21, 2023

Louisiana Department of Natural Resources
Office of Mineral Resources
P.O. Box 2827
Baton Rouge, LA 70821-2827

Re: Public Comment for Docket No. OMR 23-03 DOW LA Gulf Wind, LLC

To Whom it May Concern:

The Greater Lafourche Port Commission is pleased to write this comment letter in regard to DOW LA Gulf Wind's proposed Offshore Wind Project in Louisiana state waters. Port Fourchon and the surrounding community it serves strongly supports OMR's approval of offshore wind energy activities in the Gulf of Mexico. Indeed, for more than a decade, offshore service providers located in and around Port Fourchon have been early and critical participants in the burgeoning offshore wind industry in the mid-Atlantic and Northeast. We are optimistic that Port Fourchon and the associated offshore industries will serve an ever growing role in renewable energy activities in the Gulf of Mexico. Thus, there is the potential for tremendous synergy between the Federal and State governments in seeking mutual goals of renewable energy.

Port Fourchon and businesses located in our region and across the Country that have been engaged in offshore energy exploration and production for nearly 90 years will serve a vital role in providing expertise, manufacturing capabilities, logistics and services to the offshore renewable energy industry. We encourage further cultivating of relationships with the offshore industry in the Gulf, and taking advantage of the expertise that our region offers in offshore energy development.

Again, we strongly support DOW's Project and appreciate the opportunity to submit this comment.

Respectfully,

Chett Chiasson, MPA
Executive Director

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www.portfourchon.com

Received 11-22-2023

Re: *DOW LA Gulf Wind, LLC* – Public Hearing Operating Agreement in Lafourche/ Terrebonne Parishes

Louisiana Docket No. OMR 23-03

Re: *Cajun Wind LLC* – Public Hearing Operating Agreement in Cameron Parish,

Louisiana Docket No. OMR 23-04

I am very concerned that these projects are being rushed through with an inadequate comment period and with no proper environmental review. At the very least 1)extend the comment deadline, 2) abandon the "Operating Agreement" approach for a lease program in accordance with state law, 3) gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection, 4) work closely with the Louisiana Department of Wildlife and Fisheries on the environmental assessment, 4) consider the American Bird Conservancy's Wind Risk Assessment map (Link: https://abcbirds.org/program/wind-energy-and-birds/wind-risk-assessment-map/?gad_source=1&gclid=Cj0KCQiA6vaqBhCbARIsACF9M6m9EEzHOfP0LGo00wttenB-aihVhHPiPhC8oirih48jiVbjWeVb1RkaAhr5EALw_wcB) Regarding the map, if you zoom in you will see that almost the entire coastline is "red."

Aside from any threat to marine life, there are well-known, undeniable threats to birds:

Neotropical migratory birds using the trans-Gulf route, crossing through Louisiana's coastal zone
Colonial nesting waterbirds using Louisiana's coastal zone and barrier islands (e.g., Sandwich Tern, Royal Tern, Brown Pelican, etc.)
Threatened Piping Plover and Red Knot use of Louisiana's coastal zone during their non-breeding season
Seabirds frequenting Louisiana's coastal zone (e.g., Magnificent Frigatebird, Pomarine Jaeger)

Buford M. Myers III
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Eunice, LA 70535
budogmacm@gmail.com

Received 11-23-2023

Regarding: **DOW LA Gulf Wind, LLC - Public Hearing Operating Agreement Lafourche/Terrebonne Parishes**;
and
Regarding: **Cajun Wind LLC-Public Hearing Operating Agreement in Cameron Parish**

My concern is that the siting of these projects should have the least possible impact on migratory and resident birds. It is apparent the current plans are disastrous to birds. I think the projects should be deferred until there is a thorough scientific and environmental study of the potential impacts on birds, and until the public is given full and ample opportunity to comment on the detailed proposals. It is obvious those steps have not been taken. In the absences of such a thorough analysis and public input, I object to the projects.
Sandra Barbier
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Sandra Barbier
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November 24, 2023

Office of Mineral Resources
Post Office Box 2827
Baton Rouge, Louisiana 70821-2827
OMR@la.gov

Re: Comment

***DOW LA Gulf Wind, LLC* – Public Hearing Operating Agreement in Lafourche/ Terrebonne Parishes**

Louisiana Docket No. OMR 23-03

This is to present a comment on behalf of Orleans Audubon Society (OAS) related to the referenced Notice, including the proposed Operating Agreement Template for the referenced projects and any other similar wind energy projects. This comment also addresses the State's entire approach toward implementation of wind energy in near shore areas within Louisiana territorial waters.

In short, Louisiana's use of Operating Agreements in lieu of a formal leasing program for wind energy projects is being conducted in reverse order to the process used to date by all other States and federal agencies to implement wind energy projects. Developers are choosing project sites with no indication of any consideration of environmental impacts beforehand rather than the reverse. In essence, Louisiana has it "backwards." OAS believes Louisiana and the Nation certainly need renewable energy including wind energy, but such projects must be implemented responsibly. Louisiana's responsibility to the environment here is of paramount importance because its coastal zone and territorial waters harbor significant and substantial populations of species of birds, bats, marine mammals, and sea turtles, many of which are of regional, national and global conservation concern.

Summary

While OAS appreciates the State's eagerness to lead the nation in developing wind energy in nearshore waters, we advise that cutting corners, as is currently proposed, will lead to environmental catastrophe of significant scale to potentially stall or halt the project. The State's Operating Agreement approach should be scrapped, and the State should begin to gather environmental data and then pursue a true lease program in line with existing Louisiana law,[1] rather than Operating Agreements. Alternatively, at a minimum, the State should insert a

[1] Acts No 443, Reg. Sess. 2022

detailed clause in the proposed Operating Agreement Template which will require environmental surveys and monitoring well before siting and construction of wind energy projects so as to prevent and/or minimize adverse impacts on wildlife, particularly avian species. This approach will mirror the approach used by federal agencies as well as other States to date. Any other approach will invite protracted and expensive litigation.

Orleans Audubon Society

OAS is a 501(c)(3) non-profit, charitable organization with over 1000 members representing the following parishes: Washington, St. Tammany, Tangipahoa, St. John the Baptist, Orleans, Terrebonne, Jefferson, St. Charles, St. Bernard, Plaquemines, and Lafourche. As to OAS's standing or interest in this matter, OAS is dedicated to the preservation and conservation of wildlife and wild places not only in its eleven-parish service area, but also throughout the entire southeastern U.S. OAS seeks to foster an understanding and appreciation of nature, particularly birds. OAS's stakehold includes ownership of the Marguerite Moffett Audubon Sanctuary, consisting of 108 acres of brackish marsh and shallow open water, located near Chauvin, Terrebonne Parish, within Louisiana's Coastal Zone.

Consequently, OAS has strong concerns with the construction of wind farms along Louisiana's coast directly in the path of one of the largest migratory flyways in the world, the Mississippi Flyway, which will likely prevent tens of thousands of birds in countless migratory species from entering the usual Louisiana coastal areas en route to areas throughout North America. Louisiana's nearshore wind energy program, as proposed, is certain to cause significant direct mortality when migrating birds collide with wind turbines. OAS is also concerned that wind development will negatively impact and cause direct mortality to two federally Threatened and Endangered shorebird species who rely on Louisiana's coast for their wintering grounds.

Moreover, OAS also has serious concerns about the siting of wind energy near colonial nesting waterbirds due to the associated disruption of their foraging ecology movement and as well as direct mortality from collisions with turbines. This comment will first explain how Louisiana got to this place, briefly summarize coastal Louisiana's importance to birds, and then offer solutions.

Avian Impacts Generally

Birds can be adversely affected by wind turbines due to: (1) displacement or loss of habitat; (2) barrier effects which can have energetic costs if birds reroute daily movements to foraging grounds or seasonal migratory movements to avoid wind turbines; and, (3) direct injury leading to sublethal impairment or mortality, such as through collision with the turbines. The birds affected include shorebirds as they fly parallel to the coast, seabirds which stay primarily offshore but may pass through proposed wind farms to nest on islands, as well as migratory landbird species which cross the Gulf of Mexico once or twice a year. Many species of birds migrating across the Gulf of Mexico launch off from Louisiana coastal areas in the fall when flying to their wintering grounds in Central and South America, and then they return each spring to make landfall in Louisiana coastal areas on their way to breeding grounds in North America.

Avian Impacts Specific to Louisiana

Coastal Louisiana is a regionally, nationally and globally important area for birds, and as such, the State is charged with conserving this shared natural resource (Remsen et al. 2019). An incredibly high diversity of migratory birds, approximately 330 species representing 55 families, follow the Mississippi flyway and use Louisiana's coast and near shore waters.

Seventeen species of birds that breed in Louisiana are restricted to the coastal zone, and for eight of these species, coastal Louisiana hosts between 28 to 83% of the North American population north of the Gulf of Mexico (Remsen et al. 2019). With regard to threatened and endangered species, two threatened shorebirds, Red Knots and Piping Plovers, use Louisiana's coastline in their non-breeding seasons are also likely to be impacted by near shore wind.

Radar ornithology has demonstrated that 2.1 billion birds migrate across the Gulf of Mexico each spring (Horton 2019). Trans-Gulf migration (i.e., flying directly across the Gulf of Mexico rather than circumventing it by flying over land) has been confirmed along Louisiana's coastline for a variety of species by using either individual tracking devices or surveys conducted on oil rig platforms (Russell et al. 2005). Migratory bird mortality from collisions with wind turbines is expected to be high because an estimated 200,000 to 321,000 birds per year died from collision with oil rig platforms in the Gulf of Mexico (Russell et al. 2005). We anticipate that collision mortality will be at its highest when adverse weather conditions force migrating birds to fly at lower than normal altitudes.

Coastal Louisiana is of regional, national and global importance to many of the bird species that breed in this region (Remsen et al. 2019). For example, concerning colonial nesting waterbirds restricted to Louisiana's coastal zone, Louisiana's coastal zone supports 70% of the New World Sandwich Tern (*Thalasseus sandvicensis acuflavidus*) and 26% of the New World Royal Tern (*Thalasseus maximus maxima*) populations (subspecies designations for the populations occurring in the Americas). At the regional level of the northern Gulf States, Louisiana hosts a substantial portion of the following subpopulations: 83% Sandwich Tern, 71% Forester's Tern, 51% Royal Tern, 48% Tricolored Heron, 47% Brown Pelican, 44% Black Skimmer, 33% Laughing Gull, 28% Least Tern and 5% Reddish Egret. Louisiana's coast zone also hosts large numbers of breeding Little Blue Heron, Gull-billed Tern, and Caspian Tern.

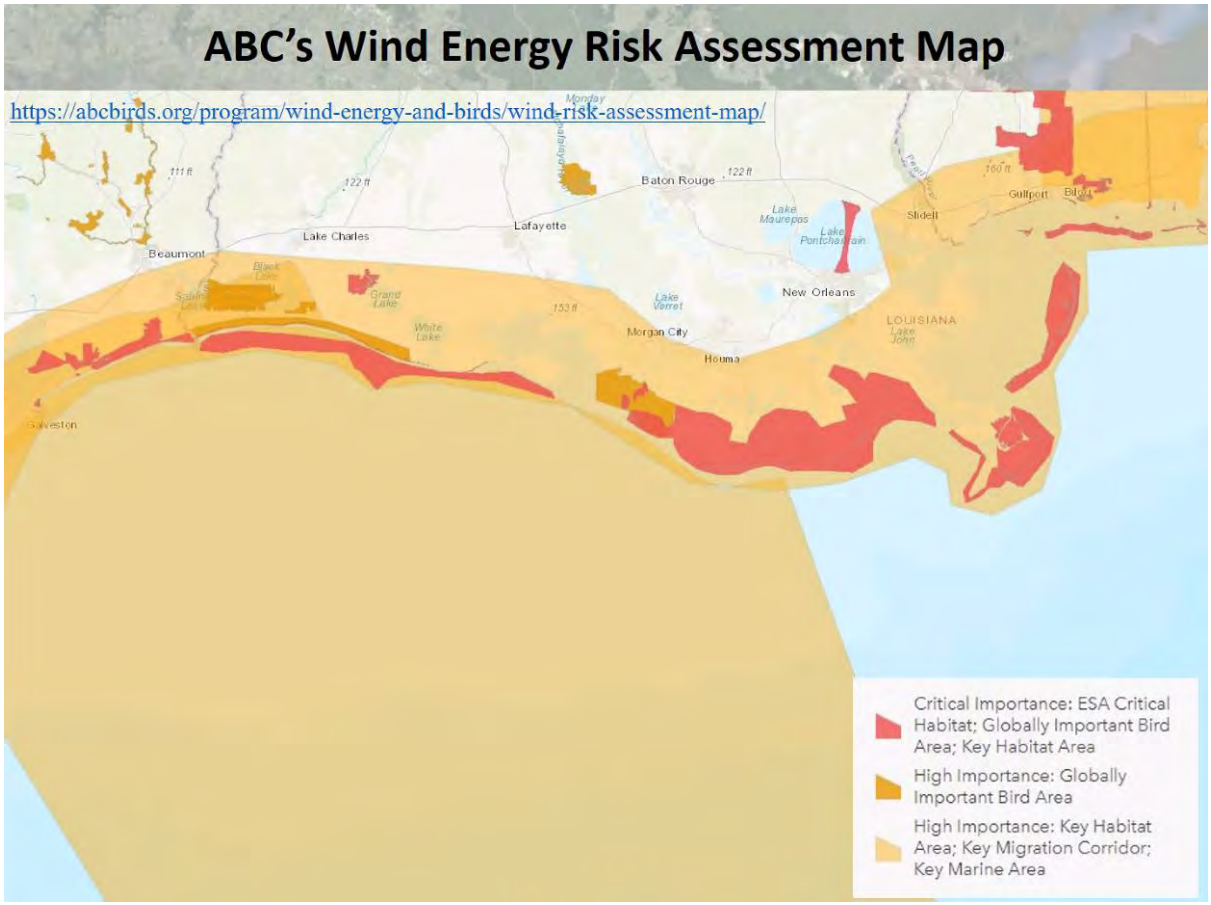
Louisiana's coastal zone is also critically important to the Seaside Sparrow, hosting more than half (55%) of its global population (Remsen et al. 2019). While this secretive, low-flying marsh bird is probably less likely to collide with wind turbines, the impact of wind energy development warrants assessment, especially given the importance of Louisiana's coast to the species' persistence.

Also of concern would be seabirds that frequent Louisiana's territorial waters, particularly in times of Tropical Storms and Hurricanes when large numbers may be carried by strong winds into the interior of Louisiana. These events have the potential for considerable direct mortality due to collision with near shore wind turbines, and this is would be a novel source of mortality for these species. Species likely to be impacted include Magnificent Frigatebird, Northern Gannet and Pomarine Jaeger.

Regarding the two federally threatened shorebirds, the Piping Plover and the Red Knot, the U.S. Fish and Wildlife Service recognizes the importance of Louisiana's coastal zone in that the Designated Critical Habitats for both species traverse the entire area.

OAS also wishes to call attention to a resource developed for the wind energy sector by the American Bird Conservancy (ABC 2023, Figure 1). The ABC created a "Wind Risk Assessment Map" which takes into account avian hot spots and areas considered to be important to birds. The map is specifically designed to guide wind farm sighting decisions. When one zooms in to Louisiana's coastline, it's clear that **most of the near shore waters are red**, denoting "Critically Important" areas. According to the ABC, "Red areas on the map are crucial breeding and wintering habitat, parks, and other public lands important to birds. These should be avoided as sites for wind project development, or approached with extreme caution."

Figure 1. American Bird Conservancy's Wind Risk Assessment Map for Louisiana's coastline.



OAS finds this map to be accurate and would like to alert the State to the fact that the currently proposed wind farm sitings are in red zones, hence underscoring the need for further study and analyses prior to proceeding.

Wind Farms in Federal Offshore Waters

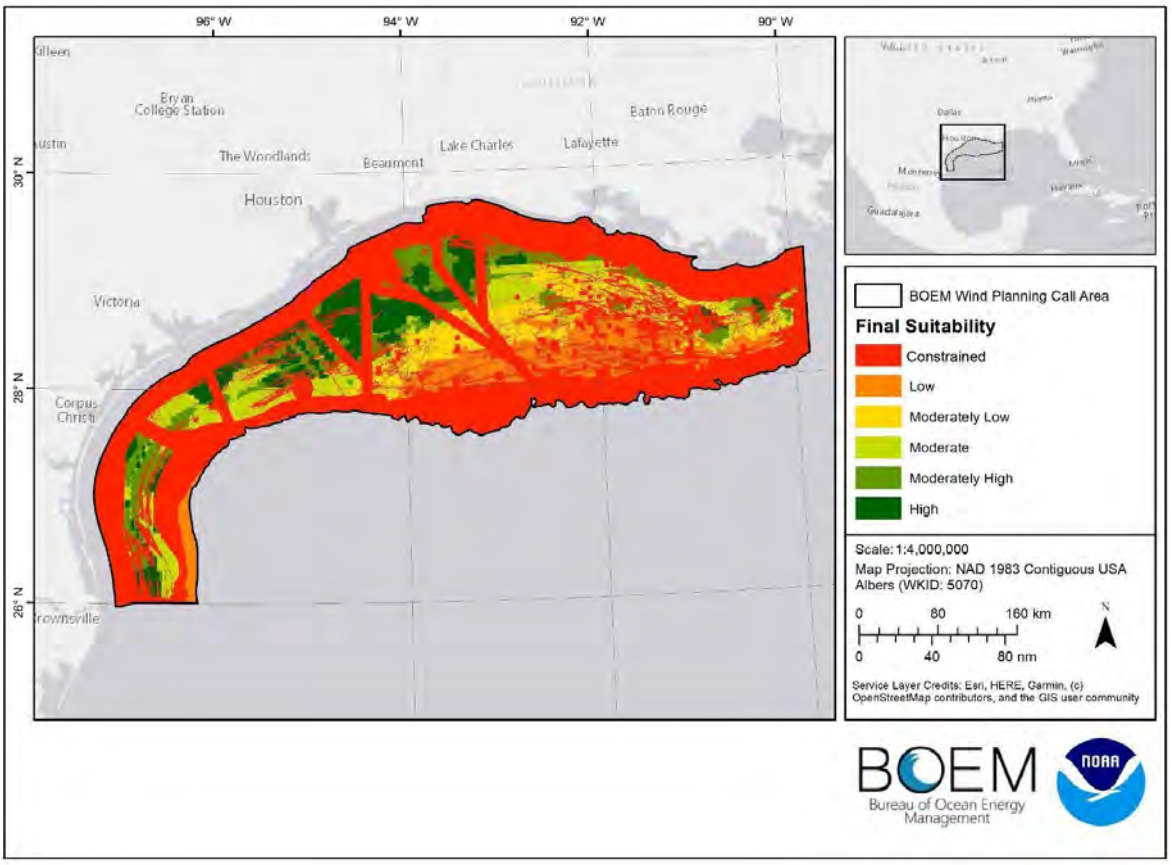
BOEM's federal program along the nation's coasts has progressed cautiously so as to take into account potential environmental impacts from both the construction and operation of the turbines, as well as the deployment of cables on the sea bottom which transmit the generated power to shore based facilities. Because this program constitutes a "major federal action" under the National Environmental Policy Act ("NEPA"), a comprehensive Environmental Impact Statement ("EIS") was performed which resulted in many scientific studies on impacts to

marine mammals, fisheries and avian species including both seabirds and migratory birds in many areas along the Atlantic Coast and the Great Lakes as well as the Gulf Coast.

As a result of the environmental studies and the preventative measures taken to reduce adverse impacts, it normally requires a seven year process from the initial lease to the Record of Decision from BOEM allowing the project to proceed. As of summer 2023, there are only two operating turbines in federal waters off Virginia, and those are merely experimental in nature. Many other federal offshore wind energy projects are in various planning or approval phases along the coasts of New York, New Jersey, Massachusetts, Maryland and elsewhere. On October 27, 2023, BOEM announced four finalized Wind Energy Areas in the Gulf of Mexico.

Notably, NOAA's and BOEM's (2023) extensive modeling which produced a comprehensive site map to guide site selection recommends avoidance of coastal and near shore sitings (Figure 2). In fact, BOEM's spatial modeling analysis for Wind Energy Areas (WEAs) to identify potential WEAs in the Gulf of Mexico specifically recommended complete avoidance for a 20 nm buffer from the coastline, in large part because this area was identified as an important area for a number of coastal bird species.

Figure 2. NOAA's and BOEM's Final Suitability modeling results for the Call Area. Red color indicates those areas where layers with a score of 0 occurred due to conflict with ocean activity. Green color indicates areas of highest suitability.



Wind Energy in State Waters

In contrast, ***state*** offshore wind programs in some areas are proceeding quickly. The first state-waters wind farm is found in Rhode Island, known as the Block Island Wind Farm, was built in 2016 and has five operating turbines. That project was made possible because Rhode Island had developed a Special Area Management Plan (or "Ocean SAMP") ahead of time which serves as a federally recognized coastal management and regulatory tool. Using the best available science, the Ocean SAMP provides a balanced approach to the development and protection of Rhode Island's ocean-based resources. It should be noted that Louisiana fabrication yards, contractors and lift-boats built much of that farm and should be ready to assist in the Louisiana wind energy efforts.

Meanwhile, on August 10, 2022, in a 6-1 decision, the Ohio Supreme Court ruled in favor of the Icebreaker Wind Project on Lake Erie, affirming that project's state permit was correctly granted, allowing that project to proceed. Ohio's Icebreaker Wind is a unique wind energy project – the first offshore wind facility in the Great Lakes, the first freshwater wind farm in North America, and only the second state near shore wind project in the entire U.S.

More recently this past October, the RI Coastal Resources Management Council approved by unanimous vote the 804-megawatt (MW) New England Wind project developed by Connecticut-based energy company Avengrid. The project would install 84 turbines in a lease area 14 miles south of Martha's Vineyard, and deliver electricity via a buried export cable that would make landfall in Hyannis, Mass. Except for a small portion of the export cable, the project is located entirely outside of Rhode Island state waters.

It is the first wind project to be considered by CRMC's executive body without input from the Fisherman's Advisory Board (FAB), a stakeholder group staffed by recreational and commercial fisherman and representatives from other related marine industries. A member of that Board resigned in protest in August, alleging state regulators were ignoring their own regulations to approve offshore wind projects that would be harmful to the environment and the fishing industry. This is a good example of a decision that will likely lead to litigation due to the lack of public input on fishing and environmental impacts.

Similarly in New Jersey, in 2018, when Governor Phil Murphy sought to make New Jersey a leader in clean energy, particularly wind energy, in that state in near shore waters, the state Board of Utilities refused to approve a pilot project 2.8 miles off Atlantic City, N.J. In its decision, the Board cited the opposition of local environmental groups, New Jersey Audubon, including the National Wildlife Federation, and the American Littoral Society, among others, as well as the cost to taxpayers.[2]

"Pursuing offshore wind as an element of the state's response to climate change has a place in the agenda, but it cannot be done at the cost of our coastal and marine wildlife,'' said Tim Dillingham, executive director of the American Littoral Society.[3] Moreover, the N.J. Department of Environmental Protection had conducted extensive studies on how birds and marine wildlife would be impacted by offshore wind farms, and essentially found the potential harm to wildlife is minimized the farther the turbines are located offshore.[4]

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[2] Tom Johnson, "*N.J. rejects Atlantic City Offshore-wind project for third time…too pricey*", WHYY NJ Spotlight (12/19/2018)
[3] *Ibid.*
[4] *Ibid*.

But even further ***offshore*** from the New Jersey coast, developers again failed to properly consider environmental impacts. As a result, more recently the County of Cape May and several local tourism and fishing business groups sued the U.S. Department of the Interior in New Jersey federal court, seeking to stop construction on Danish developer Orsted's multi-billion dollar Ocean Wind project.[5] The county said underwater noise and vessel strikes during construction will harm endangered North Atlantic right whales and sea turtles, and that rotating wind turbine blades would kill migrating birds.[6] Shortly thereafter, the developer cancelled all of its projects, citing supply chain issues and rising interest rates.[7] Orsted then took a $4 billion loss on the project.[8] These experiences from other states should serve as a cautionary tale and certainly be instructive for Louisiana. They should also encourage the concept of developers and environmental groups working together for wind energy.

Wind Energy in Louisiana

On July 20, 2023, the Department of the Interior (DOI) announced it would hold the first-ever offshore wind energy lease sale in the Gulf of Mexico. The areas which were to be auctioned by the federal Bureau of Ocean Energy Management ("BOEM") on August 29, 2023, have the potential to generate approximately 3.7 GW, and power almost 1.3 million homes with clean, renewable energy. DOI plans to deploy 30 gigawatts (GW) of offshore wind energy by 2030 and reach a carbon-free electricity sector by 2035.The areas to be auctioned included a 102,480-acre area in federal offshore waters 44 miles from the coast south of Lake Charles, Louisiana. A lease for that area has now been awarded.

The State of Louisiana is now moving at an even faster pace than RI and Ohio. *The Advocate* recently quoted Governor John Bel Edwards as saying, "I believe they can be set up in state waters several years before they would be successful in federal waters." Meanwhile, in Executive sessions of the Mineral Board in which the public does not participate, the State has continued to negotiate with developers for Operating Agreements. These negotiations have led to the subject operating agreements with Mitsubishi-owned Diamond Offshore Wind ("DOW") and the Danish global energy firm Vestas under the name Cajun Wind. Kontiki Winds, a Norwegian company operating in Louisiana under the name Pelican Winds has now bowed out. Other companies are expected to pursue projects in Louisiana as well. At present, these Operating Agreements contemplate near shore areas in state territorial waters of Cameron, Terrebonne and Lafourche Parishes.

Louisiana's Wind Energy Legislation

In the Regular Session of 2022, the Louisiana Legislature passed Act 443 sponsored by Representative Jerome Zeringue, which amended and reenacted La. R.S. 41:1732 *et seq*. to implement a formal state wind leasing program. The Act also amended La. R.S. 30:209 to allow

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[5] Reuters, *"Orsted offshore wind farm hit with lawsuit by New Jersey county,"* (Clark Mindock) (10/17/23)

[6] *Ibid.*

[7] AP, *"Orsted scraps 2 offshore wind power projects in New Jersey, citing supply chain issues,"* (10/31/23)

[8] CNBC, *"Orsted cancels two New Jersey offshore wind projects, takes $4 billion writedown",* (11/1/23)

the State to enter into "operating agreements" with private entities for wind projects. LDENR then issued a Notice of Intent ("NOI") issued earlier this year announcing rulemaking for regulations under that Act which will provide guidelines for the wind energy leasing program. These proposed wind energy lease regulations include some consideration for environmental impacts with regard to the nomination of proposed project sites and the "packet" which must accompany such a proposal. As those regulations state in pertinent part:

§711. Nomination of State Lands and Water Bottoms for Wind Lease

D. 7. *a Summary of the environmental issues including, but not limited to, avian and baseline noise levels, the environmental impact of the placement of wind turbines and other equipment necessary for the exploration, development and production of wind energy, and the steps proposed to minimize the environmental impact, along with any supporting environmental impact documentation….*[9]

Still, that regulation does not specify ***how*** environmental impacts would be determined and this remains an open question.

But the Operating Agreements contemplated by the alternative statutory scheme of Act 443 have no such applicable regulations and certainly no requirements related to environmental impacts. In fact, the Operating Agreement approach included in Act 443 appears to allow for a complete "end around" any environmental considerations prior to siting decisions.

As a result, for projects subject to Operating Agreements environmental impacts will likely not be addressed until the 404/Coastal Use Permit process is underway, well after a site has been chosen and substantial investments of time, resources and funds have already been made, making a change in siting unlikely. Under that scenario, any environmental impacts will become a mere afterthought, and addressed only with a "Band-Aid" approach towardattempted mitigation of the substantial and irreversible harm to any number of species. Of significance, this approach will no doubt invite expensive and protracted litigation.

Indeed, unlike the federal programs and the Rhode Island programs which undertook major studies of environmental impacts ***before*** leasing began, Louisiana is implementing its wind energy program in reverse if not backwards. To date, the State has undertaken few studies to determine the environmental impacts of near shore wind farms but is still preparing to issue the subject Operating Agreements at locations of the developers' choosing based solely on economic considerations rather than environmental impacts which could otherwise be minimized if not avoided altogether by better siting decisions based upon sound science.

Stated bluntly, there is absolutely no indication that there was any consideration of environmental impacts whatsoever when these companies chose their respective project areas as set forth in the Public Notices for these Operating Agreements, nor is there any indication

[9] 49 LR 982, 984 (May 20, 2023)

there will be consideration of environmental impacts when the specific sites are chosen within those areas.

The State's approach to date using Operating Agreements also raises significant questions regarding governmental oversight best capsulized in the Latin expression, "*Quis custodet custodes*?" ("Who guards the guards?"). Indeed, under the operating agreements, LDENR will

be administering itself: LDENR will act as landowner and joint venturer; LDENR's Office of Mineral Resources will be the regulator; and LDENR's Office of Coastal Management will issue the CUP Permits to itself and the developer. It is difficult to see how this incestuous situation does not constitute a conflict of interest and suggests a likely environmental disaster if allowed to proceed in this fashion.

In sum, if the Operating Agreement approach becomes the sole pathway for developing wind in coastal Louisiana, it appears the State and interested developers will circumvent the entire wind lease program and all of its statutory and regulatory requirements related to environmental impacts as well as real opportunities for public input or effective governmental oversight; that is, unless a clause is added to require surveys and monitoring for environmental impacts.

Avian Surveys and Monitoring

The information Louisiana needs to adequately assess the risks that near shore wind energy poses to birds in the Gulf of Mexico is lacking. At present there is insufficient data gathered together into one data base related to: 1) migratory bird species which cross the Gulf of Mexico and/or coastal Louisiana in either direction, north and south, 2) colonial nesting waterbirds breeding along Louisiana's coast, 3) federally Threatened and Endangered species of shorebirds wintering along Louisiana's coast, and 4) seabirds using state waters. Moving forward, the data currently available from any number of sources, must be tapped, augmented and analyzed, and additional studies are needed before any siting decisions are made for wind energy projects in Louisiana territorial waters.

Specific data needs include gaps in our knowledge concerning migration ecology, colonial waterbird breeding ecology and wintering ecology of shorebirds. More studies are needed on the timing of migration, flight altitudes and pathways of migratory birds for trans-Gulf migrants. Data specific analyses specific to flight altitude and weather conditions would be directly applicable. For colonial waterbirds, we need to identify activity hotspots and we need more studies on breeding home range sizes, foraging distances and routes, and flight behaviors, including altitudes.

Concerning federally Threatened shorebirds, while some data are available for Piping Plover and Red Knot use of Louisiana's coastal zone, we lack data concerning their wintering home ranges and foraging ecology. We also need data to assess the vulnerability of Seaside Sparrows to wind development in Louisiana's state waters. More study is needed to understand the movement ecology of seabirds using Louisiana's waters, especially in response to Tropical Storms and Hurricanes, which will likely require individual tracking devices. Numerous technologies available to add to these data.

Available resources include a wide variety of remote sensing capabilities such as LIDAR and Doppler Radar which can detect flocks of birds. There are also inexpensive acoustic monitoring devices to identify migratory species as they pass or stay behind. Satellite and GPS transmitter devices placed on individual birds can give constant monitoring information (e.g., data transmitted via satellites and the ARGOS system or GSM and cell tower technology)

which can be loaded into a geographical information system ("GIS") for visual analysis. Finally, aerial photogrammetric studies have been effectively used to determine altitude of birds in flight as well.

Tagging of birds with nano tags or other small tags now allows in some cases for gathering of information in tags (requiring recapture to retrieve the data) or transmitting location data to tag monitoring towers available from vendors such as MOTUS to record the movement of particular tagged birds. More sophisticated geolocator tags are also available which provide location and migratory route data to satellites. These include light-level geolocators giving location data based upon sunlight, and atmospheric pressure geolocators which determine location and altitude using recorded barometric pressure that is analyzed in the context of weather information to determine fly routes. Tag technology has been further enhanced because tags are constantly shrinking in size which allows for tagging smaller species such as Chimney Swifts. Finally, battery life continues to be extended which allows for more data to be obtained over greater periods of time and distance.

Sadly, the State has yet to tap into all of this available technology on a meaningful level. This has to happen before responsible siting can occur.

Ongoing Wind Energy Studies on Environmental Impacts

In connection with the development of wind energy projects along the Atlantic Coast, the Regional Wildlife Science Collaborative for Offshore Wind (RWSC) was cooperatively established. It is led by four Sectors—federal agencies, states, eNGOs, and the offshore wind industry. The RWSC supports research and monitoring on wildlife and offshore wind by:

- Developing an ***Integrated Science Plan for Wildlife, Habitat, and Offshore Wind Energy in the U.S. Atlantic*** that reflects the research and data collection needs of the four Sectors with input from the science community
- Coordinating and aligning funding to meet those priorities
- Ensuring appropriate data and standards are in place to support science priorities

The Collaborative's Science Plan aggregates information about ongoing and pending offshore wind and wildlife data collection and research activities occurring in U.S. Atlantic waters. To capture this information dynamically, the Subcommittees are supporting the RWSC Offshore Wind & Wildlife Research Database, which is continually updated as new projects and data collection efforts begin. The Database is focused on recent and active projects in U.S.

Atlantic waters that were funded to address offshore wind and wildlife or habitat interactions, and it compiles information about each project's overall goal(s), geographic area of focus, methods used, funders, principal investigators, and other details.

The State of Louisiana should not proceed with any siting decisions until a similar Collaborative is established for the Louisiana coast and coastal waters, if not the Gulf of Mexico, and that collaborative issues a Science Plan similar to what has been developed for several areas along the Atlantic coast.

Environmental impacts Clause

Toward this goal of obtaining the best available data on environmental impacts from wind energy projects in Louisiana waters along the coast, the State should insert a clause in the Operating Agreement Template that requires each Operator to undertake certain studies, surveys and monitoring. The results of these efforts should be delivered in a summation report to the State. The Operator should also make available to the State after appropriate QA/QC procedures, all of its data to a central data base or storage area maintained by the State, as it is gathered. Such a clause related to birds might read as follows:

Environmental Impacts--Avian

Operator shall, working closely with the Louisiana Department of Wildlife and Fisheries, make best efforts at obtaining and analyzing available data concerning known, likely or potential environmental impacts from wind energy projects on marine life including mammals and sea turtles, coastal nesting colonial waterbirds, federally threatened Piping Plover and Red Knot, as well as impacts on existing flyways and migratory routes for birds transiting the Gulf of Mexico between North America and Central/South America in any direction. Operator shall obtain data using the best available technology concerning these impacts on resident and/or migrating species, which data shall be shared contemporaneously with State agencies for such time periods designated by State agencies. At the conclusion of the time period and before any construction shall have occurred, Operator shall generate printed studies to be made available online to include the following:

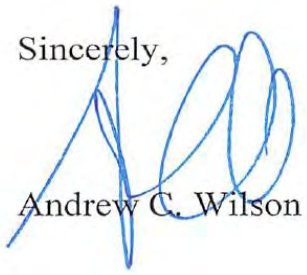
- Regional/local context relating to Gulf of Mexico and Louisiana;
- Potential impacts of offshore wind development to marine megafauna (collision, displacement, underwater noise disturbance);
- Birds at risk – species and vulnerability;
- Marine mammals – species and vulnerability;
- Other animals, such as sea turtles and bats (Solick and Newman 2021) to consider;
- International examples of comparable developments;
- International good practice across industry relating to development;
- Baseline surveys to characterise the pre-construction site;
- Decision making and predicted impacts – modelling data (theoretical);
- Construction issues including landfall relating to environmental impact;
- Mitigation (design and in-built);
- Compensation for adverse environmental impacts.

Data collection and communication of the same along these lines should provide the necessary data for sound, unbiased scientific decision-making on siting, and in steps necessary to avoid or minimize adverse environmental impacts. Obtaining, storing and sharing such data will greatly enhance public confidence in the State's emerging wind energy program, particularly among eNGOs such as OAS. The bottom line is that the State should only implement wind energy projects responsibly, addressing all potential environmental impacts, in line with OAS's concerns as set forth above.

* * *

At this time, OAS greatly appreciates the opportunity to comment on these Notices and the Operating Agreement Template and the program generally. Should there be any questions or should any additional information, documentation or clarification concerning this comment be required, please feel free to contact the undersigned at your convenience.

Sincerely,



Conservation Committee Chair
Orleans Audubon Society

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Received 11-26-2023

Re: DOW LA Gulf Wind, LLC
– Public Hearing Operating Agreement in Lafourche/ Terrebonne Parishes, Louisiana Docket No. OMR 23-03

Re: Cajun Wind LLC
– Public Hearing Operating Agreement inCameron Parish, Louisiana Docket No. OMR 23-04

To Whom It Concerns:

Please give birds, our environment and our coastal communities due process regarding these two fast-tracked projects. I am writing in opposition to the currently configured agreements and timeline. I am borrowing comments presented by the Orleans Audubon Society and am adding my name to the people asking you to pause and reconsider. Here are some suggestions OAS have thoughtfully prepared.

- abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law

- if the State will not abandon the"Operating Agreement" approach, then insert language in the Operating Agreement to require environmental oversight (see attached OAS comment for language).

- gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection,

- work closely with the Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department’s concerns

- consider the Gulf of Mexico offshore wind siting recommendations developed by NOAA and BOEM modeling experts which recommends that no wind farms be developed within 20 nautical miles of Louisiana’s coast due to concerns for population-level impacts on coastal bird species

- consider the American Bird Conservancy's Wind Risk Assessment map

  Please be cognizant of Avian Environmental Concerns. Based upon scientific studies conducted for other wind energy projects, mass mortality is expected to occur (i.e., birds colliding with wind turbines) if the projects are sited where they

are currently being proposed. One of the problems is birds are much more likely to collide with wind turbines that are sited near shore versus in federal waters well offshore. The main areas of concern for birds, to be taken into account in assessments of wind farm sitings, are:

- Neotropical migratory birds using the trans-Gulf route, crossing through Louisiana's coastal zone (Common Nighthawk, Swallow-tailed Kite, Prothonotary Warbler, etc.)

- Colonial nesting waterbirds using Louisiana's coastal zone and barrier islands (e.g., Sandwich Tern, Royal Tern, Brown Pelican, etc.)

- Threatened Piping Plover and Red Knot use of Louisiana's coastal zone during their non-breeding season

- seabirds frequenting Louisiana's coastal zone (e.g., Magnificent Frigatebird, Pomarine Jaeger)

Thank you.

Carol Gniady

910 St. Roch Avenue

New Orleans, LA 70117

MORRISON
DELIVERING ENERGY

MorrisonEnergy.com

November 26, 2023

Louisiana Department of Natural Resources
Office of Mineral Resources
P.O. Box 2827
Baton Rouge, LA 70821-2827

Re: Public Comment for Docket No. OMR 23-03 DOW LA Gulf Wind, LLC

To Whom it May Concern:

Morrison Energy is pleased to submit this letter in support of Diamond Offshore's proposed Gulf Wind Project. Over the last three years, Morrison has participated in the US Offshore Wind sector for the East Coast and West Coast development. Along the way we have seen what this industry requires and the opportunities it holds for the state and local development. Celebrating 40 years in business and having a diversified portfolio to keep our employees employed is key to the success of our company. The offshore wind industry will present opportunities to build upon and expand the existing offshore service industry in Louisiana providing diversity beyond the oil and gas industry. In addition to the economic development benefits the proposed Gulf Wind Project will bring to the offshore services industry and Terrebonne and Lafourche Parishes, where the project is located, the State of Louisiana will benefit from rent and royalty payments for a project located in State waters. Morrison Energy encourages the Office of Mineral Resources to approve the Operating Agreement for the Gulf Wind Project.

Again, we strongly support DOW's Project and appreciate the opportunity to submit this comment.

Should you have any questions, please do not hesitate to correspond with the undersigned
Sincerely,

Kirk Meche

Kirk Meche
Director of Renewable Energy

D:: 985.850.1201
C:: 985.665.2101
kmeche@MorrisonEnergy.com

From: Robin Stedman <robinbstedman@gmail.com>
Sent: Sunday, November 26, 2023 12:01 AM
To: Office of Mineral Resources <OMR@LA.GOV>
Subject: Re: DOW LA Gulf Wind, LLC – Public Hearing Operating Agreement in Lafourche/ Terrebonne Parishes, Louisiana Docket No. OMR 23-03 Re: Cajun Wind LLC – Public Hearing Operating Agreement inCameron Parish, Louisiana Docket No. OMR 23-04

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

I strongly urge abandoning the Operating Agreement for the use of the proposed sites for wind projects in coastal Louisiana. Louisiana and the Mississippi delta are the most important flyways and nesting sites for an enormous variety of native bird species. It is no accident that John James Audubon made his famous bird foios in Louisiana. To disrupt these unique and major flyways with such projects will speed the demise of many already threatened bird species. Do not crash the ecosystem with these ill advised projects.

Robin Bonsall Stedman, MD, MPH

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345

November 28, 2023

Jamie S. Manuel
Assistant Secretary
Office of Mineral Resources
Louisiana Department of Natural Resources
Post Office Box 2827
Baton Rouge, LA 70821-2827

Re: Docket Numbers OMR 23-03 and 23-04: Diamond Offshore Wind LA Gulf Wind, LLC, and Cajun Wind LLC Draft Operating Agreements

Dear Assistant Secretary Manuel:

We recently became aware of public meetings planned for the referenced proposed operating agreements. While we are not able to attend the meetings on short notice, we submit these comments for your consideration. In summary, we support the development of clean energy development and the State's plans and believe that early discussions can help avoid and minimize impacts to Federal trust resources in coastal Louisiana including migratory birds, National Wildlife Refuges, previously constructed and future *Deepwater Horizon* Natural Resources Damage Assessment and Restoration projects, and threatened and endangered species. We have been active participants in the Gulf of Mexico Intergovernmental Renewable Energy Task Force and worked closely with the Bureau of Ocean Energy Management and others on the recent offshore wind lease planning. We have attached a recent technical assistance letter from that effort (Attachment).

The Gulf of Mexico, including the Louisiana coast, is a globally important and unique region for migratory birds. It represents the southern terminus and confluence for three of the four North American Flyways and provides important staging and wintering habitat to more than 400 species of birds during all or part of their annual life cycle. Louisiana's coastal marshes, beaches, barrier islands, creeks, rivers, bays and estuaries are important breeding, staging, and wintering habitats for numerous wading bird, shorebird, waterfowl, and seabird species. In addition, an estimated 2.1 billion individual migratory landbirds, some representing entire global populations, make trans-Gulf or circum-Gulf migrations twice annually (Horton et al., 2019). These migratory birds historically migrated through and evolved in Gulf of Mexico waters that represented a nearly featureless landscape devoid of vertical anthropogenic structures. Wind turbines in the nearshore environment could adversely impact birds, either directly through collision-related mortality with vertical towers and/or spinning blades associated with turbines or indirectly via avoidance or displacement (i.e., habitat loss whereby existing occupied habitat becomes functionally unavailable). We have numerous current and planned research projects to

better understand bird distribution and abundance, as well as collision risk and vulnerability for Gulf of Mexico migratory birds.

Fortunately, technologies such as use of Next Generation Weather Radar to detect migration pulses, wildlife tracking systems (e.g., Motus), feathering during inclement weather, painting turbine blades, bird friendly lightning, etc. exist to help avoid or minimize conflict between birds and wind energy. We believe wind energy could be developed in coastal Louisiana in a manner that minimizes conflict with avian resources, as well as with other Federal trust resources in the area.

We would like to meet with you to discuss migratory birds and other trust resources in relation to these proposed projects. Early discussion can help develop wildlife focused measures to protect Louisiana's unique coastal environment while planning these important projects. Thank you for your consideration of these comments. For additional information or questions please contact Christine Willis of my staff at 404-679-7310 (*christine_willis@fws.gov*), or me directly at 404-679-7142 (*robert_tawes@fws.gov*).

Sincerely,

ROBERT TAWES

Digitally signed by ROBERT TAWES
Date: 2021.11.29 19:24:22 -05'00'

Robert W. Tawes
Supervisor, Division of Environmental Review

Attachment

cc:
Ms. Stacey Stanford, FWS, Southwest Regional Office
Mr. Scott Johnson, FWS, Headquarters
Ms. Brigette Firmin, FWS, Louisiana Field Office
Ms. Bridgette Duplantis, BOEM
Mr. Idrissa Boube, BOEM

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Post Office Box 1306
Albuquerque, New Mexico 87103

In Reply Refer To:
FWS/IR06/IR08/ES-ER/076118

Ms. Tershara Matthews
Bureau of Ocean Energy Management
Office of Emerging Programs
1201 Elmwood Park Boulevard
New Orleans, Louisiana 70123

Dear Ms. Matthews:

The U.S. Fish and Wildlife Service (USFWS) Unified Interior Regions 2, 4, and 6 have reviewed the November 1, 2021, *Federal Register* Public Notice (PN) for the Department of the Interior, Bureau of Ocean Energy Management (BOEM), Docket Number BOEM-2021-0077. The BOEM has published a request for public comments and nominations of interest from developers and stakeholders regarding the Western Planning Area and portions of the Central Planning Area in the Gulf of Mexico. The Call Area consists of almost 30 million acres just west of the Mississippi River to the Texas/Mexico border. This letter was prepared under the authority of and in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq*.), and the National Environmental Policy Act (42 U.S.C. 4321-4347) as Interested or Affected Parties. The USFWS has concerns about the extent of potential environmental impacts implicit in the development of the continental shelf for offshore wind energy projects. Here we provide a brief overview of potentially impacted trust resources and recommendations to reduce impacts to species listed under the ESA, migratory birds, and other USFWS trust resources. As offshore wind energy projects move forward, additional concerns may arise, if so, the USFWS will work with BOEM to reduce or eliminate concerns and impacts to trust resources.

Migratory Birds

The Gulf of Mexico is a globally important and unique region for migratory birds. It represents the southern terminus and confluence for three of the four North American Flyways and provides critical habitat to more than 400 species of birds during all or part of their annual life cycle. The region's coastal marshes, beaches, grasslands, agricultural areas, barrier islands, creeks, rivers,

estuaries and bays are important breeding, staging, and wintering habitats for a myriad of landbirds, marshbirds, wading birds, shorebirds, and waterfowl, while the offshore waters provide important foraging areas for numerous seabird species. Additionally, an estimated 2.1 billion individual birds, some representing entire global populations, make trans-Gulf or circum-Gulf migration twice each year (Horton et al. 2019). Precipitous declines in hundreds of migratory bird species have exacerbated concerns (Rosenberg et al. 2019; NABCI 2019: Stateofthebirds.org), and many of these 400+ avian species are birds of conservation concern (USFWS 2021, Rosenberg et al. 2016), and subject of collaborative efforts to address these declines such as the USFWS 3 Billion Birds initiative.

Foremost among these concerns in the Gulf of Mexico are the potential for direct effects of offshore wind turbines, either from mortality resulting from collisions with the vertical towers and/or spinning blades associated with the turbines or via habitat loss (i.e., rendering foraging habitat unavailable due to avoidance or displacement associated with turbines). Additionally, there can be indirect effects associated with avoidance and displacement that manifest in the form of energetic costs as birds diverge from normal migratory routes or daily movements thereby increasing energy expenditure above baseline levels. These increased energetic costs potentially have population-level ramifications, if they result in lower reproductive success and/or survival. As such, proper siting of offshore wind development is the most important step towards minimizing potentially detrimental effects and long-term population impacts to avian resources.

Migratory birds utilizing waters of the Gulf of Mexico evolved in a nearly featureless landscape devoid of vertical structures or obstructions. Hence, recent vertical structures like oil and gas platforms and proposed wind turbines are novel obstacles to migration and movements. While knowledge of the specific patterns of bird use in the Gulf of Mexico is lacking for many species, available data (Appendix 1) does explain some patterns that can help us to minimize risk to some species. From these available data, the following themes emerge: (1) the importance of the nearshore environment for beach-nesting seabirds and shorebirds; (2) the importance of the continental shelf break as an important ecological feature providing food resources for a myriad of pelagic seabird species; (3) a number of migration stopover spots used annually by passerine and near-passerine songbirds during migration; (4) the importance of the nearshore environment in Mexico and south Texas for circum-Gulf migration; and (5) a trans-Gulf migratory pathway that spans roughly from the Texas-Louisiana border eastward to the Mississippi-Alabama border and southward to the Yucatan Peninsula in Mexico. However, each of these themes comes with a list of biological and ecological uncertainties such as flight altitude during migration, daily foraging flights, distance of foraging flights from breeding colonies, how atmospheric conditions affect migration pathways, etc., thereby limiting our collective ability to predict impacts to avian resources. Nevertheless, any negative effects associated with offshore wind energy infrastructure is likely both additive and cumulative to existing negative effects from oil and gas infrastructure in the Gulf of Mexico, as well as to the unknown impacts of how offshore wind will interface with the energy infrastructure on land.

The USFWS acknowledges the uncertainty regarding potential negative effects to migratory bird resources and the scarcity of data available to inform decisions. Given the importance of the Gulf to migratory birds, a more reasonable operational baseline would be that there are likely to

be (or will be) negative effects. However, the USFWS and BOEM presently do not know or understand the full magnitude of effects to individual birds nor impacts to populations of birds with respect to offshore wind energy development.

Additional Migratory Species

Bats have been documented to collide with the blades of wind turbines, particularly during migration. Therefore, migration of tree bats across the Gulf of Mexico is also of potential concern. These species include the Hoary Bat (*Lasiurus cinereus*), Northern Yellow Bat (*Lasiurus intermedius*), Red Bat (Lasiurus borealis), and Seminole Bat (*Lasiurus seminolus*). Additionally, other species may be found in lease areas or in coastal areas where transmission lines occur.

Insect species also exhibit extended migratory pathways over the Gulf of Mexico. Of particular note is the Monarch Butterfly (*Danaus plexippus*), which is currently a candidate for listing under the ESA. The Gulf Coast flyway for monarchs extends along the coast from Mexico to Florida before shifting north.

Inter-jurisdictional fish populations need further study to assess potential effects of wind energy development on migration, feeding, and breeding behaviors and habitats. Please note the USFWS and the National Marine Fisheries Service jointly manage sea turtle populations in the Gulf of Mexico.

National Wildlife Refuges

The USFWS has 21 National Wildlife Refuges (NWR) that are in or immediately adjacent to the BOEM Central and Western Planning Area along the Gulf coast. The majority of these NWRs were established to develop and maintain a network of habitats for migratory birds, anadromous and inter-jurisdictional fish, sea turtle and marine mammal populations that are strategically distributed and carefully managed to meet important life history needs of these species across their ranges. These NWRs are home to five Western Hemispheric Shorebird Reserve Network Sites of International Importance, provide overwintering or migratory habitats for millions of waterfowl and shorebirds each year, and support over 250 migratory and resident landbird species. Siting of wind developments adjacent to these NWRs may directly or indirectly impede the ability of these areas to fulfill their core mission.

Ongoing Restoration Activities in the Gulf of Mexico

Significant funding has been expended to restore many of the coastal habitats of the Gulf of Mexico for the benefit of migratory and resident bird populations. Beach and bird island restoration projects on National Wildlife Refuges and conservation lands managed by States, non-government organizations and private landowners have been implemented to benefit migratory waterfowl, shorebirds, seabirds, and waterbirds. Many of the benefits of these projects could be adversely affected by improper siting of offshore wind energy development and the infrastructure associated with lease areas such as transmission lines and construction and rights of way maintenance.

Recommendations

While major data gaps preclude our ability to provide an exhaustive list of recommendations, there are specific areas that are known to be critically important for migratory birds. We respectfully request that two of the following areas be removed and the other two areas be of concern as potential leasing areas.

Recent and Planned Restoration Projects -- The Gulf of Mexico is home more than 400 species of birds and provides critical habitat for billions of individual birds. However, climatic events (e.g., storm surge, sea-level rise, ocean acidification) and anthropogenic activities (e.g., oil spills) are continuously affecting these important habitats, and there are many ongoing efforts to protect and restore these vital habitats. As such, we encourage BOEM to be mindful of ongoing conservation activities (e.g., Deepwater Horizon Gulf restoration projects) while planning for offshore wind developments and associated onshore activities such that these restoration efforts are not inadvertently impacted, thereby reducing their benefits to USFWS trust resources.

Nearshore Environments -- Beaches, coastal and barrier islands along the northern and western coastline of the Gulf of Mexico provide habitat for a wide variety of nesting birds (e.g., shorebirds, terns, gulls, pelicans) with many of them making daily foraging flights to offshore environments. The USFWS recommends offshore wind energy development be located no closer than 20 nautical miles (maximum foraging distance of Royal Tern) from the coastline and associated coastal and barrier islands to minimize risk of direct mortality and displacement of foraging birds (see Fig. 1). More specifically, the USFWS recommends that the nearshore boundary of the Call Area be shifted offshore whereby the nearshore boundary line reflects the 20 nautical mile buffer (represented by hatched area in Fig. 1). This contraction would avoid potential negative effects to the large number of foraging colony-nesting seabirds, wintering shorebirds, wintering waterfowl, and a myriad of bird species that rely on the nearshore environment during some portion of their annual life-cycle (as indicated by the Gulf of Mexico Marine Assessment Project for Protected Species [GoMMAPPS] aerial survey geospatial seabird density model). As well, this contraction should provide additional turbine-free space for departing and arriving Neotropical migrants.

In addition, this contraction would avoid locations of particular importance off the Texas coast. First is the area from the Texas/Mexico border through Corpus Christi, Texas where the Laguna Madre and other sites provide some of the most important staging, wintering, and breeding sites in the Western Hemisphere for many shorebirds, landbirds, and waterbirds. This area includes several National Wildlife Refuges, the Padre Island National Seashore, and State Wildlife Management Areas. Additionally, the Laguna Madre is important to the threatened Red Knot. Secondly, the area from Matagorda Island north to High Island is important for a large number of avian trust species. This stretch includes Bolivar Flats, several National Wildlife Refuges including Anahuac, and other wildlife management areas. It supports wintering and breeding Black Rails, wintering Piping Plovers, and a suite of other breeding and wintering bird taxa of concern.

Continental Shelf Break -- Data from the GoMMAPPS demonstrate the importance of the continental shelf break for multiple pelagic seabird species, including the Black-capped Petrel-as

species of concern. The USFWS recommends avoiding offshore wind energy development along the continental shelf break (200 m-800 m water depths) because of the known importance to foraging seabirds and the high potential for impacts (see Fig 1). More specifically, the USFWS recommends that the southern boundary of the Call Area be shifted to the north and west such that the boundary line overlaps the 200 m depth contour (hatched line in Map); north of and off the continental shelf break. This contraction would provide sufficient space to foraging seabirds that rely on foraging opportunities along the continental shelf break.

Neotropical-Neararctic Migration Corridors and Stopovers -- Data from Doppler Weather Surveillance radar along with telemetry data have documented both a circum-Gulf and a trans-Gulf migration strategy for hundreds of species belonging to multiple bird taxa. Given the breadth of migration and challenges to identifying the specifics of migratory pathways, it is impossible to predict exact migratory pathways. However, avoidance of a prevalent trans-Gulf pathway, that, in general terms extends through the Call Area from the Texas-Louisiana border in the west to the Mississippi-Alabama border in the east, with boundaries to the south connecting the western edge of the Yucatan Peninsula eastward to Cancun, Mexico (see Appendix 2) can minimize impacts to trans-Gulf migrants. Another area of critical importance to multiple bird taxa is the Laguna Madre, from the border of the United States with Mexico, north to Corpus Christi, Texas as well as offshore to the 200 m contour. These sites provide some of the most important staging sites in the Western Hemisphere for dozens of long-distance shorebird species comprised of hundreds of thousands of individuals. Additionally, the area from Matagorda Island north to High Island, including Bolivar Flats, several National Wildlife Refuges, and other wildlife management areas, is a major landbird arrival and departure site and the first staging site along the Gulf of Mexico coast for dozens of long-distance migrants from multiple-taxa and includes one of the world's largest roosting sites for Whimbrel.

These areas are largely, but not entirely, encapsulated by the recommendation to avoid development within 20 nautical miles of the shore. Currently the altitude at which the myriad species of migratory birds travel through the Call Area is unknown. The USFWS is committed to work with BOEM to study the altitude and timing of these crossings to better determine possible buffers, mitigation measures, or engineering solutions to avoid impacts to this important migration corridor. We have included two migratory pathways to illustrate the current information known about these migration corridors (Appendix 2).

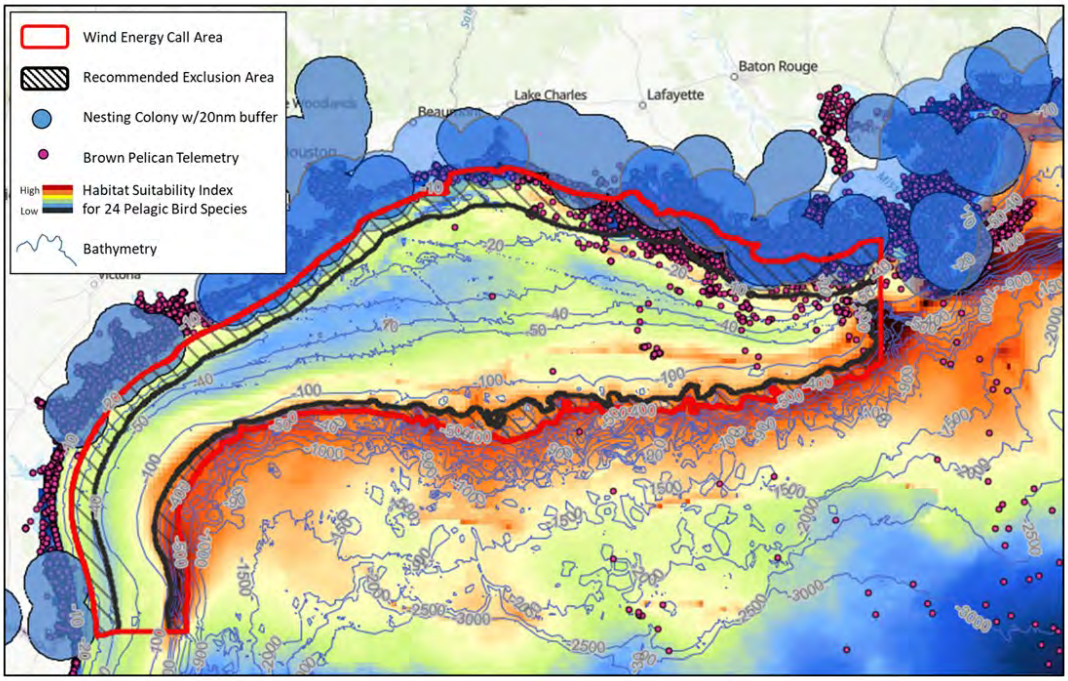

Figure 1. Map depicting the USFWS Recommended Exclusion Areas.

As indicated above, the Gulf is critically important to migratory birds, and no final lease site is likely to be without impacts. If accepted, the proposed contraction of the Call Area boundaries based on the recommendations presented above would reduce the Call Area by an estimated 29% or a reduction of 8,685,995 acres, thereby providing a level of security to avoid potential significant negative effects to migratory bird resources. Further, we will provide specific recommendations designed to avoid, minimize, and mitigate bird impacts from turbines as the lease sites are identified. These will include recommendations on configuration of tower arrays, lighting, operations, and feathering and orientation of turbine blades during peak migration periods.

Endangered and Threatened Species

The USFWS reminds interested parties and the BOEM that the current Information for Planning and Consultation online system (IPaC: https://ecos.fws.gov/ipac) is not designed to evaluate offshore projects. We recommend that the adjacent counties/parishes to the lease area be referenced only as a starting point for identification of the potential species that may be affected by the development of wind energy in the Gulf of Mexico. Additionally, wind lease reviews should account for impacts from onshore transmission lines or access to the power grid that may affect species in different and/or more direct ways.

At a minimum, the following species may be affected in Interior Regions (IR) 2, 4, and 6:

Rufa Red Knot (*Calidris canutus rufa*) – (Threatened Species) is a medium-sized, highly migratory shorebird that ranges across nearly the full latitudinal gradient of the Western Hemisphere. Rufa red knots migrate annually between their breeding grounds on the central Canadian arctic tundra and four wintering regions, two of which occur in the Gulf of Mexico.

These are the western Gulf of Mexico from the Mexican State of Tamaulipas through Texas (particularly at Laguna Madre) to Mississippi and extending south along both coasts of Central America and the southeast United States from Florida (particularly the central Gulf coast) to North Carolina with additional birds throughout the Caribbean. Onshore infrastructure is a concern for the species as well as the potential for collisions during migration.

Whooping Crane (*Grus americana*) – (Endangered Species) is a binational species which migrates between Canada and the Texas central coast. The majority of the population is in residence on the Gulf coast during the winter (November to April) in the Texas coastal bend. There is an experimental Louisiana population which occurs year-round and will occasionally cross the border to Texas. Whooping cranes in Texas are counted as fully protected under the Endangered Species Act, whether part of the wild or experimental flock. Onshore infrastructure and habitat modification are concerns for the species.

Eastern Black Rail (*Laterallus jamaicensis jamaicensis*) – (Threatened Species) is a subspecies of black rail, a small, cryptic marsh bird that occurs in salt, brackish, and freshwater wetlands in the eastern United States (east of the Rocky Mountains), Mexico, Brazil, Central America, and the Caribbean. In the United States, Eastern black rails are found in both coastal and interior areas, but the majority of detections are from coastal sites. An estimated 1,300 individuals are reported on the upper Texas coast within specific protected areas. However, it can be found in small pockets along the entire Texas coastal high marshes and into Louisiana. Onshore infrastructure is a concern for the species as well as the potential for collisions during migration.

Piping Plover *(Charadrius melodus*) – (Threatened Species) is a small, endangered shorebird which winters along the Gulf coast and can be present on the landscape from July 15th to May 15th each year. They are ground nesters and utilize tidal and mud flats for roosting and foraging. The species is present in particularly high numbers (several hundred) in the lower Laguna Madre, and North Padre Island to San Jose Island (Elliot-Smith et al. 2015). Onshore infrastructure and critical habitat modification are of concern for the species, as well as the potential for collisions during migration.

West Indian Manatee (*Trichechus manatus latirostris*) – (Threatened Species) are marine mammals which irregularly visit the Louisiana and Texas coast, though there are no established populations. They are a slow herbivorous species which occur in shallow waters where they feed on seagrasses. However, they do travel long distances along the Gulf Intracoastal Waterway and offshore waters in the Gulf of Mexico. Protection for the species extends 12 miles off the coast.

Next Steps

As referenced above, lack of data underpinning several key uncertainties related to bird distribution, abundance, and overall use (e.g., altitudes, timing) of the Gulf of Mexico affects our collective ability to make informed planning decisions. To that end, the USFWS is committed to working with BOEM to address these data gaps via collaborative research and monitoring efforts (e.g., the use of radar to identify bird use of airspace over the Gulf during migration). Further, we look forward to future opportunities to provide BOEM technical information during the identification of lease areas to minimize impacts to USFWS trust resources. Hence, we hereby

request involvement in the development of best management practices, stipulations, and research and monitoring decisions associated with offshore wind developments.

We appreciate your efforts to conserve listed species and other USFWS trust resources. We are committed to close coordination with you and other partners through the Gulf of Mexico Intergovernmental Renewable Energy Task Force and look forward to continued collaboration to minimize impacts to fish and wildlife resources. If you have any questions or comments, please feel free to contact me at 505-248-6282 or via email Amy_Lueders@fws.gov, or Leopoldo Miranda-Castro at 404-679-4000 or via email Leopoldo_Miranda@fws.gov.

Sincerely,

AMY LUEDERS

Digitally signed by AMY LUEDERS
Date: 2021.12.16 07:10:50 -07'00'

Regional Director

(Electronic Copy)
cc: RD, IR 2 & 4, Atlanta, GA
ARD, Ecological Services, IR 6, Albuquerque, NM
ARD, Ecological Services, IR 2 & 4, Atlanta GA
ARD Migratory Birds, IR 6, Albuquerque, NM
ARD, Migratory Birds/Science Applications, IR 2 & 4, Atlanta, GA
ARD, National Wildlife Refuge System, IR 6, Albuquerque, NM
ARD, National Wildlife Refuge System, IR 2 & 4, Atlanta, GA
Field Supervisor, Coastal Field Office, Houston, TX

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Rosenberg, K. V., J. A. Kennedy, R. Dettmers, R. P. Ford, D. Reynolds, J. D. Alexander, C. J. Beardmore, P. J. Blancher, R. E. Bogart, G. S. Butcher, A. F. Camfield, A. Couturier, D. W. Demarest, W. E. Easton, J. J. Giocomo, R. H. Keller, A. E. Mini, A. O. Panjabi, D. N. Pashley, T. D. Rich, J. M. Ruth, H. Stabins, J. Stanton, T. Will. 2016. Partners in Flight Landbird Conservation Plan. Revision. Partners in Flight Science Committee. 119 pp. Available at: http://www.partnersinflight.org/wp-content/uploads/2016/08/pif-continental-plan-final-spread-double-spread-1.pdf

Appendix 1. Supporting Information and Datasets

On October 1, 2021, the U.S. Fish and Wildlife Service provided the following information to BOEM to facilitate an avian space-use conflict assessment with regards to offshore wind developments in the northern Gulf of Mexico. These datasets are not comprehensive, as data is currently being collected, analyzed, and prepared for publication. Information soon to be published and shared include various shorebird species crossing the Gulf of Mexico such as the Red Knot, Buff-breasted Sandpiper, Hudsonian Godwit, Wilson Plover, and others. We will continue to work with BOEM and share information as it becomes available.

The following four files were submitted:

1. USFWS Avian Space Use Conflict Data – README: this file contains a brief description of each geospatial data layer being shared with BOEM
2. Wind Energy Literature Review: this file represents a comprehensive review of the literature with respect to wind energy
3. Bird Migration Pathways: this file is compilation of maps (gleaned from the literature) depicting bird migration pathways for a variety of bird species
4. GoM Bird Overview: this file provides an overview of bird migration and use of the Gulf of Mexico region.

Geospatial data layers were made available via AGOL online services at https://fws.maps.arcgis.com/apps/mapviewer/index.html?webmap=060715bad3d84dba84ab07bebc31b0fe [data access was granted to Mike Gravois at BOEM]

Avian Data provided to BOEM to date:

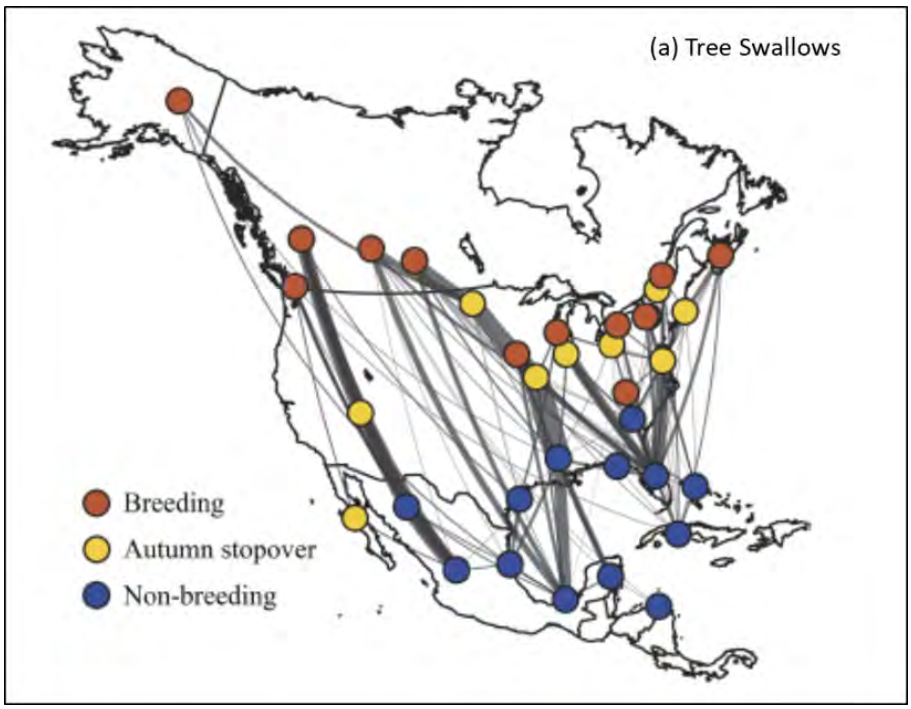
- Aerial Photographic Colony Surveys (NRDA)
- Aerial Photographic Colony Surveys (NRDA): w/20 mile buffer
- Nesting Colonies (GCJV): polygon layer
- Nesting Colonies (GCJV): w/20 mile buffer
- Nesting Colonies (GCJV): symbolized by count
- Nexrad Doppler Radar: Landbird Migration Hotspots
- Brown Pelican Telemetry
- Nonbreeding Shorebird Surveys
- Black-capped Petrel Observations
- 24 Pelagic Species (Habitat Suitability Index)
- Black-capped Petrel (Habitat Suitability Index)
- Nearshore Species (cumulative model): Winter Predictions
- Nearshore Species (cumulative model): Summer Predictions

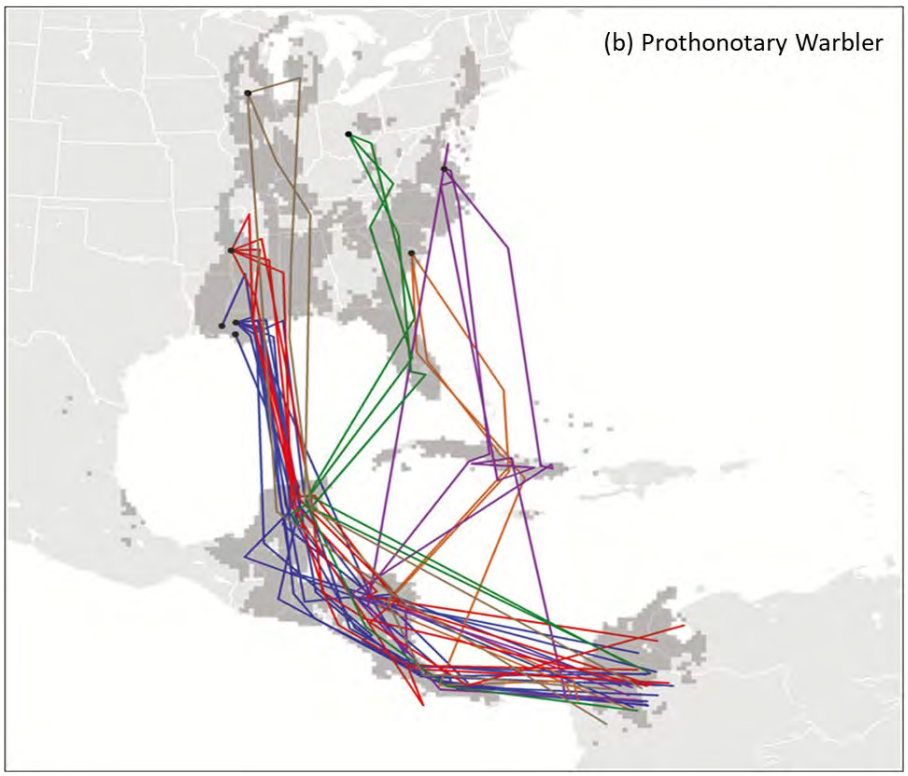
USFWS Threatened and Endangered Species Critical Habitat

- USFWS National Wildlife Refuges
- National Park Service Lands
- Distance from Shoreline
- Bathymetry

Appendix 2. Migratory pathway for two Neotropical species

Supporting Information: Migratory pathways for two Neotropical migrant landbirds depicting linkage from south Louisiana to the Yucatan region in southern Mexico during trans-Gulf migration flights and the nearshore environment in Mexico and south Texas during circum-Gulf flights: (a) Tree Swallows, Knight et al. (2018). Ecological Monographs 88(3):445-460; (b) Prothonotary Warblers, Tonra et al. (2019). The Condor Vol. 121(2):1-15.




(b) Prothonotary Warbler

From: Barbara Rice
To: Office of Mineral Resources
Subject: DOW LA GULF WIND LLC / CAJUN WIND LLC Public Hearings
Date: Wednesday, November 29, 2023 9:12:48 AM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Due to avian environmental concerns as a bird watcher, I plead that environmental oversight be used to study the effect of these projects on our migratory birds in Coastal Louisiana. Bird watching has become a HUGE attraction to our coastal areas in the spring and fall due to the numerous flocks of birds that come through our area during migration. All we ask is that environmental data and risk assessments are done PRIOR to the site selections. Also work closely with the LA Department of Wildlife and Fisheries on environmental assessments addressing the Department's concerns.

Consider the American Bird Conservancy's Wind Risk Assessment map and you can see almost the entire LOUISIANA COASTLINE is critically important for migratory birds. According to other scientific studies on wind energy projects, mass mortality is expected to occur if they are sited as currently being proposed.

Please study the environmental effects on the birds BEFORE picking sites for the wind energy sites!

Thanks for your consideration,

Barbara Rice
55101 Coyote Trl
Loranger LA 70446

Sent from Mail for Windows

From: Christine Kooi
To: Office of Mineral Resources
Subject: DOW LA Gulf Wind, LLC Cajun Wind LLC Operating Agreements
Date: Wednesday, November 29, 2023 12:39:48 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

I write to comment on the Operating Agreements pending with offshore wind farms. I support the expansion of sustainable energy in this state, but only under the careful supervision of environmental impacts.
If the State will not abandon the "Operating Agreement" approach, then insert language in the Operating Agreement to require environmental oversight (see attached OAS comment for language).

gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection,

- work closely with the Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns
- consider the Gulf of Mexico offshore wind siting recommendations developed by NOAA and BOEM modeling experts which recommends that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for population-level impacts on coastal bird species
- consider the American Bird Conservancy's Wind Risk Assessment map

Based upon scientific studies conducted for other wind energy projects, mass mortality is expected to occur (i.e., birds colliding with wind turbines) if the projects are sited where they are currently being proposed. One of the problems is birds are much more likely to collide with wind turbines that are sited near shore versus in federal waters well offshore. The main areas of concern for birds, to be taken into account in assessments of wind farm sitings, are:

- Neotropical migratory birds using the trans-Gulf route, crossing through Louisiana's coastal zone (Common Nighthawk, Swallow-tailed Kite, Prothonotary Warbler, etc.)
- Colonial nesting waterbirds using Louisiana's coastal zone and barrier islands (e.g., Sandwich Tern, Royal Tern, Brown Pelican, etc.)
- Threatened Piping Plover and Red Knot use of Louisiana's coastal zone during their non-breeding season
- seabirds frequenting Louisiana's coastal zone (e.g., Magnificent Frigatebird, Pomarine Jaeger)

The State MUST do environmental-impact assessments before birds and animals are harmed by these windfarms.

Sincerely,
Christine Kooi
Baton Rouge

From:	Faye Prendergast
To:	Office of Mineral Resources
Subject:	Possible Spam: Wind Energy in Louisiana Territorial Waters with NO environmental assessments
Date:	Wednesday, November 29, 2023 3:24:00 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

To Whom It May Concern:

Recently, the State of Louisiana announced negotiations for two new wind energy Operating Agreements with Operators, **Diamond Offshore (DOW) and Cajun Wind**, for two wind farm sites. These Operating Agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, **without any environmental risk siting assessment being done beforehand.** This is a major concern because three of the largest bird migratory flyways of North America pass through the two chosen areas.

Louisiana's backwards approach is also not good for the wind developers who risk investing significant funds in starting a project and then having it halted or permanently shut down when a mass bird mortality event or some other environmental disaster results. It will also insure there is protracted and expensive litigation, which will further slow down the developers' projects even before an environmental disaster occurs. I **urge you to reconsider the State's approach to these projects now,** so that the environmental impact on the lives of birds and other animals are assessed appropriately as part of the siting and development of near shore wind energy. Specifically:

- abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law
- if the State will not abandon the"Operating Agreement" approach, then insert language in the Operating Agreement to require environmental oversight
- gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection,
- work closely with the Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns
- consider the Gulf of Mexico offshore wind siting recommendations developed by NOAA and BOEM modeling experts which recommends that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for population-level impacts on coastal bird species
- consider the American Bird Conservancy's Wind Risk Assessment map

Based on scientific studies conducted for other wind energy projects, **mass mortality is expected to occur** if the projects are sited where they are currently being proposed. Birds are much more likely to collide with wind turbines that are sited near shore versus in federal waters well offshore. The main species concerns to be taken into account in assessments of wind farm sitings include:

- neotropical migratory birds using the trans-Gulf route, crossing throughLouisiana's coastal zone (Common Nighthawk, Swallow-tailed Kite, Prothonotary Warbler, etc.)
- colonial nesting waterbirds using Louisiana's coastal zone and barrier islands (e.g., Sandwich Tern, Royal Tern, Brown Pelican, etc.)

threatened Piping Plover and Red Knot use of Louisiana's coastal zone during their non-breeding season
- seabirds frequenting Louisiana's coastal zone (e.g., Magnificent Frigatebird, Pomarine Jaeger)

Faye Prendergast
1925 Camellia Trace Drive
Baton Rouge, LA 70808
Member of the Baton Rouge Audubon Society

From: Jacob Dahlen
To: Office of Mineral Resources
Subject: OMR 23-04
Date: Thursday, November 30, 2023 12:52:19 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Good afternoon ,

I am expressing my concern about this proposed offshore wind farm within the 3 mile line of the state waters of Louisiana, directly off the coast of Cameron Parish. The potential effects of this wind farm could not only impact the migration and/or deaths of birds, i.e. tropical birds, ducks, seagulls etc. but it could also impact the fishing/shrimping industry that Cameron Parish is widely recognized for.

In addition to those potential impacts, it could probably hurt the tourism of Cameron Parish. We know that thousands of people visit our beaches each year. I am aware that there are oil and gas installations in state waters, but I would say that the additional eyesore of windmills littering the horizon would maybe deter people from going enjoy the beach.

As a lifelong resident of Cameron Parish, I, along with many others, strongly oppose this and demand you reconsider this proposed project. Thank you.

Jacob

From:	Mary Heinz
To:	Office of Mineral Resources
Subject:	Please Comment! on Near Shore Wind Farms in Louisiana Waters
Date:	Friday, December 1, 2023 10:48:32 AM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

To Whom It May Concern:
Please allow me to express my concern that the State of Louisiana is fast-tracking the development of wind farms within 3 miles of the coastline. While I support renewable energy, it is dangerous and irreparable to develop in locations that are major migratory bird flyways. It is irresponsible to assign location and construction of the wind farms prior to studying the environmental costs/risks. I ask you to review carefully the commentary of the Orleans Audubon Society and move forward with their recommendations. Do not allow DOW LA Gulf Wind LLC and Cajun Wind LLC to build in the largest migratory bird flyways.
Thank you for your consideration,
Mimi Heintz
https://urldefense.com/v3/__https://mailchi.mp/eaf3011f8847/please-comment-on-near-shore-wind-farms-in-louisiana-waters?e=c459b3d30a__;!!CCC_mTA!7XUX3qMjIk-3xCllvCd7I-9Fbnm6WMGBF7c3qhNvbxbmADopsoeh4J_4CV-6emQUVLvDZF2PrzcbyxOzPJ4$

Sent from my iPhone

From: marilyn oleary
To: Office of Mineral Resources
Subject: Near Shore Wind Farms
Date: Monday, December 4, 2023 9:38:23 AM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Attn: Office of Mineral Resources

Further study is needed before you approve wind farms proposed through the DOW Wind LLC in Lafourche/Terrebonne parishes (LA docket No. OMR23-03) and one in Cameron Parish (LA docket No. OMR23-04). The proposals describe procedures that completely bypass Louisiana's new formal wind energy leasing laws environmental protection provisions. When permits are granted, they affect conditions over years. We know, you know, that environmental conditions are not noticed until damage is one. That's why our lawmakers passed those provisions -- they should be considered in the project before any permit is approved. One of many conditions that I see, as a citizen, is that the proposed locations will seriously disrupt the migrating birds' seasonal flyways. Why is this important? Our farmers' and our fishers' economic impacts are nurtured by hundreds of bird species year round through those flyways. Further study is needed. In addition, federal laws may be bypassed by these proposals in state waters -- but the impact can be national. Consultation and the addition of a requirement to examine and adjust for both state and federal environmental impacts should be included.

Basically, I am asking that you demand further examination of possible environmental impacts from these specific locations and adjustment, as necessary, to redesign the locations to areas that will not endanger these sensitive flyways.

Thank you from a concerned citizen who understands the need for alternative power resources but seeks more care and study to be sure that the approval is given only after broad and thorough compliance with the many environmental needs of our citizens and our nation.

Marilyn O'Leary
22182 Fen St.
Ponchatoula, LA

From: Paula Flynn
To: Office of Mineral Resources
Subject: Re: DOW LA Gulf Wind, LLC
Date: Monday, December 4, 2023 8:42:18 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

This is in reference to the DOW LA Gulf Wind, LLC, Public Hearing Operating Agreement in Lafourche/Terrebonne parishes, Louisiana Docket No. OMR 23-03.

I urge the state of Louisiana to reconsider its siting approach to wind farms in this area so that it considers the lives of birds and other animals in the development of near-shore wind energy. I agree that our nation and our state need wind energy, but only if it is implemented responsibly.

Responsible implementation would require the approval and implementation of studies with the purpose of understanding the effects of the proposed locations on avian and marine wildlife.These studies should be conducted before sites are selected by developers. Precedent to this method exists on the Atlantic seaboard (near-shore waters) and exists in the federal government's methodology in federal waters. Louisiana thus has a responsible template to access as it moves forward with this project.

As has been stated by others, the Gulf of Mexico's Louisiana near-shore waters is used heavily by many migrating species of birds, as well as year-round avian residents. Impacts to these birds and other wildlife has not been studied. The state of Louisiana therefore should not proceed with any siting decisions until developers and scientists provide a collaborative plan, similar to what has been developed for several areas along the Atlantic coast.

I urge the state to abandon the "Operating Agreement" approach with developers. If the "Operating Agreement" approach is not abandoned, I urge that language be inserted to require environmental oversight, as broadly outlined above. This would involve gathering environmental data and conducting risk/vulnearablity assessments PRIOR to site selection. To ensure successful coordination, it is essential to work closely with the Louisiana Department of Wildlife and Fisheries on the environmental assessment.

Preliminary study should consider NOAA and BOEM's models, which recommend that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for population-level impacts on coastal bird species. In addition, I urge consideration of the American Bird Conservancy's Wind Risk Assessment Map, which provides data based on ornithological science.

To state it more specifically:
Operator shall, working closely with the Louisiana Department of Wildlife and Fisheries, make
best efforts at obtaining and analyzing available data concerning known, likely or potential environmental impacts from wind energy projects on marine life including mammals and sea

turtles, coastal nesting colonial waterbirds, federally threatened Piping Plover and Red Knot, as well as impacts on existing flyways and migratory routes for birds transiting the Gulf of Mexico between North America and Central/South America in any direction. Operator shall obtain data using the best available technology concerning these impacts on resident and/or migrating species, which data shall be shared contemporaneously with State agencies for such time periods designated by State agencies. At the conclusion of the time period and before any construction shall have occurred, Operator shall generate printed studies to be made available online to include the following:

- Regional/local context relating to Gulf of Mexico and Louisiana;
- Potential impacts of offshore wind development to marine megafauna (collision, displacement, underwater noise disturbance);
- Birds at risk – species and vulnerability;
- Marine mammals – species and vulnerability;
- Other animals, such as sea turtles and bats (Solick and Newman 2021) to consider;
- International examples of comparable developments;
- International good practice across industry relating to development;
- Baseline surveys to characterise the pre-construction site;
- Decision making and predicted impacts – modelling data (theoretical);
- Construction issues including landfall relating to environmental impact;
- Mitigation (design and in-built);
- Compensation for adverse environmental impacts.

All in all, costly litigation and delays would be avoided if the state takes a more mainstream approach to helping meet our nation's wind-energy needs. Most importantly, it would avoid additional disruption to already precarious life histories of the many animals who use the area in question.

Sincerely,

Paula S. Flynn
Member, Orleans Audubon Society

From:	Brooks OConnor
To:	Office of Mineral Resources
Subject:	Re: DOW LA Gulf Wind, LLC – Public Hearing Operating Agreement in Lafourche/ Terrebonne Parishes, Louisiana Docket No. OMR 23-03
Date:	Tuesday, December 5, 2023 10:28:25 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

I would like to request that the State of Louisiana make sure the project, DOW LA Gulf Wind, LLC, has FULLY addressed these Avian concerns before proceeding:

• Is this project complying with NOAA and BOEM Gulf of Mexico offshore wind siting recommendations developed by modeling experts which recommends that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for population-level impacts on coastal bird species? If not, why not?

Based upon scientific studies conducted for other wind energy projects, mass mortality is expected to occur (i.e., birds colliding with wind turbines) if the projects are sited where they are currently being proposed.

According to the American Bird Conservancy's Wind Risk Assessment map, almost the entire coastline of Louisiana is "Critically Important" to birds.
Including:

• Neotropical migratory birds using the trans-Gulf route, crossing through
Louisiana's coastal zone (Common Nighthawk, Swallow-tailed Kite, Prothonotary Warbler, etc.)

• Colonial nesting waterbirds using Louisiana's coastal zone and barrier
islands (e.g., Sandwich Tern, Royal Tern, Brown Pelican, etc.)

• Threatened Piping Plover and Red Knot use of Louisiana's coastal zone during their non-breeding season

• seabirds frequenting Louisiana's coastal zone (e.g., Magnificent Frigatebird, Pomarine Jaeger)

I would like to request that the state of Louisiana abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law and take time to gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection.

Our nation and our State may need wind energy, but only if implemented responsibly.

We in this state are well aware of the enormous, ongoing and still to be determined costs of mitigating energy policies of the past which did not adequately factor the impacts the oil industry would have on our landscape.

Please use every means available to assess and fully study this wind project before proceeding.

Brooks O'Connor
Resident, State of Louisiana

From:	Elise Read
To:	Office of Mineral Resources
Subject:	1. DOW LA Gulf Wind LLC, No. OMR 23-03 2. Cajun Wind, No. OMR 23-04 3. Comment on state process re wind farms
Date:	Thursday, December 7, 2023 9:54:17 AM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind, No. OMR 23-04 Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

I write in opposition to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind as well as the overall scheme for the start of wind energy projects in Louisiana. I urge the Edwards and Landry administrations to slow down and do proper risk assessment as to avian and other wildlife, before forging ahead with projects so very close to the coast.

The basis for my opposition is concern over avian environmental devastation, including:

- The projects are proposed for near shore waters and birds are much more likely to collide with turbines that are near shore versus those in federal waters well offshore. Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species.

- The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. The magnitude of these impacts cannot be overstated. The migratory flyways along Louisiana's coast are some of the largest and busiest in North America.

- No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for Off Shore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's if not all of the north coast of the GOM.

Certainly wind energy will be part of the future, but this state would do well to do a full analysis of the avian environmental impacts of implementing such a profound policy change along a coastline that is vital to avian and other species.

I appreciate the opportunity to comment.

Elise Read
24 Camellia Drive
Covington LA 70433

Byron Miller

From: McKeithen, Marjorie <mmckeithen@joneswalker.com>
Sent: Thursday, December 7, 2023 6:03 PM
To: Thomas Harris; Jamie Manuel; Byron Miller; Greg Roberts
Cc: Blake Canfield
Subject: Letters of Support
Attachments: Letter Of Support-Wind.pdf; 20231207143945.pdf; LA Offshore Wind.pdf; Ltr to Mineral Bd 10.10.23 LRH PDF.pdf; LAMin_EnergyBrd10.6.23.pdf

Importance: High

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Good evening, everybody.

On behalf of Cajun Wind, I am pleased to attach letters of support from the following, which include two letters we had previously submitted (reattached here for convenience) . We ask that these letters please be included in the packets for the Mineral and Energy Board Members for next week's meeting.

1. Cameron Parish Port, Harbor & Terminal District
2. Southwest Louisiana Regional Economic Development Alliance (includes Cameron Parish)
3 .Lake Charles Harbor & Terminal District
4. Louisiana Association of Business and Industry
5. Edison Choest Offshore

We anticipate more to come, but wanted to make sure that at least these are submitted in time for the Board packets. Thank you for all of your hard work and have a good night,

Marjorie

Marjorie A. McKeithen | Partner
Jones Walker LLP
D: 504.582.8420 | M: 225.247.6836
mmckeithen@joneswalker.com

HOWARD ROMERO
PRESIDENT
JAMES K. BROWN
VICE PRESIDENT
SHEILA MILLER
SECRETARY
DWIGHT SAVOIE
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CAMERON PARISH
Port, Harbor & Terminal District

BRENT MORALES
ALFRED DEVALL II
NATHAN GRIFFITH
THOMAS COX
VINCE THERIOT
TREMAYNE PICOU
KEVIN VINCENT

180 HENRY STREET, P O BOX 1271, CAMERON, LA 70631
337-775-5206-PHONE, 337-775-5222-FAX
WWW.CAMERONPARISHPORT.COM

December 7, 2023

Louisiana Department of Natural Resources
Attention: Secretary Tom Harris
P.O. Box 94396
Baton Rouge, LA 70821

RE: Wind Project Development in Louisiana State Waters

Dear Secretary Harris:

On behalf of the Cameron Parish Port, Harbor & Terminal District in Cameron, Louisiana, who recognizes the impactful role our Parish plays in producing sustainable clean energy for the nation and rest of the world, I am writing to express our support for the development of the offshore wind energy in the state waters of Louisiana. These projects are not just good for the environment, but they are good for the economy of Louisiana. Cameron Parish is recognized today as world-leader LNG provider, but we are also focused on helping Louisiana become positioned as the most diverse and sustainable worldwide energy producers.

We recognize what offshore wind projects could mean for the economy of Cameron Parish and SWLA and the quality of life for our residents. Coupled together with taking a direct hit from four Category 4 hurricanes over the last fifteen years and the crash of the oil industry, the businesses in lower Cameron Parish have been decimated. The wind development projects have the potential to revive our once thriving energy town and provide jobs for our residents and much of the SWLA workforce that already possess the skill sets needed to work in this industry. These projects have the potential to bring back many of the small businesses that once flourished in the now empty buildings that sit idle along our community sidewalks, and fill our docks that sit vacant and abandoned from these devastating events over which our parish had no control.

We recognize and appreciate the collaborative process and the need for all stakeholders to be heard, but we feel it is equally important to weigh and balance the environmental and economic potential these projects would have on the parish and state's economy. We ask that you consider moving forward with a supportive environment for the wind industry, as we move forward in Louisiana's green-energy growth.

We stand supportive in ensuring that Louisiana remains a global leader in the energy industry and at the forefront of responsible energy development, and are always ready and willing to assist in growing the Louisiana economy. We look forward to our contribution to this exciting endeavor in Cameron Parish. Thank you for your public service and your attention to this important matter.

Respectfully,

Kim Montie

Kim Montie
Executive Director, Cameron Parish Port, Harbor and Terminal District

SWLA ECONOMIC DEVELOPMENT
ALLIANCE

December 7, 2023

State Mineral And Energy Board
P.O. Box 2827
Baton Rouge , LA 70821-2827
Attention: Chairman Paul Segura
Secretary Tom Harris

Dear Members of the State Mineral and Energy Board,

We are writing with our strong support for the development of offshore wind energy in the state waters of Louisiana.

The SWLA Economic Development Alliance consists of The Chamber SWLA with 1200 members and the Alliance Foundation which serves as the economic development organization for the five parishes of Allen, Beauregard, Calcasieu, Cameron, and Jeff Davis. We are charged with bringing new industry to our area and improving the quality of life for our residents.

Studies have demonstrated that the coast of the Gulf of Mexico off the Cameron Parish Coast is a prime area for the development of the wind industry. We believe wind and other innovative energy producing methods with put our region and Louisiana at the forefront of the development of green-energy industries. These projects will create the jobs for the workforce of the future and will provide us with the energy needed for our area to prosper.

We request that the process be allowed to move forward to develop the wind industry in our region and state. Thank you for your consideration.

Sincerely,

George Swift
President/CEO

Lake Charles
Harbor
& Terminal
District

Post Office Box 3753
Lake Charles, LA 70602
Phone 337-439-3661
Facsimile 337-493-3523

December 7, 2023

State Mineral and Energy Board
P. O. Box 2827
Baton Rouge, LA 70821-2827

Attention: Chairman Paul Segura
Secretary Tom Harris

Re: Off-shore Wind Energy

Dear Members of the State Mineral and Energy Board:

On behalf of the Lake Charles Harbor & Terminal District, I am writing to express our support for the development of offshore wind energy off the coast of Louisiana.

These projects will be significant economic drivers for Southwest Louisiana by attracting a new industry, creating high paying jobs along with growing the overall economy of Louisiana. As you well know, Louisiana is already a leader in the energy industry and the development of wind and other innovative projects will further complement that role.

I strongly encourage you to move forward to develop the wind industry in this region. Thank you for your attention to this matter.

Sincerely,

Richert Self
Executive Director
Port of Lake Charles

RLS/mb

LABI

October 10, 2023

Via Hand Delivery and Email (suzanne.hyatt@la.gov)
State Mineral and Energy Board
P.O. Box 2827
Baton Rouge, LA 70821

Re: October 11, 2023 State Mineral and Energy Board Meeting Discussion Concerning Wind Farm Projects

Members of the State Mineral and Energy Board:

I write on behalf of our many members of the Louisiana Association of Business and Industry, who recognize the impact these projects and those like them will have on our state, and to respectfully request that this process be allowed to move forward to begin the required site-specific studies, which will take years to conduct, and ultimately determine whether the projects should and can move forward.

While our members recognize and appreciate the collaborative nature of this process and the need for all stakeholders to voice their concerns, it is equally important to weigh and balance the economic and environmental potential these projects, and others like them, could and would have on the state's economy.

These projects are not just good for the environment – they are good for business in Louisiana. For example, a single offshore wind farm built in the Gulf of Mexico could create about 4,500 jobs and provide a $445 million boost to the state's economy, according to the U.S. Department of Energy.[1] These are 4,500 high wage earning, on-site labor jobs, including field technicians, administrative and management positions.

At a time of high inflation and hints of economic recession, we encourage the Board to work with the business community to ensure every opportunity to put our citizens to work in good, high-paying jobs is maintained in this state.

These projects are currently in the infant stage of development. Of course, with the real estate rights come the incredible and important responsibilities to do the necessary site-specific studies on the ecological and environmental impacts of these projects before ever even reaching the permitting phase. Our members recognize the importance of this step and simply are asking for the opportunity to move forward in this process so that the companies may conduct this next vital step.

We are concerned that stalling this process before a business is ever allowed to conduct the required testing and due diligence, and before the studies are even allowed to be reviewed by

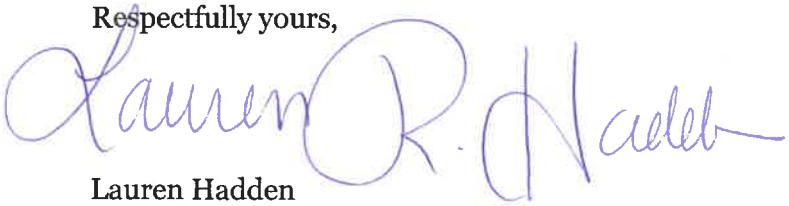
[1] Two NREL Studies Find Gulf of Mexico Well Positioned for Offshore Wind Development | News | NREL

regulators, could have a chilling effect on planned investments, and more importantly, sends the wrong message to the business community.

As we move forward in Louisiana's energy transition, our members recognize there is a great potential to grow Louisiana's economy, attract new industries, retain jobs, and retain the current industrial base in the state – all of which place Louisiana as a global leader in green energy solutions.

We stand ready and willing to assist in hopes that Louisiana can remain at the forefront of responsible energy development. Thank you for your public service and for your attention to this important matter.

Respectfully yours,



Lauren Hadden
General Counsel for the Louisiana Association of Business and Industry

EDISON CHOUEST OFFSHORE

6 October, 2023

Louisiana State Mineral and Energy Board
P. O. Box 2827
Baton Rouge, LA 70821-2827

Attn: Suzanne Hyatt

RE: Sunrise Wind Project

Dear State Mineral Board,

I am writing to express my strong support for the development of offshore wind energy in the state waters of Louisiana. As someone deeply committed to our region's economic growth and the well-being of our workforce, I believe that investing in offshore wind is a strategic move that can benefit our state now and in the future. Edison Chouest Offshore ("ECO") is headquartered in Louisiana and has been in the business of engineering, constructing, owning and operating offshore marine vessels since 1960. We are recognized today as the most diverse and dynamic marine transportation solution provider in the world.

ECO operates a growing fleet of almost 300 vessels, up to 525 feet in length, that serves a global customer base. ECO is the largest provider

16201 East Main Street • Cut Off, Louisiana 70345 • USA
Phone: (985) 601-4444

of offshore marine vessels to the U.S. offshore marine industry, operates port terminal facilities, and terminal and logistics support services to most major offshore energy producers.

Staying on the forefront of new technologies is an integral part of the ECO vision, as evidenced by recent patents and advances in the areas of emission-reduction technologies, integrated bridge systems, remote monitoring of vessel systems and global communications. The success of ECO has been built upon constructing and operating the highest quality and most technologically advanced vessels in the world, and maintain an aggressive focus on reduction of greenhouse gas emissions. ECO's diverse fleet of vessels serves oil & gas, U.S. miliary, the river cuise industry, has converted vessels for wind farm projects and is currently constructing the first two (2) U.S. Jones Act-compliant windfarm Service Operations Vessels (SOV).

Renewable Energy is not new in the United States but offshore wind is only now at the threshold of becoming a national industry in the United States with a pipeline of over 35,000 megawatts of power across thirteen (13) states in various stages of development. In order to fully and responsibly develop each wind farm project the supply chain of required vessels, components, materials, shore facilities and human capital is enormous. The United States is uniquely positioned to build the future of the green-energy industry while creating lucrative job opportunities that will be sought after by those looking to build their American dream, create families, and purchase homes. This is a rare opportunity and ECO is proud to be a part of this revolution.

I firmly believe that supporting offshore wind development now is essential because it means jobs for our residents and a boost to our local economy. With our workforce's expertise and our state's rich maritime history, Louisiana is well-positioned to become a leader in the offshore wind industry. By embracing this growing sector, we can ensure that our workforce remains engaged and that our communities thrive.

Furthermore, I want to highlight that our state already possesses most of the necessary supply chain infrastructure and qualified labor to support the addition of renewable energy projects. Our port facilities and service companies have a track record of excellence and are ready to play a vital role in supporting the energy transition. Their expertise and capabilities can be seamlessly integrated into the offshore wind industry to facilitate its rapid growth and success.

Delaying the negotiation of operating leases for offshore wind projects will result in multi-year delays. Time is of the essence in addressing our energy needs and contributing to environmental sustainability. The current path to development allows the public and government agencies to voice concerns and study the impacts of the project thoroughly. This collaborative approach ensures that we can address any issues and make well-informed decisions as we move forward.

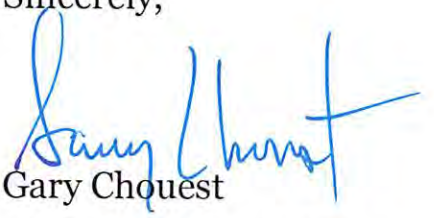
In conclusion, I urge you to consider the significant benefits that offshore wind development can bring to Louisiana. By fostering a supportive environment for this industry, we can create jobs, bolster our

P. O. Box 310 • Galliano, LA 70354-0310 U.S.A.
Phone: 985 601-4444 • Fax: 985 632-2282

economy, and be leaders in the growing renewable economy. I am fully committed to supporting these efforts and am eager to explore how Chouest can further contribute to this exciting endeavor.

Thank you for your attention to this matter, and I look forward to the opportunity to discuss this further.

Sincerely,



Gary Chouest
Chief Executive Officer

P. O. Box 310 • Galliano, LA 70354-0310 U.S.A.
Phone: 985 601-4444 • Fax: 985 632-2282

From: Jane Patterson
To: Office of Mineral Resources
Subject: Re: Docket Nos. OMR 23-03 and OMR 23-04
Date: Friday, December 8, 2023 1:00:41 PM
Attachments: letter to DNR re wind farm BRAS.docx

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Please see attached

--Jane Patterson
President, Baton Rouge Audubon Society
PO Box 67016
Baton Rouge, LA 70896

Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Jane Patterson
President, Baton Rouge Audubon Society
PO Box 67016
Baton Rouge LA 70896

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

Baton Rouge Audubon Society is a 501c3 non-profit organization serving the greater Baton Rouge area and represents over 1200 direct and de facto National Audubon members who care deeply about environmental sustainability to ensure a prosperous future for birds and people. We appreciate the opportunity to comment on these two operating agreements between LDNR and wind energy development companies, the first of their kind in Louisiana. Although we strongly believe that shifting our economy and energy sector toward renewal energy opportunities is critical to benefit all birds and people everywhere, we are deeply concerned with the process established by DNR to allow the industry to lead project siting recommendations for offshore wind energy development. As such, we write in **opposition** to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana due to avian environmental concerns.

Our understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted. Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for

their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for Offshore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not all of the north coast of the GOM.

We urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;
- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
- Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

We appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

From: Lawrence Datnoff
To: Office of Mineral Resources
Subject: Near Shore Wind Farms in Louisiana Waters
Date: Friday, December 8, 2023 1:23:12 PM
Attachments: letter to DNR re wind farm.pdf

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Hi,

Please see the attached letter regarding the following Dockets:

Docket No. OMR 23-03
Docket No. OMR 23-04.

I kindly ask that you respond to receiving this email and letter.

Thank you.

Most sincerely,

Lawrence Datnoff

Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Lawrence E. Datnoff

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

I write in opposition to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms near shore state waters of the coast of Louisiana due to avian environmental concerns.

My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively impacted by the construction of these near shore wind farms. Other birds whose populations are already tenuous, such as the federally threatened Piping Plover and Red Knot, could be dramatically impacted. Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for OffShore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not all of the north coast of the GOM.

I strongly urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;

- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
- Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I truly appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

From: veni harlan
To: Office of Mineral Resources
Subject: Wind Farms
Date: Friday, December 8, 2023 1:32:09 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Please consider the Gulf of Mexico offshore wind siting recommendations developed by NOAA and BOEM modeling experts which recommends that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for population-level impacts on coastal bird species!!!!

Veni Harlan

Veni Harlan

225-978-3624
1802 Myrtledale Avenue
Baton Rouge, LA 70808

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www.facebook.com/FarFieldPublishing
www.instagram.com/far.field.publishing

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F 703.243.1813
www.ventureglobalIng.com

December 5, 2023

Mr. Byron Miller
Geology & Lands Administrator
Office of Mineral Resources
Louisiana Department of Natural Resources
P. O. Box 2827
Baton Rouge, LA 70821-2827

Via Certified Mail:

RE: Objection to Wind Proposals (Cameron Parish, Louisiana)

Dear Mr. Miller:

As you are aware, Venture Global CCS Cameron, LLC ("Venture Global") entered into a September 14, 2022 Operating Agreement with the State of Louisiana for a "Carbon-Dioxide Storage Agreement" (the "CCS OA").[1] The CCS OA grants Venture Global exclusive rights to inject and store carbon dioxide with respect to pore space covering approximately 18,022.95 acres in State waters located in Cameron Parish, Louisiana, as more fully described and depicted in the CCS OA (collectively the "Pore Space Rights").[2]

Venture Global has been made aware of proposed or pending applications for State of Louisiana operating agreements with respect to development of wind energy for production of electricity on portions of state-owned water bottoms in several parishes, including Cameron Parish, Louisiana (collectively the "Wind Proposals"). The Wind Proposals also appear (at least in part) to be the subject of a "Special Notice" issued by the Louisiana Office of Mineral Resources.[3] It has come to Venture Global's attention that the Wind Proposals will be a topic of discussion at the Office of

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[1] https://www.dnr.louisiana.gov/assets/OMR/media/forms_pubs/CS004.pdf.

[2] As you are aware, in connection with the CCS OA, Venture Global has made sizeable payments to the State of Louisiana, including the initial lump sum payment and Annual Acreage Rental due September 14, 2023.

[3] https://www.dnr.louisiana.gov/assets/OMR/media/forms_pubs/Notice_Regarding_Wind_Energy_FINAL_7-28-23.pdf.

Mineral Resources' December 13, 2023, Board Meeting and Lease Sale at the LaSalle Office Building, in Baton Rouge, Louisiana (the "December OMR Meeting").

Based on the foregoing and in connection with the December OMR Meeting, ***this letter is to formally register Venture Global's strong objection to the Wind Proposals to the extent that they overlap or potentially interfere with Venture Global's exclusive and valuable Pore Space Rights in Cameron Parish, Louisiana***. With respect to the acreage covered by the CCS OA, the Wind Proposals run counter to and materially impact the exclusive rights and "Permitted Purposes" granted to Venture Global under Section 5.4 of the CCS OA to wit:

> Operator is hereby granted. . . the right to use the Property for all purposes and rights granted in this Agreement, including, without limitation, ***the sole and exclusive right to use and occupy the Property for the purposes and rights set forth in this Agreement, and the full control of all operations in connection with the construction, preparation, installation, maintenance, operation, expansion, enlargement, modification, replacement, repair, and disposition of the Facilities, Injecting any Carbon Dioxide Stream into the Storage Reservoirs***, the installation, maintenance, repair, replacement and removal of Improvements and Equipment, the Injection, Storage, transportation, shipment, handling, transmission, Withdrawal, or other disposition of Carbon Dioxide Stream(s) Stored, or to be Stored from time to time, in each Facility, and monitoring each Facility and/or Storage Reservoirs (collectively, without limitation, the "**Permitted Purposes**").

Relatedly, the CCS OA is a long-term agreement – with an "Initial Discretionary Term" of up to 5 years and a "Permit/Construction Term" of up to 8 years – and therefore grants Venture Global up to 13 years (or September 14, 2035) to commence Injection under its exclusive Pore Space Rights. In this regard, Venture Global submitted an application for an Underground Injection Control ("UIC") Class VI Carbon Sequestration permit to the U.S. Environmental Protection Agency on July 26, 2023 to authorize construction of an injection well and monitoring well within the Property subject to its CCS OA. Preparation of a UIC Class VI application involved over a year of work by Venture Global and its consultants, at considerable expense. Among other things, the application required Venture Global to gather and present significant information concerning other activities within the area of review for the UIC well – both surface and subsurface. Any new development within the area of review could require revision to that application, with the significant potential for delaying the EPA review process. Further, Venture Global is conducting engineering and technical review for ancillary support facilities such as access routes and a pipeline. Therefore, in addition to the Wind Proposals potentially contractually or legally conflicting with Venture Global's exclusive Pore Space Rights, it is foreseeable that a large-scale wind development project in the area covered by the CCS OA may materially interfere with Venture Global's current and anticipated use of its Pore Space Rights, and may also complicate or impede ongoing environmental assessment, testing, and the rigorous Underground Injection Control Class VI Well permitting process.

Venture Global does not generally object to the state's efforts to develop wind projects; however, we request that any consideration of any Wind Proposal within the offshore state waters in Cameron Parish be held in abeyance until the Louisiana Department of Natural Resources develops procedures and policies pursuant to public notice and comment to ensure the protection of the rights of companies such as Venture Global that have already entered into CCS OAs.

We trust that this letter is sufficient to memorialize Venture Global's objection to the Wind Proposals to the extent they are sought to be located in Cameron Parish, Louisiana. However, if additional information or steps are required or the State Office of Mineral Resources would like additional discussion or clarification, please do not hesitate to contact us.

Very truly yours,

Fory Musser

Fory Musser
Senior Vice President, Development

ENGINEERING LLC

Coastal Design & Infrastructure
450 Laurel Street | Suite 1500
Baton Rouge, LA 70801
P: (225) 408-0700 | F: (225) 408-0712
www.gisyeng.com

December 8, 2023

Louisiana Department of Natural Resources
Office of Mineral Resources
P.O. Box 2827
Baton Rouge, LA 70821-2827

Re: Public Comment for Docket No. OMR 23-03 DOW LA Gulf Wind, LLC

To Whom it May Concern:

GIS is pleased to offer this letter of support for DOW LA Gulf Wind's proposed Offshore Wind Project in Louisiana state waters. GIS strongly supports OMR's approval of offshore wind energy activities in the Gulf of Mexico. For decades, the businesses and industries of this region have served as critical participants in energy production offshore, while also recognizing and advocating for the need of an "all of the above" energy strategy in the United States

We are confident that business and industries located in the Bayou Region can and will serve in the manufacturing, production, and servicing of renewable energy activities in the Gulf of Mexico. The potential for meaningful partnerships between our Federal and State governments, as it relates to renewable energy is something that can't be ignored due to us having the right mix of businesses in our region already. This region is home to strategic national economic assets which allow for all forms of energy to be produced off of Louisiana's coast. The approval of DOW LA Gulf Wind's Offshore Wind project would ensure this vital area of our state remains an "energy hub" for the Gulf Coast and the United States. This opportunity will allow for local businesses and industries to build on and expand their traditional industrial and manufacturing strengths while providing lower-carbon products and processes that can better meet changing demands of the market.

Furthermore, this initiative is consistent with the State of Louisiana's Climate Action Plan which aims to substantially reduce Louisiana's carbon footprint, and minimize net greenhouse gas emissions, while also maximizing employment and economic opportunites for Louisiana workers resulting in economic growth for our State.

Again, we strongly support DOW's Project and appreciate the opportunity to submit this comment.

Thank you,

Chip Kline
Vice President- Government Policy & Programs
GIS Engineering, LLC

Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Christopher A. Clark, 948 Castle Kirk Drive, Baton Rouge, LA 70808

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

I write in opposition to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana due to avian environmental concerns.

My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted. Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for OffShore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not all of the north coast of the GOM.

I urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;

- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
- Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Concerns about conserving bird populations are stated above, but I am equally anxious to see alternative energy production succeed. I fear that too readily give commercial concerns exemptions from state laws will eventually engender a backlash that will seriously erode public support for wind energy efforts. It's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Janet Michelet
819 Voisin St.
New Orleans, LA 70124

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

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Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

TO: Department of Natural Resources, Office of Mineral Resources
FROM: Southeastern Wind Coalition
DATE: December 8, 2023
RE: Comments on Diamond Offshore Wind Operating Agreement and Cajun Wind, LLC Operating Agreement

The Southeastern Wind Coalition (SEWC) appreciates the opportunity to submit comments on the Draft Operating Agreements (DOA) between the State of Louisiana, Diamond Offshore Wind, and Cajun Wind, LLC. SEWC's members include industry (e.g. manufacturers, utilities, suppliers, developers, consultants, service providers, trade associations), appropriate government bodies (economic developers, commerce departments, energy offices), academic and research institutions, and other non-profit groups that share our objectives. SEWC and its membership collectively bring decades of experience developing offshore wind in the United States and globally. Given the substantial similarity between the DOAs of Cajun Wind, LLC and Diamond Offshore Wind, we are submitting combined comments.

General comments

The property rights granted to the Operator in the DOA should be more precisely worded. The DOA currently grants only the "exclusive right and privilege of converting wind moving across the Property into electrical energy, and collecting, transmitting, and selling the electrical energy so converted." The DOA should also grant the exclusive right to construct and operate structures on and beneath the seafloor necessary to achieve these objectives. The incorporation of seafloor usage rights would be consistent with rights granted by the Bureau of Ocean Energy Management ("BOEM") in federal waters.[1] This right to use submerged lands would provide additional certainty to Operators, and would help address potential conflicts between usage for wind development and other purposes.

Given the nascency of the offshore wind industry in Louisiana and the ongoing state planning process, we also recommend that the DOA include a provision allowing for modification of the final Agreement by mutual consent. This would allow for future flexibility in the event that unforeseen challenges arise.

Term of the Agreement

We recommend that the timing of Article 4 of the DOA be modified to better align with the commercial development process for an offshore wind farm.

[1] *See* 43 U.S.C. 1337(p)(1), authorizing the federal government to "grant a lease, easement, or right-of-way on the outer Continental Shelf for activities" that "produce or support production, transportation, storage, or transmission of energy from sources other than oil and gas." *See also* 43 U.S.C. 1331(a), defining "outer Continental Shelf" as "all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 1301 of this title, and of which the subsoil and seabed appertain to the United States[.]"

First, the six-year Development Term of the DOA is likely to be insufficient and should, at minimum, account for processes outside of the Operator's control and/or build in a more predictable process for obtaining extensions. Once the Operator enters into the final agreement, it must conduct several years of extensive studies – including seabed surveys and wind speed measurements – before it can even apply for its various state and federal construction permits. The Development Term must also allow for a several year period for governmental review of its permit applications. (This review is almost certainly going to take longer than the minimum of six months prescribed in Article 7.3 of the DOA.) The Operator may not have control over the duration of the review, so the Development Term should be paused during this time period (or, alternatively, paired with a strict regulatory limit for state and federal agencies to reach a decision on Operator's application).

Even assuming the Operator obtains its approvals in a timely manner, it must also ensure that it has procured components and vessels prior to starting construction. Given global supply chain constraints, the nascency of the U.S. industry, and the need for permits before investments can be made, the amount of time needed for pre-construction preparation is unknown at this time. While we appreciate the State's strong interest in having a defined duration before construction commences, the level of uncertainty at this early stage requires increased flexibility on the part of the State. We therefore recommend that in addition to pausing the Development Term during permit reviews, the DOA also states that the State "will" grant extensions upon a showing of good cause. Such increased flexibility will also reduce the incentive the Operator may have to rush to start construction (as defined in the DOA) before they are prepared.

Increased flexibility for the Development Term will obviate the need for a defined Construction Term. Offshore wind developers are already incentivized to construct their projects in an efficient manner, particularly given the steep cost of chartering construction vessels and other equipment. The Operator will also likely be bound by a contractual delivery date for the electrons created by the project. Putting an additional– and potentially conflicting– clock on that process is commercially redundant and creates unnecessary project risk.A

Article 4.4 delineates that the Operator will be liable beyond the terms of the Agreement itself, including decommissioning. If those rights are transferred in accordance with Article 18.3, would the initial Operator still be liable through the decommissioning period?

Payments

First, we strongly oppose the royalty rate increasing with inflation as set forth in Article 5.5. Inflation would have the effect of increasing construction and operations costs for Operator's project, so increasing the royalty rate would add insult to injury.

Second, we disagree with the wording of Article 5.9, which purports to impose an additional cost on Operators for the installation of electric transmission cables on the Property, and which excludes a right of way outside the Property boundary. Transmission is integral to the design and operation of an offshore wind farm, and cannot and should not be separated from rights to

install wind turbine generators and other essential appurtenances. Operator's fee for usage of the Property should include the right to install any inter-array cables necessary to connect the wind turbine generators and substation(s) on the Property.

Perhaps more importantly, the DOA should provide certainty that the Operator will be able to obtain a right of way on which to construct an export cable that will connect the project from the Property to the electrical grid or another offtake opportunity (such as a hydrogen hub). Without a path to market, an offshore wind project has no commercial value and cannot obtain the financing needed for construction. While we appreciate that the exact export cable route may not be known until the Operator is able to conduct further survey work and find a customer for its electricity, it is not too early to guarantee that the Operator will have the physical ability to take its electricity to market once the optimal route is determined. The State can use Article 6 and Addendum D of the standard BOEM lease as a model.[2]

Accordingly, the fees for right of ways should be calculated based only on export cables from the Property boundary. The language stating that the Agreement does not provide for or address rights of ways outside the Property boundary also appears to be in conflict with Article 7.8, which details the requirements for a Point of Delivery "on or **near** the Property boundary." (emphasis added)

State and Operator Rights

We have several concerns regarding the provisions setting forth the State's and Operator's respective rights under the DOA. First, while we appreciate the State's interest in making full use of the Property, we are concerned that the State's retained rights in Article 6.1 , including the extraction of minerals and the storage of carbon dioxide, have the potential to interfere with the rights granted to the Operator. The State should include a clause ensuring that any retained rights will not affect Operator's use and enjoyment of the Property for the purposes set forth in this Agreement. The Operator could have trouble obtaining financing and insuring its project if its development rights could be subordinate to conflicting energy development rights in the same geographic area.

Second, the DOA should add flexibility regarding the right to public access to the Property. Article 6.3 describes this right in absolute terms that could be construed as overriding the Operator's right to safely and effectively construct an offshore wind farm on the Property, thereby opening the Operator to legal liability for lawfully conducting activities under the DOA. We recommend the following changes that would ensure that public access rights do not prejudice development rights:

> "6.3 (a) Pursuant to La. R.S. 30:127(G), Operator shall **not restrict** ~~maintain and preserve~~ the public's access to public waterways throughout the Property covered by

[2] See, e.g., BOEM lease number OCS-A 0546 at pp. 3, D-1, available at https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/Commercial%20Lease%20OCS-A%200546.pdf

this Agreement, e**xcept that this provision should not be deemed to proscribe Operator's right to construct such facilities as are necessary to achieve the purposes of this Agreement;** (b) Subject to the the provisions of La. R.S. 30:127(G), Operator is permitted to **limit access to ~~protect~~** portions of the Windpower Facilities as may be necessary for ~~safety~~ purposes of **safety, protection of property, and grid security**; and (c) Operator shall grant the State, or any other person or entity authorized and acting on behalf of the State, access at all reasonable times via any road or waterway to inspect the Property to ensure compliance with all requirements of this Agreement or to exercise any right reserved explicitly or impliedly in this Agreement. Further, the State shall have the right to use any and all portions of the Property for any purpose or to issue rights-of-ways and servitudes upon the Property, provided doing so does not unreasonably interfere with the rights of Operator or the operations of the Windpower Facilities."

Operations

We have several concerns regarding the Articles of the DOA related to the approval of operations on the Property.

First, the requirement in Article 7.1 that the Operator be responsible for all "damage" to the Property is overbroad and could result in liability for reasonable and/or authorized activities. Offshore wind, like all major infrastructure development, is likely to have some environmental effects no matter how many mitigation measures are imposed. Those reasonably anticipated effects should be explicitly excluded from the definition of "damage" or "loss" in the DOA. A carefully proscribed definition of these terms would also provide clarity to insurers on potential liability in determining the required policies under Article 10.1.

Second, the DOA does not have a mechanism for approval of the Construction and Operations plan. Article 7.3 describes what must be included in the Construction and Operations Plan, but contains no standard of review or process that would guide the Operator and the State in determining adequacy or compliance. The State should include language to determine adequacy of the Construction and Operations Plan, and a procedure for if it is found to be inadequate.

More broadly, the State should expeditiously promulgate regulations governing the contents of the Construction and Operations Plan, as a private contract isn't appropriate for processes that are broadly applicable and involve public trust resources. In addition to the information already required, the State should require submission of relevant permits currently obtained as well as future permits that will be required by the Army Corps of Engineers or Other Regulatory Entities.

For Article 7.6, we recommend that the final agreement avoid specifying types of standards as industry standards are constantly evolving. We are also unaware of any applicable industry consensus standards for noise/acoustic measurement and siting.

Article 7.8 states that the Operator shall physically deliver power at the Point of Delivery, but there is no information in the DOA regarding how that Point of Delivery would be determined. Certain readings could suggest that the State is going to pay the interconnection costs if it's at the officially designated Point of Delivery. The State should add more clarity to this Article, particularly where it appears to conflict with Article 5.9. We also recommend ensuring that all language regarding transmission is consistent with both the state and MISO.

Insurance & Indemnification

The DOA contains insurance and indemnification provisions that could create unnecessary risk for the Operator.

Article 10.1 requires the Operator include the State as an additional insured. Article 12.1 requires the Operator to indemnify the State and its agents against any and all legal claims. Taken together, these provisions could result in Operator indemnifying the State for any litigation arising from the State's approval of an offshore wind project relating to the DOA. This creates significant financial risk for the Operator, could make it difficult to obtain an insurance policy, and could expose the Operator to legal costs and liability for actions beyond its control. We recommend limiting the indemnification provision to events within the Operator's control where the Operator is alleged to have engaged in negligence or willful misconduct.

Article 12 provides indemnification provisions. The State should consider limiting this provision to operations activities.[3]

Article 15.5 details decommissioning requirements, including the complete removal of all foundations. The State should additionally consider reserving the option of toppling structures in place to form artificial reefs. We suggest including this component as a point of research for the State's Offshore Wind Master Plan.

Conclusion

The Southeastern Wind Coalition appreciates the opportunity to submit these comments.

Signed,

Jenny Netherton
Senior Program Manager
Southeastern Wind Coalition
jennyn@sewind.org

[3]See ›https://www.boem.gov/sites/default/files/renewable-energy-program/State-Activities/MA/Lease-OCS-A-0521.pdf&sa=D&source=docs&ust=1700545673498389&usg=AOvVaw1ARqczgZarkkudxmbhgoK_ at Page 4.

From: Lydia Nichols-Russell
To: Office of Mineral Resources
Subject: Public Comment | No. OMR 23-03 + OMR 23-04
Date: Friday, December 8, 2023 3:18:00 PM
Attachments: letter to DNR re wind farm.docx.pdf

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Hello,

I would like to submit a comment to urge revision on the DOW LA Gulf Wind LLC & Cajun Wind LLC process for building near shore wind farms. I support turning to renewable energy sources, but am deeply concerned about the inadequate assessment on ecological impacts, particularly in regard to birds.

Thank you,
Lydia Nichols-Russell

802 S Eugene St.,
Baton Rouge, LA 70806

Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Lydia Nichols-Russell; 802 S Eugene St., Baton Rouge, LA 70806

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

I write in opposition to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana due to avian environmental concerns.

My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted. Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for OffShore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not all of the north coast of the GOM.

I urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;

- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
- Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

From: Melanie Wallace
To: Office of Mineral Resources
Date: Monday, December 11, 2023 3:05:31 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Melanie Wallace

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
RE Public Hearing and Comment on Operating Agreement/s in Cameron Parish

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My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near-shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot, whose populations are already tenuous, could be impacted. Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for population-level impacts on coastal bird species. This translates to the potential threat or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their nearshore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for Offshore Wind, which was established for developments along the Atlantic coast, is established in the least for Louisiana's coast, if not all of the north coast of the GOM.

I urge the state to:
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with the new state law;
• If the State does not abandon the “Operating Agreement” approach, then insert language in the agreement requiring environmental oversight;
• Gather environmental data and conduct risk/vulnerability assessments before site selection;
• Work closely with the Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department’s concerns;
• Consider the NOAA and BOEM recommendations that no wind farms be developed within 20
nautical miles of Louisiana’s coast due to concerns for population-level impacts on coastal bird
species;
• Consider the American Bird Conservancy’s Wind Risk Assessment map before allowing wind
energy developers to propose project sites.
Wind energy is most certainly a part of the energy picture of the future. Still, these wind farm sitings must result from a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are also part of our natural resources and require protection. I appreciate the opportunity to comment on these Notices, the Operating Agreement template, and the general policy for wild farm development.

Melanie Wallace
Assistant to Roger Smith and Marketing Director
225-223-4010
melaniewallace@kw.com
Real Estate questions, you mustache me!®

Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Misty Noble-Hodge
18080 Davie Drive
Ponchatoula, LA 70454

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

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Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

From: pat.nerney@cox.net
To: Office of Mineral Resources
Subject: Wind Farm Development
Date: Saturday, December 9, 2023 11:04:30 AM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Patrick Nerney
42089 Preston Landry Rd
Gonzales , LA 70737

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

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I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

Sincerely,
Patrick Nerney 504-415-3503

Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Rhonda Latino
18319 Old Perkins Place Ave.
Prairieville, LA 70769

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

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I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

Sincerely,
Rhonda Latino

From:	Shayna Steingard
To:	Office of Mineral Resources
Cc:	Helen Rose Patterson
Subject:	Attn: Secretary Harris re Docket No. OMR 23-03 and 23-04
Date:	Monday, December 11, 2023 4:19:26 PM
Attachments:	image001.png Attachment 1 DNR Letter re OSW in State Waters.pdf Attachment 2 Governor Edwards Offshore Wind Energy State Waters Letter August 2023.pdf Comments on Public Hearing for Operating Agreements.pdf

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Secretary Harris,

Attached, please find comments on behalf of National Wildlife Federation regarding the Operating Agreements for DOW LA Gulf Wind, LLC and Cajun Wind LLC (dockets OMR 23-03 and 23-04). We appreciate the opportunity to comment and your consideration of our views as the state of Louisiana explores offshore wind leasing in state waters.

Best,

Shayna Steingard

Shayna Steingard
She | Her | Hers
Senior Policy Specialist Offshore Wind Energy
National Wildlife Federation
202-797-6846 (work)
602-717-5436 (cell)
www.nwf.org
Uniting all Americans to ensure wildlife thrive in a rapidly changing world

December 11, 2023

Secretary Thomas Harris
Office of Mineral Resources, Department of Natural Resources
P.O. Box 2827
Baton Rouge, LA 70821

Delivered electronically to OMR@LA.gov

Re: Public Notice for Public Hearings on Operating Agreements for DOW LA Gulf WInd, LLC and Cajun Wind, LLC

Assistant Secretary Manuel,

On or around November 20, the Louisiana Department of Natural Resources (LDNR), Office of Mineral Resources (OMR) posted two public notices regarding public hearings to be held on November 27 and 29th on the proposed Operating Agreement between the State of Louisiana and DOW LA Gulf Wind, LLC, as well as Cajun Wind, LLC (the developers/applicants). [1] If approved, the Operating Agreements would provide the applicants with the rights to develop wind energy within state waters off the coast of Louisiana. We appreciate that OMR chose to extend the comment period to December 11 in recognition of the short window for written public comment, the Thanksgiving Holiday, as well as the lack of availability of the Operating Agreements for public review. Nevertheless, OMR noted on their website that "While thirty (30) day comment periods associated with public hearings are common in many regulatory processes such as permit applications, there is not such a requirement in the case of the Office of Mineral Resources (OMR) hearings on proposed Operating Agreements."[2] We caution that a lack of sufficient notice for public comment seriously undermines public trust, in particular for what is likely a controversial decision with long-term implications for Louisiana's people, wildlife, and ecosystems. OMR should incorporate a 30 day comment period as a minimum requirement for Operating Agreements, particularly given the already lacking public involvement and oversight in the process for offshore wind leasing in Louisiana's state waters.

As we outlined in our prior comments to both the DNR[3] and the Office of Governor John Bel Edwards[4] earlier this year, the construction of offshore wind in state waters is a high-risk, high-conflict development strategy, particularly if DNR continues forward with leasing without conducting siting and environmental analysis. We have urged the

[1] "Special Notices Regarding Wind Energy on State Owned Lands", Office of Mineral Resources (OMR) Special Notices and Announcements, State of Louisiana Department of Natural Resources, https://www.dnr.louisiana.gov/index.cfm/page/168
[2] *Id.*
[3] Attachment I: eNGO Letter to the Louisiana Department of Natural Resources Re: Notice of Intent for Leasing State Lands and Water Bottoms for the Exploration, Development and Production of Wind Energy, June 2023.
[4] Attachment II: eNGO Letter to Governor John Bel Edwards Re: Operating Agreements, August 17, 2023.

agency and the administration to adopt a more responsible development[5] strategy particularly given the vulnerability of Louisiana's coastal communities and species.

We find that the leasing process, which authorizes LDNR through the State Mineral and Energy Board (SMEB) to award leases for wind energy, does not sufficiently adhere to the goals of the State and Local Coastal Resources Management Act (SLCRMA) of 1978,[6] nor the Coastal Use Guidelines,[7] as it does not include an environmentally robust siting process. The leasing process should embrace the mitigation hierarchy, a widely used strategy which can lead the agency toward lower impact development by first avoiding high-conflict, high-risk sites, then minimizing, and mitigating unavoidable impacts.

Siting is the most critical stage for implementing an efficient and responsible development process that **avoids** the greatest impacts to imperiled species and sensitive habitats. In addition to being environmentally responsible, effective siting increases efficiency for developers and agencies by avoiding costly delays due to avoidable conflicts, including legal action from disenfranchised stakeholders and permitting roadblocks when poorly sited projects do not meet regulating agencies' standards. By frontloading the environmental assessments of sites and directing developers to appropriate locations for development at the onset, permitting agencies can avert the most detrimental impacts of development–particularly those that can not be effectively mitigated or minimized through project design. Both DNR's proposed[8] and existing leasing rules[9] and the current use of Operating Agreements fail to take advantage of this opportunity to ensure the long-term success of these projects.

The Operating Agreements under consideration by OMR forgo the ability to deploy avoidance as a principle, as the site for development is chosen before a robust scientific analysis of least-impactful sites is conducted. A spatial justification should be used for offshore wind development anywhere, particularly in state waters, and additional research conducted on impacts to wildlife to fill data gaps and inform responsible decision making. OMR, as the leasing entity and proprietor of the state's mineral resources, should be ensuring the sustainable and responsible issuance of those leases which cannot be done without environmental analysis.

Under the proposed changes to the Louisiana Administrative Code, Section 7 considered earlier this summer, the only form of environmental review at this stage of leasing would be the sole responsibility of the applicant to comply under Section 711 and 717 in which the applicant must supply a summary

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[5] Responsible development of offshore wind energy: (i) avoids, minimizes, mitigates, and monitors adverse impacts on wildlife and habitats, (ii) minimizes negative impacts on other ocean uses, (iii) includes robust consultation with Native American tribes and communities, (iv) meaningfully engages state and local governments and stakeholders from the outset, (v) includes comprehensive efforts to avoid impacts to underserved communities, and (vi) uses the best available scientific and technological data to ensure science-based stakeholder-informed decision making.

[6] SLCRMA of 1978 §214.26.

[7] Louisiana Revised Statute §49.214.27

[8] Amending LAC 43:V.Chapter 7, 707, 711-717, and 725-733- Leasing State Lands and Water Bottoms for the Exploration, Development and Production of Wind Energy
https://www.dnr.louisiana.gov/index.cfm/page/1248

[9] LAC 43:V. Chapter 7.

of environmental issues.[10] However, to our knowledge, the proposed changes have not yet been adopted. We urge LDNR to consider the comments we submitted in response to the Notice of Intent (incorporated in these comments by reference),[11] and urge OMR to require the submission of an environmental analysis *in addition* to the agency conducting environmental review for Operating Agreements.

We are concerned that stakeholders, including members of the public and impacted communities, have little recourse under the current regulatory scheme to ensure the process aligns with responsible best management practices. There is no mechanism to incorporate the information gathered as a result of the public hearing, when the applicant is most likely to share relevant information that is critical to a proper evaluation of the proposals. Further, the public meetings lack a presentation on the projects that are the subject of the hearing– creating a confusing and insufficient means for stakeholder engagement.

We have even greater cause for alarm over the state's initial stakeholder engagement on this issue considering the original rushed and unaccommodating nature of the comment period before the extension, which overlapped with a national holiday and during which the public had not been provided adequate information (ie. the Operating Agreements had not been published). Offshore wind in the state of Louisiana and the Gulf of Mexico is in its infancy, and OMR must take seriously its role in potentially undermining the future of this technology in the state through poor management of these first projects. If OMR fails to properly oversee environmental impacts and engages in mediocre, if not subversive attempts at public engagement, OMR's actions could result in the approval of projects that impede LDNR's mission towards the sustainable and responsible use of the state's natural resources.

In addition to our concerns regarding the environmental review of the process generally, aspects of the Operating Agreements as written are problematic as they further imbed poor environmental management into the contract between the State and the Operator. For example, Section 7.3 of the Draft Operating Agreement (DOA), which outlines the requirements for the Construction and Operations Plan (COP), not only lacks environmental review requirements, but also does not include the standard of review that will be used to determine the plan's adequacy. We strongly advise that the requirements for the COP be modeled after those used by the Bureau of Ocean Energy Management.[12]

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[10] (7) a summary of the environmental issues including, but not limited to, avian and baseline noise levels, the environmental impact of the placement of wind turbines and other equipment necessary for the exploration, development and production of wind energy, and the steps proposed to minimize the environmental impact, along with any supporting environmental impact documentation;

[11] Attachment I: eNGO Letter to the Louisiana Department of Natural Resources Re: Notice of Intent for Leasing State Lands and Water Bottoms for the Exploration, Development and Production of Wind Energy, June 2023.

[12] United States Department of the Interior, Office of Renewable Energy Programs, Bureau of Ocean Energy Management, Information Guidelines for a Renewable Energy Construction and Operations Plan (COP), Version 4.0, May 27, 2020.
https://www.boem.gov/sites/default/files/documents/about-boem/COP%20Guidelines_Technical_Corrections.pdf

The state of Louisiana should not employ a less rigorous process for offshore wind development in state waters considering the likely higher risk of these projects for coastal and marine wildlife.

We do not believe that the State of Louisiana is ready, at this time, to enter into any Operating Agreements for offshore wind leasing in state waters. Due to the poor environmental oversight of LDNR's current leasing process, the agreements put at risk Louisiana's natural resources that have been entrusted to the Department for sustainable and responsible management. We urge SMEB to reject the Operating Agreements, as proposed, as well as any additional Operating Agreements for offshore wind in state waters until such a time as LDNR can create and administer a robust environmental review process. This process should include ample stakeholder engagement and should leverage the many lessons learned from federal leasing of offshore wind.

Sincerely,

Shayna Steingard
National Wildlife Federation
Senior Policy Specialist, Offshore Wind Energy
steingards@nwf.org

June 2023

Secretary Thomas Harris
Louisiana Department of Natural Resources
LaSalle Building
617 North Third Street
Baton Rouge, Louisiana 70802

Re: Notice of Intent for Leasing State Lands and Water Bottoms for the Exploration, Development and Production of Wind Energy

Dear Secretary Harris:

Our organizations, National Wildlife Federation, National Audubon Society, Coalition to Restore Coastal Louisiana, Healthy Gulf, Louisiana Wildlife Federation, Orleans Audubon Society, and Taproot Earth, promote the responsible deployment of offshore wind energy in the Gulf of Mexico. Responsible offshore wind energy (i) avoids, minimizes, mitigates, and monitors adverse impacts on wildlife and habitats, (ii) minimizes negative impacts on other ocean uses, (iii) includes robust consultation with Native American tribes and communities, (iv) meaningfully engages state and local governments and stakeholders from the outset, (v) includes comprehensive efforts to avoid impacts to underserved communities, and (vi) uses the best available scientific and technological data to ensure science-based stakeholder-informed decision making.

Offshore wind offers an opportunity to combat the threats of climate change to both wildlife and communities by transitioning our energy economy to renewable sources and away from high conflict, highly damaging fossil fuels. Collectively, our organizations have a robust history of advocacy, conservation, and coastal restoration work in Louisiana, and we have worked diligently throughout the federal offshore wind permitting process to ensure best practices and responsible wildlife protections are implemented in the deployment of offshore wind in the Gulf.[1] **We have 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.**We therefore submit our

[1] *See* eNGO RFI Comments at https://www.regulations.gov/comment/BOEM-2021-0041-0025;
See eNGO Call Comments at https://www.regulations.gov/comment/BOEM-2021-0077-0031*;*
See eNGO Scoping Comments at https://www.regulations.gov/comment/BOEM-2021-0092-0017;
See eNGO Draft WEA Comments at https://www.regulations.gov/comment/BOEM-2022-0036-0090*;*
See eNGO Draft EA Comments at https://www.regulations.gov/comment/BOEM-2022-0036-0090;
See eNGO PSN Comments at https://www.regulations.gov/comment/BOEM-2023-0021-0042.

comments on the Notice of Intent for Leasing State Lands and Water Bottoms for the Exploration, Development and Production of Wind Energy by the Louisiana Department of Natural Resources.[2]

Environmental Considerations Specific to Louisiana's State Waters

As the state of Louisiana embarks upon the siting and deployment of offshore wind in state waters, we caution that nearshore (within 3 nautical miles) siting of turbines is unprecedented in the United States and rare in Europe, as it often poses greater risks to wildlife and habitats.

Although the Block Island Wind Farm, the first commercial offshore wind farm in the United States, is located in state waters off of Rhode Island, before the 30 megawatt project was sited, the regulating entity, the Rhode Island Coastal Resources Management Council (a corollary to the Louisiana State Mineral and Energy Board), embarked on a rigorous spatial planning initiative. This planning and adaptive management tool, the Ocean Special Area Management Plan (Ocean SAMP),[3] has been lauded as a national model for marine spatial planning, and enabled the Council to fulfill its mandate to preserve, protect, develop, and restore coastal areas.[4] While Block Island is the only offshore wind farm in state waters, it is located 16 miles from the mainland,[5] and therefore does not present the same risks as a project located within the 3 nautical mile state waters boundary.

Conversely, the Nautilus Offshore Wind Project,[6] a proposed 25 megawatt project 2.8 miles off the coast of New Jersey, failed to proceed to development for a number of reasons, but importantly, was largely opposed by environmental groups for its poor siting and high risk to coastal wildlife and habitats. The project would have placed turbines in a critical avian migratory corridor and the large size of the turbines would have put many birds, including protected species, at risk.[7]

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[2] https://www.dnr.louisiana.gov/assets/OMR/media/forms_pubs/NOI_Wind_Leasing_Rules_for_the_Register.pdf

[3] Rhode Island Coastal Resources Management Council (2013). Rhode Island Ocean Special Area Management Plan: Ocean SAMP - Volume 2. Report by Rhode Island Coastal Resources Management Council.

[4] http://www.crmc.ri.gov/aboutcrmc.html

[5] Tetra Tech Inc. (2012). Block Island Wind Farm and Block Island Transmission System Environmental Report/Construction and Operations Plan. Report by Tetra Tech Inc.. Report for Deepwater Wind. Retrieved from https://tethys.pnnl.gov/sites/default/files/publications/BlockIsland_2012.pdf

[6] Formerly known as the Fishermen's Energy Atlantic City Windfarm.

[7] Hewett, A. (2018, December 18). News: Environmental groups applaud New Jersey BPU rejection of Nautilus Offshore Wind Project. Offshore Wind Energy. https://offshorewind.nwf.org/2018/12/news-environmental-groups-applaud-new-jersey-bpu-rejection-of-nautilus-offshore-wind-project/

In our federal advocacy, we have stressed that the unique characteristics of nearshore waters in general, in combination with the ecological importance and sensitivity of Louisiana's coastal habitat specifically, underscore the importance of making environmentally-informed siting decisions. The Gulf's nearshore and coastal waters (<20 nautical miles) contain the most biologically productive areas. 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, we cautioned against permitting offshore wind turbines within 20 nautical miles from shore. This science-based precautionary measure was recommended to protect coastal bottlenose dolphin populations, as well as to avoid impacts to the Gulf's billions of neotropical migrant birds, nesting colonies of coastal and marine birds, and wintering waterfowl. BOEM adopted this recommendation, along with other wildlife-focused avoidance, minimization, and mitigation measures designed to protect species in the deployment of offshore wind.

Whether the project is located in state waters or federal waters, Rhode Island or Louisiana, each location and project requires thorough analysis and scrutiny. Ultimately, our organizations evaluate projects based on whether or not they can be responsibly developed at a particular location, meaning, in part, whether or not the risks offshore wind poses to wildlife and habitat can be sufficiently avoided, minimized, and mitigated to reduce significant adverse impacts. Louisiana's wetlands and coastal waters create a productive and vital ecosystem that supports numerous species of marine mammals, sea turtles, birds, fish, invertebrates, and habitats. Our evaluation of projects in state waters will use a science-based approach to assess the unique characteristics of the Louisiana Coastal Zone to help advise the state in its siting decisions. While not an exhaustive list of environmental concerns, below, we outline several key taxa-specific considerations that should inform siting of offshore wind in state waters. For additional information on Gulf of Mexico-specific wildlife concerns, please refer to our past federal comments.[1]

Marine Mammals

Over 30 marine mammal species reside in the Gulf of Mexico. Louisiana's Barataria Bay in particular is home to a well-known population of over 2,000 bottlenose dolphins. This population is made up of long-term, year-round residents who generally stay within 1.75 km of shore.[8] This population was severely injured from the Deepwater Horizon Oil Spill. Atlantic spotted dolphins and Risso's dolphins are also sometimes found nearshore.

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[8] Wells, R. S., Schwacke, L. H., Rowles, T. K., Balmer, B. C., Zolman, E., Speakman, T., ... & Wilkinson, K. A. (2017). Ranging patterns of common bottlenose dolphins Tursiops truncatus in Barataria Bay, Louisiana, following the Deepwater Horizon oil spill. *Endangered Species Research*, *33*, 159-180.

Additionally, there is a resident, breeding population of sperm whales that resides just south of, and within 100 km from, the Mississippi River Delta.[9] Although these whales tend to prefer deeper waters, they can be found closer to shore in Louisiana and are keenly sensitive to underwater noise.

Vessel strike and underwater noise, especially from pile driving, have the potential to create serious harm for marine mammals. Additional potential threats include habitat disturbance/loss and behavioral changes leading to reduced fitness. Marine mammals in the US are all protected by the Marine Mammal Protection Act (MMPA), and endangered populations such as the endemic Rice's Whale are also protected under the federal Endangered Species Act (ESA).

Sea Turtles

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 the ESA: leatherbacks (*Dermochelys coriacea*) (endangered), loggerheads (*Caretta caretta*) (threatened), Kemp's ridleys (*Lepidochelys kempii*) (critically endangered), green (*Chelonia mydas*) (threatened), and hawksbill (endangered) (*Eretmochelys imbricata*).[10]

Adults can be found feeding and resting in surface waters of coastal Louisiana, and therefore are vulnerable to vessel strike and altered foraging and migrating patterns. Coastal Louisiana in particular is considered a hot spot for sea turtle foraging activity, especially for Kemp's ridleys and loggerheads.[11] In recent years, these two species have been making a nesting comeback as well, with loggerhead nesting sites in Grand Isle and Kemp's ridley sites in the Chandeleur Islands. The Mississippi Sound is a crucial developmental habitat for juvenile Kemp's ridleys. During the cooler months especially (December-May), this species tends to migrate to very nearshore waters on both sides of the Mississippi River Delta.[12] As many as 82 percent of juvenile Kemp's ridley sea turtles use the northern Gulf of Mexico to forage with high site fidelity, and individuals from this crucial

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[9] Davis, R. W., Ortega-Ortiz, J. G., Ribic, C. A., Evans, W. E., Biggs, D. C., Ressler, P. H., ... & Würsig, B. (2002). Cetacean habitat in the northern oceanic Gulf of Mexico. *Deep Sea Research Part I: Oceanographic Research Papers*, *49*(1), 121-142.

[10] NOAA Fisheries (2022, June 28). *Frequent Questions: Northern Gulf of Mexico Sea Turtle Strandings*. NOAA. https://www.fisheries.noaa.gov/southeast/marine-life-distress/frequent-questions-northern-gulf-mexico-sea-turtle-strandings

[11] Hart, K. M., Iverson, A. R., Fujisaki, I., Lamont, M. M., Bucklin, D., & Shaver, D. J. (2018). Marine threats overlap key foraging habitat for two imperiled sea turtle species in the Gulf of Mexico. *Frontiers in Marine Science*, *5*, 336.

[12] Coleman, A. T., Pitchford, J. L., Bailey, H., & Solangi, M. (2017). Seasonal movements of immature Kemp's ridley sea turtles (Lepidochelys kempii) in the northern Gulf of Mexico. *Aquatic Conservation: Marine and Freshwater Ecosystems*, *27*(1), 253-267.

population can be found along the shore across Louisiana's coast.[13] Juveniles and post-hatchlings are also associated with Sargassum mats, which they use for food and protection.[14] Sargassum habitat around the Gulf Coast, including parts of Louisiana, has been designated as Critical Habitat for loggerhead sea turtles.[15] In addition, recent tracking surveys show that adult leatherback sea turtles that nest in the Caribbean use Louisiana waters as a residential area.[16] Areas of high risk of vessel collision should be identified, and appropriate mitigation measures taken to avoid take of endangered sea turtles during installation and operation.

Birds

An estimated 100 million migratory, nesting, and wintering birds rely on Louisiana's coast annually.[17] These include species listed and protected under the ESA, such as Piping Plover (*Charadrius melodus*) (endangered), Red Knot (*Calidris canutus rufa*) (threatened), and Eastern Black Rail (*Laterallus jamaicensis*) (threatened), as well as candidate species such as the Golden-winged Warbler (*Vermivora chrysoptera*). Migratory birds are also protected under the Migratory Bird Treaty Act (MBTA). LDNR should explicitly consider foraging movements around colonial waterbird nesting rookeries (e.g., by Brown Pelican, tern species, heron and egret species), near-shore movements of shorebirds (e.g., sandpipers and plovers), noise and construction effects on marshbirds (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 to birds.

Fishes

Nearshore Louisiana waters are home to two coastal fish species that are protected under the ESA: giant manta rays (*Manta birostris*) (threatened) and Gulf sturgeon (*Acipenser oxyrinchus*) (threatened). As with several sea turtle and marine mammal species, the giant manta ray is often

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[13] Gredzens, C., & Shaver, D. J. (2020). Satellite Tracking Can Inform Population-Level Dispersal to Foraging Grounds of Post-nesting Kemp's Ridley Sea Turtles. Frontiers in Marine Science, 7. doi:10.3389/fmars.2020.00559

[14] Witherington, B., Hirama, S., & Hardy, R. (2012). Young sea turtles of the pelagic Sargassum-dominated drift community: habitat use, population density, and threats. *Marine Ecology Progress Series*, *463*, 1-22.

[15]NOAA Fisheries (2022a, April 18). *Loggerhead Turtle – Northwest Atlantic Ocean DPS Critical Habitat Map*. NOAA. https://www.fisheries.noaa.gov/resource/map/loggerhead-turtle-northwest-atlantic-ocean-dps-critical-habitat-map

[16] Evans, D. R., Valverde, R. A., Ordoñez, C., & Carthy, R. R. (2021). Identification of the Gulf of Mexico as an important high-use habitat for leatherback turtles from Central America. *Ecosphere*, *12*(8), e03722.

[17] https://delta.audubon.org/news/birds-louisiana%E2%80%99s-coast-landscape-vital-habitats

seen around the Mississippi River Delta (Farmer at al. 2002);[18] this area should be avoided. Part of easternmost coastal Louisiana has been designated as Critical Habitat for the Gulf sturgeon.[19]

Benthic

Benthic habitat in Louisiana state waters is a mosaic of fine sediment deposits, mixes of fine and sand sediments, and sand deposits which serve as habitat to a variety of organisms that are the base of the marine food web, including molluscs, annelids, and crustaceans.[20,21] Marine seagrass meadows occur east of the Mississippi River, behind the Chandelur Islands and provide critical nursery and refugia habitat.[22] Louisiana's benthic habitats have been impacted by oil and gas infrastructure, shell mining, bottom trawling, the development of seasonal Gulf Hypoxia, and the Deepwater Horizon Oil Spill. Planning and restoration efforts are underway to address oil spill injuries to these habitats and areas where these efforts are underway should be avoided.[23]

Coastal Restoration Efforts

Coastal land loss in Louisiana has spawned an extensive effort to restore and sustain a thriving coastal ecosystem. Overall the last ten years, hundreds of millions of dollars of state and federal monies have been invested in the planning, design and implementation of projects throughout Louisiana's coastal area.[24] Many of these projects rely on using sediment from the Mississippi River, the Ship Shoal borrow area in south-central Louisiana at the 10-meter isobath, and sediment dredged from within the basins.[25] It is essential for the success of the restoration program and the protection of the past and future state and federal investments that the location of planned restoration projects, the borrow source sites, and the sediment pipeline corridors be avoided in the

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[18] Farmer, N. A., Garrison, L. P., Horn, C., Miller, M., Gowan, T., Kenney, R. D., ... & Kajiura, S. (2022). The distribution of manta rays in the western North Atlantic Ocean off the eastern United States. *Scientific Reports*, *12*(1), 6544.
[19] NOAA Fisheries. (2022, April 18). Gulf Sturgeon Critical Habitat Map and GIS Data. NOAA. https://www.fisheries.noaa.gov/resource/map/gulf-sturgeon-critical-habitat-map-and-gis-data
[20] Khalil, Syed M., et al. "Surficial sediment distribution maps for sustainability and ecosystem restoration of coastal Louisiana." *Shore & Beach* 86.3 (2018): 21.
[21] Farrell, Douglas H. "Benthic molluscan and crustacean communities in Louisiana." *Rice Institute Pamphlet-Rice University Studies* 65.4 (1979).
[22] Handley, L., D. Altsman, and R. DeMay. "Seagrass status and trends in the northern Gulf of Mexico: 1940–2002." (2007): 1-267.
[23] Deepwater Horizon Natural Resource Damage Assessment Trustees. (2016). Deepwater Horizon oil spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement.
[24] Coastal Protection and Restoration Authority. Fiscal Year 2024 Annual Plan: Integrated ecosystem restoration and hurricane protection in coastal Louisiana.
[25] Gregory W. Stone, et al. "Ship Shoal as a Prospective Borrow Site for Barrier Island Restoration, Coastal South-Central Louisiana, USA: Numerical Wave Modeling and Field Measurements of Hydrodynamics and Sediment Transport." *Journal of Coastal Research*, vol. 20, no. 1, 2004, pp. 70–88. *JSTOR*, http://www.jstor.org/stable/4299269. Accessed 8 June 2023.

siting of wind turbine locations. Consultation with the Coastal Protection and Restoration Authority should be done to avoid conflicts with restoration efforts.

Avoidance: The First Step in the Mitigation Hierarchy

Siting is the most critical stage for implementing an efficient and responsible development process that avoids the greatest impacts to imperiled species and sensitive habitats, and increases the efficiency for developers and agencies by avoiding costly delays due to avoidable conflicts. By frontloading the environmental assessments of sites and directing developers to appropriate locations for development, permitting agencies can avert the most detrimental impacts of development–particularly those that can not be effectively mitigated or minimized through project design. The state can more efficiently use resources to identify lower conflict sites for development at the earliest stages of the process to avoid major impacts, so that later stages, such as coastal use permit evaluations, focus on minimizing and mitigating impacts. Since developers take risks and devote time and money to nominate a site for a lease, developers also benefit from the increased regulatory certainty that comes with strong guidance on siting that steers them towards more practical, vetted sites.

At the federal level, BOEM initiates its offshore wind leasing through its site identification process, which identifies Wind Energy Areas (WEAs). The process is started either through an unsolicited lease request from a developer or BOEM's own initiative (likely due to explicit interest from nearby states). BOEM may choose to issue a Request for Interest in Commercial Leasing (RFI), which helps the agency determine whether there is competitive interest in an area, as well as glean initial information from stakeholders about site suitability (though this step is not required). A Call for Information and Nominations (Call) is the required process BOEM uses to synthesize the information gathered (either through the RFI or other conversations with stakeholders and experts) into a Call Area. Comments in response to the Call help BOEM to further winnow the area under consideration and to develop WEAs. Recently, BOEM has developed an additional comment opportunity in which it solicits feedback on the suitability of the identified WEAs, and provides the public with an explanation of the spatial modeling and decision making process. Before leasing, BOEM also conducts an Environmental Assessment on the impacts associated with leasing (but not developing) the WEAs as well directs a process (Proposed Sale Notice and Final Sale Notice) to determine stipulations and conditions of the lease.

Through this rigorous process, BOEM gradually eliminates areas from consideration that pose significant resource conflicts in order to identify areas where any risks to wildlife and habitats (as well as other resources) can be reasonably minimized and mitigated. This process has changed over

time, and with stakeholder feedback and over a decade of learning, BOEM has increased opportunities for stakeholder input and transparency into decision making regarding suitability of areas for offshore wind development. LDNR should adopt the lessons learned from the federal process and ensure the state process also incorporates ample opportunities for robust stakeholder feedback and transparency at the earliest stages of the site selection process to help avoid unsuitable areas for offshore wind development.

Louisiana Department of Natural Resources Obligations Under the State and Local Coastal Resource Management Act

Under the State and Local Coastal Resources Management Act (SLCRMA) of 1978, Louisiana's comprehensive coastal planning law, the Louisiana Department of Natural Resources (LDNR) is tasked with administering the coastal management program.[26] In conjunction with the Louisiana Department of Wildlife and Fisheries (LDWF), LDNR created the Coastal Use Guidelines, which serve as legally enforceable criteria for granting, conditioning, denying, revoking, or modifying coastal use permits and are based on the following environmental guidelines dictated by the SLCRMA:

1. To encourage the full use of coastal resources while recognizing it is in the public interest of the people of Louisiana to *establish a proper balance between development and conservation*.
2. Recognize that *some areas of the coastal zone are more suited for development than other areas* and hence use guidelines which may differ for the same uses in different areas.
3. Require *careful consideration of the impacts of uses on water flow, circulation, quantity, and quality* and require that the discharge or release of any pollutant or toxic material to the water or air of the coastal zone be within all applicable limits established by law, or by federal, state, or local authority.
4. Recognize the *value of special features of the coastal zone* such as barrier islands, fishery nursery grounds, recreation areas, ports and other areas where development and facilities are dependent upon the utilization of or access to coastal waters, and areas particularly suited for industrial, commercial, or residential development and manage those areas so as to enhance their value to the people of Louisiana.

[26] SLCRMA of 1978 §214.26.

5. *Minimize, whenever feasible and practical, detrimental impacts on natural areas and wildlife habitat and fisheries* by such means as encouraging minimum change of natural systems and by multiple use of existing canals, directional drilling, and other practical techniques.

6. Provide for adequate corridors within the coastal zone for transportation, industrialization, or urbanization and *encouraging the location of such corridors in already developed or disturbed areas when feasible or practicable*.

9. *Minimize detrimental effects of foreseeable cumulative impacts on coastal resources* from proposed or authorized uses.[27]

To adhere to the goals of the SLCRMA, the Coastal Use Guidelines consequently state that, "It is the policy of the coastal resources program to avoid the following adverse impacts. To this end, all uses and activities shall be planned, sited, designed, constructed, operated, and maintained to avoid to the maximum extent practicable[28] significant:

1. reductions in the natural supply of sediment and nutrients to the coastal system by alterations of freshwater flow;
2. adverse economic impacts on the locality of the use and affected governmental bodies;
3. detrimental discharges of inorganic nutrient compounds into coastal waters;
4. alterations in the natural concentration of oxygen in coastal waters;
5. destruction or adverse alterations of streams, wetland, tidal passes, inshore waters and water bottoms, beaches, dunes, barrier islands, and other natural biologically valuable areas or protective coastal features;
6. adverse disruption of existing social patterns;
7. alterations of the natural temperature regime of coastal waters;
8. detrimental changes in existing salinity regimes;

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[27] Louisiana Revised Statute §49.214.27 (emphasis added).

[28] The "maximum extent practicable" qualifier requires a balancing test to determine if the proposed use conforms with the qualified standard. The permitting authority must perform a "systematic consideration" of the pertinent information pertaining to the use, site and impacts and weigh their relative significance. If the activity does not conform to the qualified standard, it may still be allowed if 1) the public benefits resulting from the proposed use would clearly outweigh the adverse impacts resulting from noncompliance with the qualified standard; 2) There are no feasible and practical alternative locations, methods, and practices for the use that are in compliance with the qualified standard; and 3)The use is water dependent *or* would result in significant public benefits *or* would serve an important regional, state, or national interest.: 43 La. Admin. Code, Part 1 § 701; LDNR, Guide to Developing Alternatives and Justification Analyses for Proposed Uses within the Louisiana Coastal Zone (Mar. 2020), available at: http://www.dnr.louisiana.gov/assets/OCM/permits/NAJ/Combined_Document_rev1_Mar2020.pdf.
It is in the best interest of LDNR to perform a siting analysis to determine if there are "feasible and practical alternative locations" should the activity not comply with the qualified standard.

9. detrimental changes in littoral and sediment transport processes;
10. adverse effects of cumulative impacts;
11. detrimental discharges of suspended solids into coastal waters, including turbidity resulting from dredging;
12. reductions or blockage of water flow or natural circulation patterns within or into an estuarine system or a wetland forest;
13. discharges of pathogens or toxic substances into coastal waters;
14. adverse alteration or destruction of archaeological, historical, or other cultural resources;
15. fostering of detrimental secondary impacts in undisturbed or biologically highly productive wetland areas;
16. adverse alteration or destruction of unique or valuable habitats, critical habitat for endangered species, important wildlife or fishery breeding or nursery areas, designated wildlife management or sanctuary areas, or forestlands;
17. adverse alteration or destruction of public parks, shoreline access points, public works, designated recreation areas, scenic rivers, or other areas of public use and concern;
18. adverse disruptions of coastal wildlife and fishery migratory patterns;
19. land loss, erosion, and subsidence;
20. increases in the potential for flood, hurricane and other storm damage, or increases in the likelihood that damage will occur from such hazards;
21. reduction in the long term biological productivity of the coastal ecosystem."[29]

Suggested Changes to to the Wind Leasing Rules

We find that the leasing process, which authorizes LDNR through the State Mineral and Energy Board (SMEB) to award leases for wind energy, does not sufficiently adhere to the goals of the SLCRMA, nor the Coastal Use Guidelines, as it does not include an environmentally robust siting process. We urge the LDNR to use this opportunity to amend Louisiana Administrative Code 43:V. Chapter 7 to enhance the oversight of LDNR regarding nominations of state water for wind leases, the examination and evaluation of those wind leases, and the submission of bids on state tracts offered for wind lease (§709, §711, §713, §715, and 717). The nine step leasing process[30] predominantly puts the onus on the applicant to evaluate the site for environmental concerns, with

[29] 43 La. Admin. Code, Part I § 701.

[30] Steps in the wind leasing process under La. Admin. Code Title 43 Part V § 705; 1) registration by applicants with the Office of Mineral Resources; 2) pre-nomination research; 3) nomination of state lands and water bottoms for wind lease; 4) examination and evaluation of the nomination; 5) issuance of an advertisement of the state tract to be offered for a wind lease and a request for bids; 6) submission of bids; 7) examination and evaluation of bids; 8) award of the state wind lease; and 9) issuance and execution of the state wind lease contract.

little transparent, empirical, or systematic oversight by LDNR or meaningful input from stakeholders.

Section 709 Pre-Nomination Research [Formerly LAC 43:I.1009]

Additional guidance should be provided by LDNR to direct wind development to the most suitable, lower resource-conflict locations. When an applicant prepares to nominate state waters for lease, they conduct "pre-nomination research" to determine whether the lands or water bodies fall into one of six categories including 1) Louisiana Wildlife and Fisheries Commission/Louisiana Department of Wildlife and Fisheries Property; 2) School Indemnity Lands; 3) Tax Adjudicated Lands; 4) Vacant State Lands; 5) White Lake; and 6) Legal Areas. The applicant must also ensure that the site is not subject to other active or non-released land agreements. The applicant is not given any other guidance that would advise on the suitability of the site with respect to potential environmental impacts from wind energy.

Other renewable energy permitting agencies have taken a proactive approach to siting that directs applicants towards low conflict, low environmental value sites to avoid high-impact ecological consequences to important resources. By starting with this guidance, the permitting authorities provide increased regulatory certainty to potential developers, and protect the interests of the state. As we outlined above, at the federal level, BOEM's siting process includes a gradual winnowing of potential areas for commercial lease sales, incorporating multiple opportunities for stakeholder and expert input and analysis. While this process is, in part, dictated by federal law, in its discretion BOEM has elected to incorporate additional processes that enhance its environmental review, including employing the National Centers for Coastal Ocean Science (NCCOS) to create a suitability model that identifies optimal areas for offshore while minimizing conflicts.

States and federal agencies have endeavored to create and implement more robust siting processes. Generally, these efforts to identify suitable sites for renewable energy fall into three categories:

1. **Spatial Planning Approach:** uses mapping software to identify lowest and highest priority areas for development, factoring in variables including but not limited to, environmental sensitivity, critical habitat, presence of endangered or threatened species, migratory corridors, visual impacts, proximity to environmental justice communities, wind energy resource, bathymetry, slope, sediment type, geohazards, etc. The NCCOS modeling is an example of using a spatial planning approach at the federal level, but this approach has also been used at the state level by the New York State Energy Research & Development

Authority in their Great Lakes Wind Energy Feasibility Study[31] and the Rhode Island Ocean SAMP mentioned above.[32] Environmental Nonprofits have also assisted in these efforts for terrestrial renewable siting. Notably, mapping efforts such as Siting Renewables Right employ spatial planning to synthesize layers of wildlife, land-use, and engineering data to inform siting decisions.[33]

2. **Tiered Approach:** uses a decision framework that collects information in increasing detail to evaluate risk and make siting and operational decisions. The tiered approach provides the opportunity for evaluation and decision making at each tier, enabling a developer and regulatory agency to proceed or abandon the project or collect additional information. The US Land-Based Wind Energy Guidelines are structured under this framework at the federal level, where questions at each tier help determine environmental risks at the landscape and project scales.[34] The Southern Nevada District Office of the Bureau of Land Management implemented a tiered prioritization process to evaluate renewable energy applications on public lands and direct development towards high priority areas and away from low priority sites. The tiers evaluate regulatory compliance, local considerations, and resource considerations before ranking applications as high, medium, or low priority.[35] This approach encourages developers to make environmentally informed siting decisions because high priority applications would move through the leasing process faster and are less likely to face conflict and litigation, while development in low priority areas is disincentivized.

3. **Thematic Approach:** This approach enumerates the principles, themes, or guidelines that direct the regulatory agency in its decision making, however, the approach does not provide an explicit decision framework. The 2009 Offshore Siting Principles and Guidelines for Wind Development in the Great Lakes were an early example of this approach in the offshore wind space.[36] Though the Ocean SAMP uses the spatial modeling

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[31] New York State Energy Research and Development Authority (NYSERDA). 2022. "New York Great Lakes Wind Energy Feasibility Study," NYSERDA Report Numbery 22-12. Prepared by the National Renewable Energy Laboratory, Advisian Worley Group, and Brattle Group/Pterra Consulting. nyserda.ny.gov/publications

[32] Rhode Island Coastal Resources Management Council (2013). Rhode Island Ocean Special Area Management Plan: Ocean SAMP - Volume 2. Report by Rhode Island Coastal Resources Management Council.

[33]https://www.nature.org/en-us/what-we-do/our-priorities/tackle-climate-change/climate-change-stories/site-wind-right/

[34] US Fish and Wildlife Service (USFWS) (2012). U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines. Report by US Fish and Wildlife Service (USFWS).

[35]https://www.blm.gov/sites/blm.gov/files/Nevada_SNDO_IM-SNDO-2020-001_Renewable_Energy_Priority.pdf

[36] Great Lakes Commission (2009). Offshore Siting Principles and Guidelines for Wind Development on the Great Lakes. Great Lakes Wind Collaborative.

> approach mentioned above, it also enumerates a set of general policies including, "... that the preservation and restoration of ecological systems shall be the primary guiding principle upon which environmental alteration of coastal resources will be measured. Proposed activities shall be designed to avoid impacts and, where unavoidable impacts may occur, those impacts shall be minimized and mitigated."[37]

We strongly encourage LDNR to employ one or multiple of these siting approaches to better guide applicants in their pre-nomination research. Identifying inappropriate sites for development and guiding applicants away from high conflict, high ecological value locations provides greater certainty to developers that their leasing process is less likely to face environmental and legal challenges.

Section 711 Nomination of State Lands and Water Bottoms for Wind Lease [Formerly LAC 43:I.1011] and Section 717 Submission of Bids on State Tract Offered for Wind Lease [Formerly LAC 43:I.1017]

LDNR requires that the applicant attend a pre-nomination meeting with the Office of Mineral Resources with a packet that includes:

> (7) a summary of the environmental issues including, but not limited to, avian and baseline noise levels, the environmental impact of the placement of wind turbines and other equipment necessary for the exploration, development and production of wind energy, and the steps proposed to minimize the environmental impact, along with any supporting environmental impact documentation;[38]

This same information is also required to be submitted during the bidding process.[39] Although applicants are not limited to only provide the information included on this list, LDNR has the ability to *require* applicants to conduct baseline research that is critical for future monitoring, minimizing, and mitigating of impacts. LDNR is missing an opportunity at a pivotal point in the offshore wind development process. At *minimum*, LDNR should ensure the applicant addresses the environmental concerns enumerated in Section 701 of the Louisiana Administrative code to ensure compliance with SLCRMA. Notably, LDNR should require applicants to provide information to help the agency evaluate the site for the potential of significant impacts to:

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[37] Rhode Island Coastal Resources Management Council (2013). Rhode Island Ocean Special Area Management Plan: Ocean SAMP - Volume 1. Report by Rhode Island Coastal Resources Management Council.
[38] 43 La.Admin. Code, Part I § 711.
[39] 43 La.Admin. Code, Part I § 717.

5. Destruction or adverse alterations of streams, wetland, tidal passes, inshore waters and waterbottoms, beaches, dunes, barrier islands, and other natural biologically valuable areas or protective coastal features;
10. Adverse effects of cumulative impacts;
11. Detrimental discharges of suspended solids into coastal waters, including turbidity resulting from dredging;
15. Fostering of detrimental secondary impacts in undisturbed or biologically highly productive wetland areas;
16. Adverse alteration or destruction of unique or valuable habitats, critical habitat for endangered species, important wildlife or fishery breeding or nursery areas, designated wildlife management or sanctuary areas, or forestlands;
18. Adverse disruptions of coastal wildlife and fishery migratory patterns;
20. Reduction in the long term biological productivity of the coastal ecosystem.[40]

Section 713 Examination and Evaluation of Nomination for Wind Lease [Formerly LAC 43:I.1013]

Under the current regulations, the Secretary of LDNR has the authority to "evaluate the wind lease nomination pursuant to R.S. 41:1733 and determine whether the proposed wind lease is appropriate."[41] First, we encourage LDNR to make public the criteria used by the Secretary to evaluate, "the environmental impact of the placement of wind turbines and other equipment necessary for the exploration, development, or production of energy from wind..."[42]

Second, we urge LDNR to enhance its intra- and inter-agency coordination to assist in the evaluation of environmental impacts of proposed leases. It is our understanding that while SMEB is directed to issue leases with approval from the Secretary,[43] requires some environmental data from applicants,[44] and indicates in its regulations that it will evaluate environmental impacts,[45] SMEB does not employ environmental scientists to conduct that evaluation. We also understand that coordination is limited with internal departments, such as the Office of Coastal Management, which administers Coastal Use Permits and does conduct environmental review, and is completely

[40] 43 La. Admin. Code, Part I § 701.
[41] 43 La. Admin. Code, Part I § 713.
[42] LA Rev Stat § 41:1733
[43] LA Rev Stat § 41:1733
[44] 43 La.Admin. Code, Part I § 711
[45] LA Rev Stat § 41:1733

separate from the lease process. We strongly advise coupling these processes and ensuring that expert level scientists and analysts assist in environmental evaluations.

Further, we advise that other agencies should also be consulted early to advise on siting decisions at the lease stage, such as the LDWF, the US Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS), and the National Oceanic and Atmospheric Administration (NOAA).

Section 715 Advertisement of State Tract Offered for Wind Lease and Request for Bids [Formerly LAC 43:I.1015]

The leasing and bidding process is a unique opportunity to require the potential lessee to adhere to environmental standards as a condition of the lease. In our national advocacy, for example, we leverage the comment opportunity during the Proposed Sale Notice to request BOEM include lease stipulations to hold the lessee to high environmental standards and, when multi-factor bidding is used, to incorporate bid credits that promote stakeholder engagement and environmental mitigation funding.[46]

Under the current framework, LDNR already incorporates language to require compliance with wind energy standards:

> The state wind lessee and state wind lease operator shall be required, in the state wind lease contract, to take measures to reduce risk to the state, including but not limited to, effecting compliance with any and all wind energy standards established by the American National Standards Institute (ANSI), the American Wind Energy Association (AWEA),[47] the International Electrotechnical Commission (IEC), and any other entity responsible for establishing wind industry consensus standards. Standards for wind energy development/operations include, but are not limited to:
>
> a. wind turbine safety and design;
> b. power performance;
> c. noise/acoustic measurement;
> d. mechanical load measurements;
> e. blade structural testing;
> f. power quality; and
> g. siting.[48]

[46] See eNGO PSN Comments at https://www.regulations.gov/comment/BOEM-2023-0021-0042.
[47] As of 2021, the American Wind Energy Association is now the American Clean Power Association.
[48] 43 La. Admin. Code, Part I § 715.

We strongly encourage LDNR to develop, in consultation with experts and stakeholders, a set of environmentally protective standards to be incorporated as lease stipulations. As state leasing in Louisiana would be precedent setting given that all but one currently planned and leased offshore wind projects reside in federal waters farther out to sea, it is unlikely that current best practice recommendations for mitigation used by BOEM, the industry, and environmental groups will fully capture the unique needs to responsibly develop state waters. Nevertheless, we can generally recommend the following categories of restrictions that seek to address some of the major risks posed by offshore wind to wildlife and habitats.

- **Birds:** Avian impacts are likely to be high in nearshore waters given birds' use of the northern Gulf of Mexico and Louisiana's coast, especially for seabirds,[49] Nearctic-Neotropical migratory landbirds,[50] and shorebirds.[51] As such, LDNR should coordinate with avian experts and wildlife agencies to determine the breadth and magnitude of impacts offshore wind may pose to these populations, including to species listed under the ESA. Upon consultation, it is likely that suggested stipulations would include: siting restrictions, operational targeted curtailment, turbine height restrictions, lighting restrictions, collision monitoring requirements, commitments to using best available minimization technology, and commitments to data transparency.

- **Marine Mammals:** Consultation with cetacean experts and wildlife agencies is highly recommended to develop lease stipulations, particularly considering the vulnerability of coastal dolphin populations and the vulnerability of marine mammals to vessel strikes and noise impacts resulting from offshore wind development. Consequently, protective lease stipulations would likely include vessel speed restrictions (particularly in locations and during seasons of highest risk), noise restrictions and requirements to implement noise attenuation technologies during construction, commitments to use quiet foundations, seasonal and/or time of day restrictions on noisy activities, use of real-time passive acoustic monitoring, requirements for protected species observers, required separation distances, use of exclusion zones, and mandatory reporting of sightings and detections.

- **Sea Turtles:** Given the imperiled statuses of sea turtles and the difficulty of detecting them visually and acoustically, stipulations would likely include speed restrictions (particularly

[49] Remsen, JV, BP Wallace, MA Seymour, DA O'Malley, and EI Johnson. 2019. The regional, national, and international importance of Louisiana's coastal avifauna. Wilson Journal of Ornithology 131:221-242.
[50] Rappole, JH, and MA Ramos. 1994. Factors affecting migratory bird routes over the Gulf of Mexico. Bird Conservation International 4:251-262.
[51] Withers, K. 2002. Shorebird use of coastal wetland and barrier island habitat in the Gulf of Mexico. The Scientific World Journal 2:514-536.

through areas of visible jellyfish aggregations or floating vegetation lines or mats), requirements for protected species observers, required separation distances, use of exclusion zones, and mandatory reporting of sightings and detections. Consultation with sea turtle experts and wildlife agencies is essential to protect these species.

- **Adaptive Management and Mitigation Funding:** Developers should be required to prepare adaptive management strategies and plans based on ongoing monitoring of the project. Data collection is the cornerstone of adaptive management that allows for iterative reflection on minimization and mitigation measures, and the "adaptation" of those measures based on objective standards or "triggers" that are biologically meaningful. We urge LDNR to impose lease stipulations to require comprehensive baseline and post-construction monitoring, data sharing, and the implementation of an adaptive management framework. The leasing process is also an opportune time to require the lease holder to commit to funding mitigation and or research relevant to impacts of offshore wind to wildlife.

Conclusion

In 2022, Louisiana approved its first Climate Action Plan to drive the state towards net zero greenhouse gas emissions by 2050 and safeguard its vulnerable coasts and resources. As part of that action plan, the state intends to "advance equitable, efficient, and sustainable siting and permitting process for new energy infrastructure projects" including offshore wind. The plan recognizes that to achieve this goal, "[o]ur state's siting and permitting processes must be updated to ensure that new projects are equitably developed. Meeting our climate goals will also require revisiting Louisiana's existing practices and regulations that guide the development of new and expanded industrial facilities."[52] Incorporating our recommendations is an important step towards implementing a more responsible development process that holistically considers the issue of siting at the earliest stages of the process to avoid the detrimental pitfalls of inappropriate siting of projects.

Although developing offshore wind at speed is important to mitigating climate change, poor processes and high conflict projects could erode support for this important clean energy source and ultimately undermine the industry's future in Louisiana. As discussed above, nearshore projects often have the highest level of conflict with human and natural resources. Prior to issuing leases,

[52] Governor John Bel Edwards, Louisiana Climate Action Plans: Climate Initiatives Task Force Recommendations to the Governor, pg 109, (2022). https://gov.louisiana.gov/assets/docs/CCI-Task-force/CAP/Climate_Action_Plan_FINAL_3.pdf

Louisiana should undertake the recommended assessments to determine whether offshore wind can be responsibly developed in state waters.

Our organizations hope to engage with LDNR in an ongoing dialogue to improve this process. We appreciate the opportunity to comment on the NOI and offer our sincere partnership to ensure that responsible siting of offshore wind occurs in Louisiana for the benefit of its people and the protection of its wildlife and habitats.

Sincerely,

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August 17, 2023

The Honorable John Bel Edwards
P.O. Box 94004
Baton Rouge, LA 70804

Delivered electronically to Charles.Sutcliffe@la.gov

Governor Edwards:

Our organizations, National Wildlife Federation (NWF), National Audubon Society, Louisiana Wildlife Federation (LWF), American Bird Conservancy (ABC), Healthy Gulf, and Coalition to Restore Coastal Louisiana (CRCL), write to share our concerns about the development of offshore wind energy in Louisiana nearshore state waters and to offer constructive advice on the essential elements of responsible offshore wind energy development. We commend the Edwards administration for your diligent work to advance meaningful climate solutions, and to kickstart the energy transformation. The Louisiana Climate Action Plan represents a truly remarkable collaboration and clearly suggests many viable paths forward for Louisiana. We are also encouraged by the federal offshore wind energy leasing process, and are grateful for the Governor's leadership inviting the Bureau of Ocean Energy Management to stand up the Gulf of Mexico (GOM) Intergovernmental Renewable Energy Task Force, beginning the process.

While we share a strong interest in seeing responsibly developed offshore wind advance in the Gulf, we write to share our serious concerns about its development in nearshore state waters. Compared to development far offshore, development in nearshore waters poses additional threats to wildlife, which are challenging to avoid through siting. Due to our concerns about the potential serious impacts to wildlife and the environment, our organizations would like to see the administration focus on developing a comprehensive plan that supports the responsible deployment of offshore wind energy in the Gulf of Mexico.

Responsible offshore wind energy: (i) avoids, minimizes, mitigates, and monitors adverse impacts on wildlife and habitats, (ii) minimizes negative impacts on other ocean uses, (iii) includes robust consultation with Native American tribes and communities, (iv) meaningfully engages state and local governments and stakeholders from the outset, (v) includes comprehensive efforts to avoid impacts to underserved communities, and (vi) uses the best available scientific and technological data to ensure science-based and stakeholder-informed decision making. Our organizations work with the federal government, developers, and other states to ensure offshore wind is built at a pace and scale appropriate for meeting the climate crisis, while also making sure that wildlife and communities are protected at every step of the process. We offer our assistance to the administration in the same capacity.

Offshore wind offers an opportunity to combat the threats of climate change to both wildlife and communities by transitioning our energy economy to renewable sources and away from fossil fuels. Collectively, our organizations have a robust history of advocacy, conservation, and coastal restoration work in Louisiana, and we have worked diligently throughout the federal offshore wind permitting process to ensure best practices and responsible wildlife protections are implemented in the deployment of offshore wind in the Gulf.[i] We have 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.

Our initial approach has been to encourage responsible development and the enactment of common-sense regulatory processes and analysis, but at this point we do not believe that an appropriately robust

environmental analysis and comprehensive siting process are in place, or that sufficient scientific reference points exist to demonstrate the principles of avoidance and mitigation. We have provided comments on the proposed leasing rules[ii], and have met with staff at the Department of Natural Resources Office of Coastal Management, and Louisiana Department of Wildlife and Fisheries, to share our concerns and to offer constructive feedback. We see several critical problems with the development process as it is currently unfolding.

As the state of Louisiana embarks upon the siting and deployment of offshore wind in state waters, we caution that nearshore (within 3 nautical miles) siting of turbines is extremely rare, as it often poses greater risks to wildlife and habitats. When nearshore projects are built it is usually for the purpose of conducting research. In the U.S. the only existing state waters project is quite small, with only 5 turbines off of Block Island, RI. It bears noting that the Block Island Wind farm was developed through an extensive planning process, taking into account environmental considerations and stakeholder concerns,[iii] and while the project is technically in state waters, it is more than 16 miles from the mainland and 3 miles from Block Island[iv].

Currently, DNR is negotiating Operating Agreements with companies that wish to develop in state waters. These companies are given a "go-ahead" to explore development in any areas of the coast, including areas that likely have conflicts with wildlife. This process is in stark contrast with BOEM's approach in federal waters, where the agency identifies potential lease areas through a robust scientific analysis and then allows companies to bid for areas to develop. Operating Agreements forego the ability to deploy avoidance as a principle, as the site for development is chosen before a robust scientific analysis of least-impactful sites is conducted. A spatial justification should be utilized for offshore wind development and additional research conducted on impacts to birds to fill data gaps and inform responsible decision making. Additionally, we are concerned that stakeholders, including members of the public and impacted communities, have little recourse under the current regulatory scheme for developers and operators who refuse to align with responsible best management practices, thus undermining and negatively impacting the investment that we have all made in a resilient Louisiana coast.

Siting is the most critical stage for implementing an efficient and responsible development process that avoids the greatest impacts to imperiled species and sensitive habitats. In addition to its environmental responsibility, effective siting increases efficiency for developers and agencies by avoiding costly delays due to avoidable conflicts. By frontloading the environmental assessments of sites and directing developers to appropriate locations for development, permitting agencies can avert the most detrimental impacts of development–particularly those that can not be effectively mitigated or minimized through project design. Both the draft leasing rules and the current use of operating agreements fail to take advantage of this opportunity to ensure the long-term success of these projects.

There is a profound lack of information about how nearshore wildlife and coastal resources will be impacted by offshore wind energy development in Louisiana, making an effective leasing and permitting process impossible at this time. The data that is available suggests that we can anticipate significant negative impacts to wildlife and the environment. There is clear evidence that Louisiana's iconic and beloved Brown Pelican would likely experience extensive mortality from offshore wind development in nearshore waters.[v]

We would like to note that the Louisiana Climate Action Plan clearly identifies the importance of updated permitting processes to successfully advance climate mitigation strategies: "Implementation of this plan will require the modification of existing energy infrastructure and the construction of new energy and infrastructure projects, such as renewable energy generation (e.g., solar farming, offshore wind), expanded electricity transmission infrastructure, vehicle charging stations and energy storage, and

CCUS facilities and pipelines. **Our state's siting and permitting processes must be updated to ensure that new projects are safely and equitably developed. Meeting our climate goals will also require revisiting Louisiana's existing practices and regulations that guide the development of new and expanded industrial facilities. This strategy aims to ensure that new projects align with Louisiana's climate action goals, mitigate adverse impacts to communities and environments now and into the future, and incorporate environmental justice considerations.**"[vi] (emphasis added)

We encourage the administration to use the remaining time in office to focus on developing a comprehensive offshore wind plan that thoughtfully integrates federal offshore wind development, coastal management, transmission planning, and supply chain growth. This will ensure that Louisiana succeeds at building an offshore wind energy industry that is prepared to service development nationally and globally for decades to come. While some see state waters development as an opportunity to get local businesses working in the offshore wind industry, Louisiana companies were already integral in building the Block Island Wind Farm in Rhode Island[vii]. Rather than continuing to focus on nearshore, state water development, which is likely to cause extensive harm to beloved species and unique habitats, there are significantly more opportunities for Louisiana workers and businesses to contribute to large-scale projects moving rapidly to construction on the Atlantic Coast.

A legacy of transformation, growth, and stability, tied to the truly responsible development of offshore wind is an ambitious goal, and one we believe the Edwards administration can still prioritize. We once again offer our support and advice in making responsible decisions for the future of offshore wind energy in Louisiana, and look forward to hearing more from the administration.

Sincerely,

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CC:

- Harry Vorhoff - Deputy Director, Governor's Office of Coastal Activities
- Charles Sutcliffe - Chief Resilience Officer, Governor's Office of Coastal Activities
- Thomas S. Harris - Secretary, Louisiana Department of Natural Resources
- Jamie S. Manuel - Assistant Secretary, Louisiana Department of Natural Resources, Office of Mineral Resources
- Keith Lovell - Assistant Secretary, Louisiana Department of Natural Resources, Office of Coastal Management
- James Devitt - Deputy General Counsel Louisiana Department of Natural Resources
- Robert Shadoin - Secretary, Louisiana Department of Wildlife and Fisheries
- Randy Myers - Assistant Secretary for Wildlife, Louisiana Department of Wildlife and Fisheries
- Cole Garrett - General Counsel, Louisiana Department of Wildlife and Fisheries

Supporting Documents:

- Comments submitted to the Louisiana Department of Natural Resources on proposed leasing rules
- Wind energy developments in coastal waters of the Gulf of Mexico threaten the iconic Brown Pelican Pelecanus occidentalis
- Approaches for Environmentally Responsible Siting of Renewable Energy in State Waters
- Letter from Audubon Delta to Senator Cassidy on offshore wind energy

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[i] See eNGO RFI Comments at https://www.regulations.gov/comment/BOEM-2021-0041-0025;
See eNGO Call Comments at https://www.regulations.gov/comment/BOEM-2021-0077-0031;
See eNGO Scoping Comments at https://www.regulations.gov/comment/BOEM-2021-0092-0017;
See eNGO Draft WEA Comments at https://www.regulations.gov/comment/BOEM-2022-0036-0090;
See eNGO Draft EA Comments at https://www.regulations.gov/comment/BOEM-2022-0036-0090;
See eNGO PSN Comments at https://www.regulations.gov/comment/BOEM-2023-0021-0042.

[ii] See Comments on draft leasing rules here: https://drive.google.com/file/d/1nXv9oPZeEcf5cN3cq7mbRqCX8Yfxy-2L/view?usp=drive_link

[iii]Rhode Island Special Area Management Plan https://seagrant.gso.uri.edu/oceansamp/documents.html

[iv] What is the Block Island Wind Farm https://web.uri.edu/offshore-renewable-energy/ate/what-is-the-block-island-wind-farm/#:~:text=The%20Block%20Island%20Wind%20Farm%20(BIWF)%20is%20located%20within%20the,the%20Rhode%20Island%20mainland1

[v] Wind energy developments in coastal waters of the Gulf of Mexico threaten the iconic Brown Pelican Pelecanus occidentalis: https://drive.google.com/drive/folders/1jFYWFmsynLXOG0D6F1n2agFl0rxypdT2

[vi] Louisiana Climate Action Plan, Page 108 https://gov.louisiana.gov/assets/docs/CCI-Task-force/CAP/Climate_Action_Plan_FINAL_3.pdf

[vii] "Louisiana companies manufacture wind turbine components, and four companies based in the state helped design, build and install the country's first offshore wind farm, the Block Island Project off the coast of Rhode Island, in 2016." https://drive.google.com/file/d/1--riebD3A_Zh3H9cQnnpgdpjM5iFAc95/view?usp=sharing

TO: Department of Natural Resources, Office of Mineral Resources
FROM: Southeastern Wind Coalition
DATE: December 8, 2023
RE: Comments on Diamond Offshore Wind Operating Agreement and Cajun Wind, LLC Operating Agreement

The Southeastern Wind Coalition (SEWC) appreciates the opportunity to submit comments on the Draft Operating Agreements (DOA) between the State of Louisiana, Diamond Offshore Wind, and Cajun Wind, LLC. SEWC's members include industry (e.g. manufacturers, utilities, suppliers, developers, consultants, service providers, trade associations), appropriate government bodies (economic developers, commerce departments, energy offices), academic and research institutions, and other non-profit groups that share our objectives. SEWC and its membership collectively bring decades of experience developing offshore wind in the United States and globally. Given the substantial similarity between the DOAs of Cajun Wind, LLC and Diamond Offshore Wind, we are submitting combined comments.

General comments

The property rights granted to the Operator in the DOA should be more precisely worded. The DOA currently grants only the "exclusive right and privilege of converting wind moving across the Property into electrical energy, and collecting, transmitting, and selling the electrical energy so converted." The DOA should also grant the exclusive right to construct and operate structures on and beneath the seafloor necessary to achieve these objectives. The incorporation of seafloor usage rights would be consistent with rights granted by the Bureau of Ocean Energy Management ("BOEM") in federal waters.[1] This right to use submerged lands would provide additional certainty to Operators, and would help address potential conflicts between usage for wind development and other purposes.

Given the nascency of the offshore wind industry in Louisiana and the ongoing state planning process, we also recommend that the DOA include a provision allowing for modification of the final Agreement by mutual consent. This would allow for future flexibility in the event that unforeseen challenges arise.

Term of the Agreement

We recommend that the timing of Article 4 of the DOA be modified to better align with the commercial development process for an offshore wind farm.

[1] *See* 43 U.S.C. 1337(p)(1), authorizing the federal government to "grant a lease, easement, or right-of-way on the outer Continental Shelf for activities" that "produce or support production, transportation, storage, or transmission of energy from sources other than oil and gas." *See also* 43 U.S.C. 1331(a), defining "outer Continental Shelf" as "all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 1301 of this title, and of which the subsoil and seabed appertain to the United States[.]"

First, the six-year Development Term of the DOA is likely to be insufficient and should, at minimum, account for processes outside of the Operator's control and/or build in a more predictable process for obtaining extensions. Once the Operator enters into the final agreement, it must conduct several years of extensive studies – including seabed surveys and wind speed measurements – before it can even apply for its various state and federal construction permits. The Development Term must also allow for a several year period for governmental review of its permit applications. (This review is almost certainly going to take longer than the minimum of six months prescribed in Article 7.3 of the DOA.) The Operator may not have control over the duration of the review, so the Development Term should be paused during this time period (or, alternatively, paired with a strict regulatory limit for state and federal agencies to reach a decision on Operator's application).

Even assuming the Operator obtains its approvals in a timely manner, it must also ensure that it has procured components and vessels prior to starting construction. Given global supply chain constraints, the nascency of the U.S. industry, and the need for permits before investments can be made, the amount of time needed for pre-construction preparation is unknown at this time. While we appreciate the State's strong interest in having a defined duration before construction commences, the level of uncertainty at this early stage requires increased flexibility on the part of the State. We therefore recommend that in addition to pausing the Development Term during permit reviews, the DOA also states that the State "will" grant extensions upon a showing of good cause. Such increased flexibility will also reduce the incentive the Operator may have to rush to start construction (as defined in the DOA) before they are prepared.

Increased flexibility for the Development Term will obviate the need for a defined Construction Term. Offshore wind developers are already incentivized to construct their projects in an efficient manner, particularly given the steep cost of chartering construction vessels and other equipment. The Operator will also likely be bound by a contractual delivery date for the electrons created by the project. Putting an additional– and potentially conflicting– clock on that process is commercially redundant and creates unnecessary project risk.A

Article 4.4 delineates that the Operator will be liable beyond the terms of the Agreement itself, including decommissioning. If those rights are transferred in accordance with Article 18.3, would the initial Operator still be liable through the decommissioning period?

Payments

First, we strongly oppose the royalty rate increasing with inflation as set forth in Article 5.5. Inflation would have the effect of increasing construction and operations costs for Operator's project, so increasing the royalty rate would add insult to injury.

Second, we disagree with the wording of Article 5.9, which purports to impose an additional cost on Operators for the installation of electric transmission cables on the Property, and which excludes a right of way outside the Property boundary. Transmission is integral to the design and operation of an offshore wind farm, and cannot and should not be separated from rights to

install wind turbine generators and other essential appurtenances. Operator's fee for usage of the Property should include the right to install any inter-array cables necessary to connect the wind turbine generators and substation(s) on the Property.

Perhaps more importantly, the DOA should provide certainty that the Operator will be able to obtain a right of way on which to construct an export cable that will connect the project from the Property to the electrical grid or another offtake opportunity (such as a hydrogen hub). Without a path to market, an offshore wind project has no commercial value and cannot obtain the financing needed for construction. While we appreciate that the exact export cable route may not be known until the Operator is able to conduct further survey work and find a customer for its electricity, it is not too early to guarantee that the Operator will have the physical ability to take its electricity to market once the optimal route is determined. The State can use Article 6 and Addendum D of the standard BOEM lease as a model.[2]

Accordingly, the fees for right of ways should be calculated based only on export cables from the Property boundary. The language stating that the Agreement does not provide for or address rights of ways outside the Property boundary also appears to be in conflict with Article 7.8, which details the requirements for a Point of Delivery "on or **near** the Property boundary." (emphasis added)

State and Operator Rights

We have several concerns regarding the provisions setting forth the State's and Operator's respective rights under the DOA. First, while we appreciate the State's interest in making full use of the Property, we are concerned that the State's retained rights in Article 6.1 , including the extraction of minerals and the storage of carbon dioxide, have the potential to interfere with the rights granted to the Operator. The State should include a clause ensuring that any retained rights will not affect Operator's use and enjoyment of the Property for the purposes set forth in this Agreement. The Operator could have trouble obtaining financing and insuring its project if its development rights could be subordinate to conflicting energy development rights in the same geographic area.

Second, the DOA should add flexibility regarding the right to public access to the Property. Article 6.3 describes this right in absolute terms that could be construed as overriding the Operator's right to safely and effectively construct an offshore wind farm on the Property, thereby opening the Operator to legal liability for lawfully conducting activities under the DOA. We recommend the following changes that would ensure that public access rights do not prejudice development rights:

> "6.3 (a) Pursuant to La. R.S. 30:127(G), Operator shall **not restrict** ~~maintain and preserve~~ the public's access to public waterways throughout the Property covered by

[2] See, e.g., BOEM lease number OCS-A 0546 at pp. 3, D-1, available at https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/Commercial%20Lease%20OCS-A%200546.pdf

this Agreement, e**xcept that this provision should not be deemed to proscribe Operator's right to construct such facilities as are necessary to achieve the purposes of this Agreement;** (b) Subject to the the provisions of La. R.S. 30:127(G), Operator is permitted to **limit access to ~~protect~~** portions of the Windpower Facilities as may be necessary for ~~safety~~ purposes of **safety, protection of property, and grid security**; and (c) Operator shall grant the State, or any other person or entity authorized and acting on behalf of the State, access at all reasonable times via any road or waterway to inspect the Property to ensure compliance with all requirements of this Agreement or to exercise any right reserved explicitly or impliedly in this Agreement. Further, the State shall have the right to use any and all portions of the Property for any purpose or to issue rights-of-ways and servitudes upon the Property, provided doing so does not unreasonably interfere with the rights of Operator or the operations of the Windpower Facilities."

Operations

We have several concerns regarding the Articles of the DOA related to the approval of operations on the Property.

First, the requirement in Article 7.1 that the Operator be responsible for all "damage" to the Property is overbroad and could result in liability for reasonable and/or authorized activities. Offshore wind, like all major infrastructure development, is likely to have some environmental effects no matter how many mitigation measures are imposed. Those reasonably anticipated effects should be explicitly excluded from the definition of "damage" or "loss" in the DOA. A carefully proscribed definition of these terms would also provide clarity to insurers on potential liability in determining the required policies under Article 10.1.

Second, the DOA does not have a mechanism for approval of the Construction and Operations plan. Article 7.3 describes what must be included in the Construction and Operations Plan, but contains no standard of review or process that would guide the Operator and the State in determining adequacy or compliance. The State should include language to determine adequacy of the Construction and Operations Plan, and a procedure for if it is found to be inadequate.

More broadly, the State should expeditiously promulgate regulations governing the contents of the Construction and Operations Plan, as a private contract isn't appropriate for processes that are broadly applicable and involve public trust resources. In addition to the information already required, the State should require submission of relevant permits currently obtained as well as future permits that will be required by the Army Corps of Engineers or Other Regulatory Entities.

For Article 7.6, we recommend that the final agreement avoid specifying types of standards as industry standards are constantly evolving. We are also unaware of any applicable industry consensus standards for noise/acoustic measurement and siting.

Article 7.8 states that the Operator shall physically deliver power at the Point of Delivery, but there is no information in the DOA regarding how that Point of Delivery would be determined. Certain readings could suggest that the State is going to pay the interconnection costs if it's at the officially designated Point of Delivery. The State should add more clarity to this Article, particularly where it appears to conflict with Article 5.9. We also recommend ensuring that all language regarding transmission is consistent with both the state and MISO.

Insurance & Indemnification

The DOA contains insurance and indemnification provisions that could create unnecessary risk for the Operator.

Article 10.1 requires the Operator include the State as an additional insured. Article 12.1 requires the Operator to indemnify the State and its agents against any and all legal claims. Taken together, these provisions could result in Operator indemnifying the State for any litigation arising from the State's approval of an offshore wind project relating to the DOA. This creates significant financial risk for the Operator, could make it difficult to obtain an insurance policy, and could expose the Operator to legal costs and liability for actions beyond its control. We recommend limiting the indemnification provision to events within the Operator's control where the Operator is alleged to have engaged in negligence or willful misconduct.

Article 12 provides indemnification provisions. The State should consider limiting this provision to operations activities.[3]

Article 15.5 details decommissioning requirements, including the complete removal of all foundations. The State should additionally consider reserving the option of toppling structures in place to form artificial reefs. We suggest including this component as a point of research for the State's Offshore Wind Master Plan.

Conclusion

The Southeastern Wind Coalition appreciates the opportunity to submit these comments.

Signed,

Jenny Netherton
Senior Program Manager
Southeastern Wind Coalition
jennyn@sewind.org

[3]See ›https://www.boem.gov/sites/default/files/renewable-energy-program/State-Activities/MA/Lease-OCS-A-0521.pdf&sa=D&source=docs&ust=1700545673498389&usg=AOvVaw1ARqczgZarkkudxmbhgoK_ at Page 4.

From: dcrtaylor@aol.com
To: Office of Mineral Resources
Subject: re Near Shore Wind Farms
Date: Saturday, December 9, 2023 11:21:59 AM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Date: December 9, 2023

TO: Department of Natural Resources

Office of Mineral Resources

PO Box 2827

Baton Rouge LA 70821-2827

FROM: Deborah R Taylor

16632 Mockingbird LN

Baton Rouge, LA 70819

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**

Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

I write in opposition to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms near shore state waters of the coast of Louisiana due to avian environmental concerns. Birds and other wildlife are

important to
Louisiana residents and Louisiana economy.

My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted. Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for Offshore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not all of the north coast of the GOM.

I urge the state to:

<!--[if !supportLists]-->• <!--[endif]-->Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law.

<!--[if !supportLists]-->• <!--[endif]-->If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight.

<!--[if !supportLists]-->• <!--[endif]-->Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection.

<!--[if !supportLists]-->• <!--[endif]-->Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns.

<!--[if !supportLists]-->• <!--[endif]-->Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird

species.

<!--[if !supportLists]-->• <!--[endif]-->Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

Date: December 9, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: DeVonna and Eddie Dalton 35341 Oak Landing Ave Geismar, LA 70734

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

We write in opposition to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana due to avian environmental concerns.

Our understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted. Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico (GOM) offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for OffShore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not all of the north coast of the GOM.

We urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;

- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
- Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

We appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wind farm development.

December 9, 2023

Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

Lynda S. Williams
42089 Preston Landry Road
Gonzales, LA 70737

RE: 1. DOW LA Gulf Wind LLC, **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind, **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

I am writing to let you know I oppose the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana because of avian environmental concerns.

My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted. Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for OffShore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not all of the north coast of the GOM.

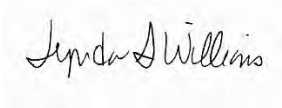
I strongly urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;
- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
- Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

Sincerely,



Lynda S. Williams

From: marie varnes
To: Office of Mineral Resources
Subject: Docket #s OMR 23-03 and OMR 23-04
Date: Saturday, December 9, 2023 8:37:46 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Date: December 9, 2023

TO: Department of Natural Resources

FROM: Marie Varnes, Ph. D.
1124 Stoneliegh Drive
Baton Rouge LA 70808

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

I appreciate the opportunity to comment on these two operating agreements between LDNR and wind energy development companies, the first of their kind in Louisiana. Although Louisiana needs to shift our eonomy toward renewable energy sources, it is critical to avoid harming other sectors of our environment. In particular, I am concerned that the above projects, proposed without any environmental impact requirement, will do untold harm to our migrating bird population. Thus, I write
in opposition to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana due to avian environmental concerns.

As a member of the Baton Rouge Audubon Society I understand that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted. In addition to the birds, the LA tourist industry would also be adversely affected, since many birders come from all over the world to witness the spring and fall migrations.

Thus I urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;

- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
- Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Sincerely,
Marie Varnes

From:	Annamaria Rossman
To:	Office of Mineral Resources
Subject:	Comment on State Wind Energy Policy Plans
Date:	Sunday, December 10, 2023 6:23:27 PM
Attachments:	Comment_on_State_Wind_Energy_Policy_Plan.docx

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

To Whom It May Concern:

I have attached a document containing my comment on the state's wind energy policy plans.

Thank you for your time.

Sincerely,

Annamaria Rossman

Date: December 10, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Annamaria Rossman
17160 Lisa Dr.
Livingston, LA 70754

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

I write in opposition to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana, due to avian environmental concerns.

My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Since these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. In addition to our migratory birds, our fragile nesting birds, including our own state bird, the Brown Pelican, could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot, whose populations are already tenuous, could be impacted. Recommendations developed by National Oceanic and Atmospheric Administration (NOAA) and Bureau of Ocean Energy Management (BOEM) modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for Offshore Wind, which was established for developments along the Atlantic coast, be established at least for Louisiana's coast, if not all of the north coast of the Gulf of Mexico.

I urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;

- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;
- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
- Work closely with the Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it is imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

From:	Ava Fontenot
To:	Office of Mineral Resources
Subject:	Wind Farms...
Date:	Sunday, December 10, 2023 7:25:32 PM
Attachments:	letter to DNR re wind farm.docx

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Hello,
I was not able to change the “From” information on the attached letter. My name is
Ava P. Fontenot
112 Sandalwood Dr.
Gray, LA. 70359

Sent from my iPhone

Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: {YOUR NAME AND ADDRESS HERE}

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

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My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted. Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for OffShore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not all of the north coast of the GOM.

I urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;

- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
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- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

From:	Chris OConnor
To:	Office of Mineral Resources
Cc:	Brooks OConnor
Subject:	Comment on LA Docket OMR23-03
Date:	Sunday, December 10, 2023 7:47:15 AM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

DOW LA Gulf Wind, LLC – Public Hearing Operating Agreement in Lafourche/ Terrebonne Parishes
Louisiana Docket No. OMR 23-03

I am writing to comment on the proposed offshore wind energy project.

This project presents many real and legitimate concerns for the citizens of Louisiana, but my attention today will be focused on and limited to the threats faced by bird populations.

Two quotes below from Andrew Wilson of the Orleans Audubon Society summarize some concerns and that their concerns have not been addressed show that this process is going too fast.

"Coastal Louisiana is a regionally, nationally and globally important area for birds, and as such, the State is charged with conserving this shared natural resource. An incredibly high diversity of migratory birds, approximately 330 species representing 55 families, follow the Mississippi flyway and use Louisiana's coast and near shore waters.

Seventeen species of birds that breed in Louisiana are restricted to the coastal zone, and for eight of these species, coastal Louisiana hosts between 28 to 83% of the North American population north of the Gulf of Mexico. With regard to threatened and endangered species, two threatened shorebirds, Red Knots and Piping Plovers, use Louisiana's coastline in their non-breeding seasons are also likely to be impacted by near shore windmills……

While OAS appreciates the State's eagerness to lead the nation in developing wind energy in nearshore waters, we advise that cutting corners, as is currently proposed, will lead to environmental catastrophe of significant scale to potentially stall or halt the project. The State's Operating Agreement approach should be scrapped, and the State should begin to gather environmental data and then pursue a true lease program in line with existing Louisiana law,1 rather than Operating Agreements. Alternatively, at a minimum, the State should insert a detailed clause in the proposed Operating Agreement Template which will require environmental surveys and monitoring well before siting and construction of wind energy projects so as to prevent and/or minimize adverse impacts on wildlife, particularly avian species. This approach will mirror the approach used by federal agencies as well as other States to date. Any other approach will invite protracted and expensive litigation…..
Andrew Wilson
Orleans Audubon Society"

I appreciate the opportunity to comment and trust that you will make the right decision.

Sincerely,
Chris O'Connor

Sent from my iPhone

Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Cindy Thompson
18313 Weatherwood Drive
Baton Rouge, LA 70817

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

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I urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;

- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;
- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
- Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

Date: December 9, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Deborah Strand

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

To be completely frank; there is a bird "migratory-thoroughfare" going through the offshore regions of Louisiana and Mississippi and Texas to get to our coastline (and leave our coastline for migrations to South America).
Putting huge rotating fans right in the middle of a major landing and take-off path for utterly massive bird migrations for all of North America should at least require some sort of Environmental Impact Assessment. Science and collected data from various national, collegiate, and local environmental and animal study and management agencies can best assist with appropriate siting wind farms/turbines (and how far offshore that may need to be).

We have already witnessed missteps taken with alternative energy technologies that lead to devastating public relations smears and souring views for the promising (and hope-inspiring) field. A DISASTER with bird migration and losses potentially associated with this project could also kill the original good intent of use of wind energy technology (or other green technologies, by association). Not only could the birds be destroyed and species lost or further threatened, but the bad public response or outrage could terribly impact the new technology that needs to flourish with efficient and safe design and locations of use.

The birds already face huge danger and challenges in making their natural flight migrations to and from rapidly shrinking coastlines, with continued loss of habitat and food sources that depend on healthy natural ecological environments…**WHY add huge fans directly in the path of their existential journeys** for them to also safely navigate around?

I write in opposition to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana due to avian environmental concerns.

My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted. Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for OffShore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not all of the north coast of the GOM.

I urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;
- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
- Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the picture of the future for energy security, as well as meeting climate and environmental challenges. But it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

The success of wind energy and other non-fossil fuel energy technologies depend on the success of animal and human populations. Tragic outcomes for animal populations and humans during the early introduction and adoption of new cleaner energy solutions could entirely derail the effort of cleaner energy technology.

To be completely frank; there is a bird “migratory-thoroughfare” going through the offshore regions of Louisiana and Mississippi and Texas to get to our coastline (and leave our coastline for migrations to South America).
Putting huge rotating fans right in the middle of a major landing and take-off path for utterly massive bird migrations for all of North America should at least require some sort of Environmental Impact Assessment. Science and collected data from various national, collegiate, and local environmental and animal study and management agencies can best assist with appropriate siting wind farms/turbines (and how far offshore that may need to be).

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I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wind farm development.

Deborah (Deb) Strand

From: Gigi Legendre
To: Office of Mineral Resources
Subject: Docket No. OMR 23-03 and OMR 23-04
Date: Sunday, December 10, 2023 2:09:28 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Genevieve Legendre
422 S Jahncke Ave, Covington, LA 70433

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

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the least for Louisiana's coast, if not all of the north coast of the GOM.

I urge the state to:

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- Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;

- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;

- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

From: grobec22
To: Office of Mineral Resources
Subject: Re: DOW LA Gulf Wind LLC project, Lafourche/Terrebonne Parishes and Cajun Wind LLC project, Cameron Parish
Date: Sunday, December 10, 2023 12:37:09 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

I am writing to express my opposition to the two above referenced wind energy projects. I am not opposed to wind energy as long as it is implemented responsibly. However these two sites are located in the path of two of the largest migratory bird flyways in North America. These sites were apparently selected without proper assessment of environmental consequences, including migratory bird mortality. Pursuit of offshore wind energy projects must not be done at the expense of our coastal marine wildlife.
Scientific studies conducted for other wind energy projects point to mass avian mortality if these two projects are sited where currently proposed. In other words, birds are much more likely to collide with wind turbines that are sited near shore vs. federal waters well offshore. NOAA's Bureau of Ocean Energy Management specifically recommends complete avoidance within 20 nautical miles of the coastline for wind energy areas.
I urge the state to scrap the "Operating Agreement " approach and begin gathering environmental data, and then pursue a lease program according to existing state law. Environmental surveys and monitoring should be required well before siting and construction of wind energy projects in order to prevent/minimize adverse impacts on wildlife, including avian species.

Sincerely,
James Delaney
454 Browns Creek Rd.
Boyce, LA, 71409

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

From: Jan Soule
To: Office of Mineral Resources
Subject: 1. DOW LA Gulf Wind LLC Docket No. OMR 23-03 2. Cajun Wind Docket No. OMR 23-04
Date: Sunday, December 10, 2023 9:20:56 AM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Jan Soulé
6824 South Fieldgate Ct. Baton Rouge,La. 70808

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

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I urge the state to:

<!--[if !supportLists]-->• <!--[endif]-->Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
<!--[if !supportLists]-->• <!--[endif]-->If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;
<!--[if !supportLists]-->• <!--[endif]-->Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
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for **population-level impacts** on coastal bird species;

<!--[if !supportLists]-->● <!--[endif]-->Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

From:	Fox, Kara
To:	Office of Mineral Resources
Cc:	Fox, Kara; Moore, Brian
Subject:	National Audubon Society Comments 12.11.23
Date:	Monday, December 11, 2023 4:09:53 PM
Attachments:	image001.png LA Operating Agreement Comments_Audubon12.11.23.pdf BRPE_OWED state waters_Gulf of Mexico.pdf

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

December 11, 2023

Secretary Thomas Harris
Office of Mineral Resources, Department of Natural Resources
P.O. Box 2827
Baton Rouge, LA 70821

Delivered electronically to OMR@LA.gov

Re: Operating Agreements for DOW LA Gulf Wind, LLC and Cajun Wind, LLC and any other wind project proposals in Louisiana's state waters

Dear Secretary Harris:

The National Audubon Society (Audubon) is a nonprofit conservation organization whose mission is to protect birds and the places they need, today and tomorrow, throughout the Americas. Audubon has had a presence on the Gulf Coast for nearly a century and is invested thoroughly in the region. Audubon staff are working to advance restoration, conservation, and stewardship with the goal of having healthy and resilient coastal and marine ecosystems that support populations of birds, fish, wildlife, and people throughout the Americas. On behalf of our over 1.6 million members, Audubon provides the following comments regarding Operating Agreements for DOW LA Gulf Wind, LLC and Cajun Wind, LLC and any other wind project proposals in Louisiana's state waters.

Audubon requests to be on the public and administrative record in expressing the highest concern on the above and future Applications for Operating Agreements for DOW LA Gulf Wind, LLC and Cajun Wind, LLC offshore wind projects proposed for deployment in Louisiana state waters.

It is our opinion that these proposed offshore wind energy projects in state waters are not in the best interest of the State of Louisiana, threaten important public trust resources such as birds (including species listed under the Endangered Species Act, specifically Piping Plover and Red Knot), and would establish an adverse precedent for the development of offshore wind in the Gulf of Mexico's more appropriate federal waters by stirring public opposition.

Responsible siting and operation of offshore wind energy (i) avoids, minimizes, monitors, and mitigates adverse impacts on marine and coastal habitats and the wildlife that rely on them, (ii) minimizes negative impacts on other ocean uses, (iii) includes robust consultation with Native American tribes and communities, (iv) meaningfully engages state and local governments and stakeholders from the outset, (v) includes comprehensive efforts to avoid impacts to environmental justice communities, and (vi) uses the best available scientific and technological data to ensure science-based and stakeholder-informed decision making. We find that the Louisiana leasing process does not adhere to these criteria that reflect the industry's best practices.

Audubon's science at https://climate.audubon.org reveals that we may lose 389 species of N. American birds if warming climbs to 3° Celsius above pre-industrial levels. In order to mitigate these impacts, Audubon is highly supportive of responsibly sited and operated offshore wind power as a critically needed climate change solution, and we have long advocated for policies and actions to bring offshore wind projects to scale in an environmentally protective manner.

In contrast to the state waters of Louisiana process for permitting offshore wind, the Bureau of Energy and Management established a process in federal waters of the Gulf, which included stakeholder input in a step-wise process while addressing the potential impacts to the environment. Importantly, this process followed Best Management Practices of observing the mitigation hierarchy in addressing potential impacts – avoid first, minimize second, and if you can't avoid or minimize then compensate with mitigation that offsets the impact. It is critical to understand the baseline of scientific data gathered by wind developer biologists on their site and scientists in the Gulf regionally to calculate the risk to birds and other wildlife before approving the construction and operation of the project[1]

We respectfully urge the OMR to initially deny these applications or impose conditions that are informed by science and consultation with Louisiana Department of Wildlife and Fisheries and US Fish and Wildlife Service before the Operating Agreements are approved, and especially before the projects can begin construction or operation.

We believe that pursuit of wind energy projects in more appropriate locations like federal waters will be more effective and successful at scale in helping the State meet its renewable energy and financial goals. As an illustration of environmental risks that can be posed to natural resources, we describe the unique susceptibilities of Louisiana's state bird, the Brown Pelican (*Pelecanus occidentalis*), to adverse impacts from wind energy development in coastal waters (***see attached***).

We appreciate the OMR for extending the comment deadline to December 11 to allow more time for review, but the short comment period and the late posting of materials have made stakeholder input a challenge, especially given the coincidence with the Thanksgiving holiday.

It was also not in the state's best interests to hold public hearings in remote places during the daytime, which created a substantial participation barrier for the average working Louisianian. We urge DNR to consider a more inclusive public engagement process as it considers the future of wind energy development in Louisiana.

Sincerely,

Brian (Francis) Moore
Interim Vice President, Audubon Delta
Vice President, Coast Policy
National Audubon Society

Kara Fox
Director, Gulf Coast Restoration
National Audubon Society

National Audubon Society
225 Varick Street, 7th Floor
New York, NY 10014

212.979.3196
www.audubon.org

December 11, 2023

Secretary Thomas Harris
Office of Mineral Resources, Department of Natural Resources
P.O. Box 2827
Baton Rouge, LA 70821

Delivered electronically to OMR@LA.gov

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Dear Secretary Harris:

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Sincerely,

Brian (Francis) Moore
Interim Vice President, Audubon Delta
Vice President, Coast Policy
National Audubon Society

Wind energy developments in coastal waters of the Gulf of Mexico threaten the iconic Brown Pelican *Pelecanus occidentalis*

Brown Pelican *Pelecanus occidentalis* is the only truly marine pelican species in the world. In 1918, Louisiana was home to an estimated 50,000-80,000 pelicans, but numbers had dropped to a mere 6 individuals in 1962, due mainly to devastating effects of DDT. By 1973, National Audubon Society and Louisiana Department of Wildlife and Fisheries had successfully translocated healthy young pelicans from Florida to several islands along coastal Louisiana. Today, the Pelican State is home to an estimated 100,000 individuals, though multiple threats to the species remain in the Gulf region.[1]

Restoration of Brown Pelican on Queen Bess Island, Jefferson Parish, coastal Louisiana. *Credit*: U.S. Department of the Interior, https://www.doi.gov/deepwaterhorizon/our-restoration-stories/QueenBess

Why is Brown Pelican so vulnerable to offshore wind energy in coastal waters?

Brown Pelican has been assessed as among the most vulnerable of all marine birds to a range of negative impacts associated with offshore wind energy development.[2] Numerous factors converge to make Brown Pelican especially susceptible to adverse impacts from wind farm and turbine siting in nearshore, coastal, and state-jurisdictional waters. These contributing factors include:

- Highest densities of (and local movements by) Brown Pelicans occur in shallow, nearshore

[1] In addition to habitat declines (including erosion from sea level rise) that affect pelican reproduction, chemical contaminants and hydrocarbon loads from the *Deepwater Horizon* oil spill also can have adverse impacts on the Gulf population. See: King KA, Blankinship DR, Payne E, Krynitsky AJ, Hensler GL. 1985. Brown pelican populations and pollutants in Texas 1975-1981. *The Wilson Bulletin* 97:201–214; Walter ST, Carloss MR, Hess TJ, Leberg PL. 2013. Hurricane, habitat degradation, and land loss effects on Brown Pelican nesting colonies. *Journal of Coastal Research* 29:187–195; Haney JC, Geiger HJ, Short JW. 2014. Bird mortality from the *Deepwater Horizon* oil spill. II. Carcass sampling and exposure probability in the coastal Gulf of Mexico. *Marine Ecology Progress Series* 513:239–252; Jodice PG, Lamb JS, Satgé YG, Fiorello C. 2022. Blood biochemistry and hematology of adult and chick Brown Pelicans in the northern Gulf of Mexico: baseline health values and ecological relationships. *Conservation Physiology* 10:coac064.

[2] Robinson Willmott JC, Forcey G, Kent A. 2013. The relative vulnerability of migratory bird species to offshore wind energy projects on the Atlantic Outer Continental Shelf: An assessment method and database. Final Rept., US Department of the Interior, Bureau of Ocean Energy Management, Office of Renewable Energy Programs. OCS Study BOEM 207; Kelsey EC, Felis JJ, Czapanskiy M, Pereksta DM, Adams J. 2018. Collision and displacement vulnerability to offshore wind energy infrastructure among marine birds of the Pacific Outer Continental Shelf. *Journal of Environmental Management* 227:229–247.

waters close to the coast (e.g., within 30 km).[3]

- Nesting colonies of Brown Pelicans in Louisiana are located within 20 km of the mainland,[4] so a high proportion of individuals in all age classes throughout the entire population (breeding and non-breeding adults, immatures, juveniles) are placed at risk from coastal threats.
- Coastal bird guilds (which encompass pelicans) have the greatest likelihood of being exposed to consequences of energy development regardless of infrastructure siting.[5]
- A major prey source,[6] Gulf menhaden *Brevoortia patronus*, relied on by pelicans in the northern Gulf of Mexico occurs primarily in shallow, less saline waters, thus overlapping extensively with any wind energy projects sited in state waters.
- In the northern Gulf of Mexico, Brown Pelicans often use offshore structures like oil and gas platforms for perching (***see photos, below***) – this behavior will exacerbate the species' attraction to wind farms and the attendant dangers of collision with turbine blades.

In the Gulf of Mexico, Brown Pelicans are attracted to energy platforms for use as perching, resting, and preening. This tendency brings them into close proximity to risks caused by infrastructure used for offshore wind energy.

- Brown Pelicans are slow and often clumsy flyers, unable to change flight direction quickly or nimbly in response to unforeseen obstacles. Also, pelicans must contend with sea surface glare, refraction, prey depth, evasive prey tactics, and other environmental variables[7] that distract them from structural obstacles that are not typically part of their foraging airspace.
- Brown Pelicans fly in flocks in a line or V-formation to save energy via reduced drag – this behavior places entire groups of pelicans at risk of a single collision event.

---

[3] Briggs KT, Lewis DB, Tyler WB, Hunt Jr GL. 1981. Brown Pelicans in southern California: habitat use and environmental fluctuations. *The Condor* 83:1–5; King DT, Goatcher BL, Fischer JW, Stanton J, Lacour JM, Lemmons SC, Wang G. 2013. Home ranges and habitat use of Brown Pelicans (*Pelecanus occidentalis*) in the northern Gulf of Mexico. *Waterbirds* 36:494–500; Lamb JS, Satgé YG, Jodice PG. 2020. Seasonal variation in environmental and behavioural drivers of annual-cycle habitat selection in a nearshore seabird. *Diversity and Distributions* 26:254–266.

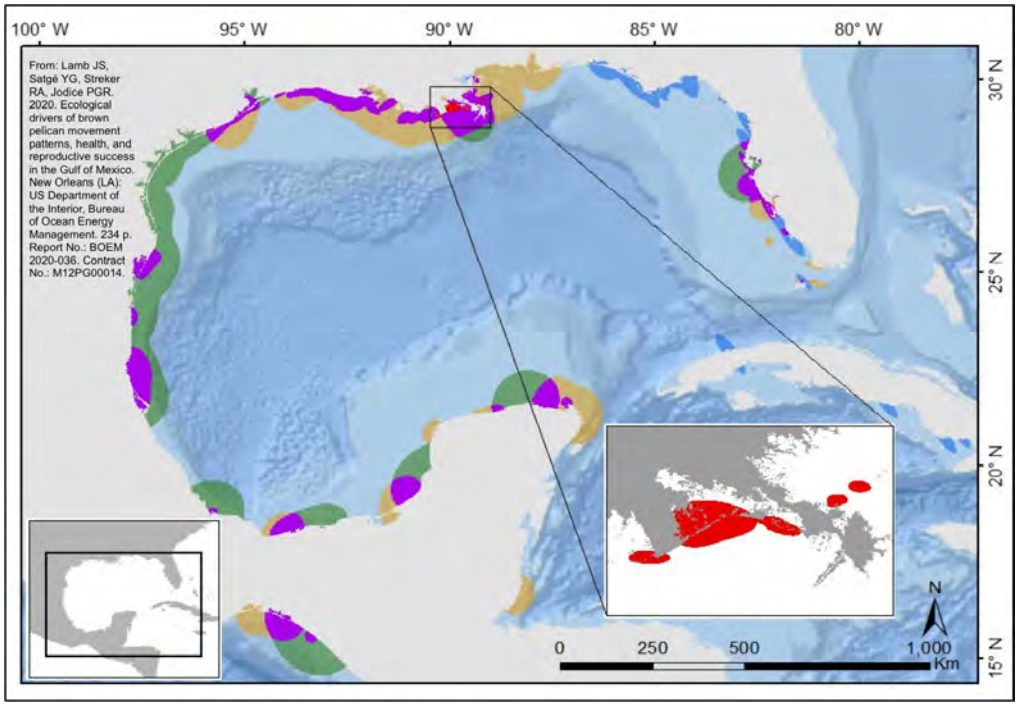
[4] Visser JM, Vermillion WG, Evers DE, Linscombe RG, Sasser CE. 2005. Nesting habitat requirements of the Brown Pelican and their management implications. *Journal of Coastal Research* 21:e27–e35.

[5] Goodale MW, Milman A, Griffin CR. 2019. Assessing the cumulative adverse effects of offshore wind energy development on seabird foraging guilds along the East Coast of the United States. *Environmental Research Letters* 14:074018.

[6] Over 95% of the diet for Brown Pelican diet in the Gulf is made up of Gulf menhaden; Shields, M. 2014. Brown Pelican: *Pelecanus occidentalis*. In *The Birds of North America* (eds. Poole A, Gill F), Cornell Lab of Ornithology; see also Lamb JS, Satgé YG, Jodice PG. 2017. Diet composition and provisioning rates of nestlings determine reproductive success in a subtropical seabird. *Marine Ecology Progress Series* 581:149–164.

[7] Carl RA. 1987. Age-class variation in foraging techniques by Brown Pelicans. *The Condor* 89:525–533.

- Pulsed, periodic mortality events of Brown Pelicans from collisions are worsened when man-made structures are located more proximate to key pelican habitats.[8]
- In the northern Gulf of Mexico, Brown Pelicans commute ~80 km per day to/from a central place (rookery or colony) to reach distant feeding sites, both in alongshore and offshore directions – such movements lead to higher 'flux' rates that inflate a likelihood of repeated encounters to and collisions with wind energy projects sited in coastal waters.



Brown Pelicans in the Gulf of Mexico make extensive movements around the entire periphery of this enclosed sea, with birds from different colonies and regions mixing together in high-quality foraging locations after breeding. Brown Pelicans from the eastern (blue), central (light brown), and western (green) BOEM planning areas all rely on productive coastal waters just west of the Mississippi Delta.[9]

- A majority of GPS-tracked Brown Pelicans used seasonal migratory flyways *along* Gulf coastal waters – none undertook migrations directly across deeper, open waters.[10]
- Flight 'flux' rates and exposure to collision risk also increase because Brown Pelican movements occur in all dimensions of the turbine rotor swept zone (RSZ). As birds fly through the airspace, rise to plunge dive, and then descend rapidly on their fish prey, a greater 'flux' rate arises from both horizontal *and* vertical flight movements through these collision risk zones.
- Out of more than 170 species evaluated in the Atlantic Outer Continental Shelf (OCS) region, including marine birds, shorebirds, waders, and waterfowl, Brown Pelican ranked in the top 20 of all birds most sensitive to collision risk from offshore wind energy projects.[11] Another comparison also ranked Brown Pelican as highly sensitive to collision risk.[12]

[8] Birt A, Koczur L, Tamayo A, Huch R, Rodriguez A. 2021. Daily and seasonal movements of Brown Pelicans in the Bahía Grande Wetland Complex. Technical Report 0-6970-R1, Texas A&M Transportation Institute.
[9] Lamb JS, Satgé YG, Streker RA, Jodice PG. 2020. Ecological drivers of Brown Pelican movement patterns, health, and reproductive success in the Gulf of Mexico. New Orleans: US Department of the Interior, Bureau of Ocean Energy Management. Report No.: BOEM 2020–036. 234 pp.
[10] Birt et al. 2021.
[11] Robinson Wilmott et al. 2013.
[12] Kelsey et al. 2018.

- Collision risks and death rates ultimately will be a function of how many Brown Pelicans elude the entire wind farm (*macro-avoidance*), the individual turbines (*meso-avoidance*), and make last-minute changes to miss the deadly spinning blades (*micro-avoidance*).[13]

Monitoring requirements for Brown Pelican in the Gulf of Mexico

Wind energy in state waters must begin with a geographic analysis that supports ***avoidance***, i.e., siting to reduce long-term spatial risks to Brown Pelican and other wildlife. Optimal siting uses a measure of spatial conflict between bird protection and generation of offshore wind power[14] to reduce risk based on least-conflict designation.[15] Well-designed spatial suitability studies can assist marine planners to identify sites wherein industrial needs for consistent supplies of offshore wind power overlap least with the critical marine habitats needed by Brown Pelicans, marine birds, and other protected species.[16]

Any wind energy developments in Gulf state waters should be prepared to use ***minimization*** and ***compensation*** for protecting Brown Pelicans. Best management and monitoring practices[17] are essential precursors to offshore wind projects in Gulf coastal waters, including:

- Three-dimensional characterization of pelican movements. Nanotags, geolocators, satellite receivers, and other tagging systems should be deployed extensively on Brown Pelicans near coastal project sites. Technologies that track fine-scale flight behavior are necessary to depict how pelicans maneuver in both horizontal and vertical dimensions around wind farms.
- Turbine monitoring with remote instrumentation. Remote instrumentation systems (i.e., radar, acoustics, thermal and visible cameras)[18] should be installed to understand how pelicans and other birds maneuver within the wind farm. Such instrumentation can: (1) detect how a target species utilizes offshore airspace and does (or does not) interact with the wind farm; (2) improve collision estimates from SCRAM models (or their successors) for the pelican and other affected birds; and (3) inform decisions to minimize the collisions (e.g., curtailment decisions).
- Displacement studies and evaluation. Monitoring studies must be able to address the extent to which pelicans avoid the entire footprint of an offshore wind farm (*macro-avoidance*), individual turbines (*meso-avoidance*), and rotating blades (*micro-avoidance*).
- Compensation. If collisions are neither avoided nor minimized, pelican mortality should be offset with: restoration of lands, waters, sediment, vegetation, or prey quality or quantity; efforts to facilitate habitat migration or otherwise adapt to sea level rise; predator management; management of human activities to reduce disturbance; and efforts to curtail other direct human-caused mortality from such factors as entanglement, vehicles, collision with other structures (e.g., power lines, terrestrial wind turbines), oil spills, and other contaminants.

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[13] Cook AS, Humphreys EM, Bennet F, Masden EA, Burton NH. 2018. Quantifying avian avoidance of offshore wind turbines: current evidence and key knowledge gaps. Marine Environmental Research 140:278–288.

[14] Eichhorn M, Drechsler M. 2010. Spatial trade-offs between wind power production and bird collision avoidance in agricultural landscapes. *Ecology and Society* 15:10 http://www.ecologyandsociety.org/vol15/iss2/art10/; Best BD, Halpin PN. 2019. Minimizing wildlife impacts for offshore wind energy development: Winning tradeoffs for seabirds in space and cetaceans in time. *PloS One* 14:e0215722; Virtanen EA, Lappalainen J, Nurmi M, Viitasalo M, Tikanmäki M, Heinonen J, Atlaskin E, Kallasvuo M, Tikkanen H, Moilanen A. 2022. Balancing profitability of energy production, societal impacts and biodiversity in offshore wind farm design. *Renewable and Sustainable Energy Reviews* 158:112087.

[15] Balotari-Chiebao F, Santangeli A, Piirainen S, Byholm P. 2023. Wind energy expansion and birds: Identifying priority areas for impact avoidance at a national level. *Biological Conservation* 277:109851.

[16] Best BD, Halpin PN. 2019. Minimizing wildlife impacts for offshore wind energy development: Winning tradeoffs for seabirds in space and cetaceans in time. *PloS One* 14:e0215722.

[17] A thorough guide to adaptive management and best practices for ***minimization*** and ***compensation*** for birds affected by offshore wind farms can be found in: Ocean Wind 1 Offshore Wind Farm. 2023. Final Environmental Impact Statement, Appendix H, Mitigation and Monitoring.

[18] Offshore Renewables Joint Industry Programme (ORJIP) for Offshore Wind. 2022. Review of seabird monitoring technologies for offshore wind farms. The Carbon Trust, UK. 109 pp. + appendices.

Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Lee Schoen
10613 Red Oak Dr
Baton Rouge LA

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

I write in opposition to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana due to avian environmental concerns.

My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted. Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for OffShore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not all of the north coast of the GOM.

I urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;

- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;
- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
- Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

Date: December 10, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Nathanael Rossman
17160 Lisa Dr.
Livingston, LA 70754

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

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My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Since these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. In addition to our migratory birds, our fragile nesting birds, including our own state bird, the Brown Pelican, could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot, whose populations are already tenuous, could be impacted. Recommendations developed by National Oceanic and Atmospheric Administration (NOAA) and Bureau of Ocean Energy Management (BOEM) modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for Offshore Wind, which was established for developments along the Atlantic coast, be established at least for Louisiana's coast, if not all of the north coast of the Gulf of Mexico.

I urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;

- If the State will not abandon the “Operating Agreement” approach, then insert language in the agreement requiring environmental oversight;
- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
- Work closely with the Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department’s concerns;
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana’s coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy’s Wind Risk Assessment map before allowing wind energy developers to propose project sites.-

Wind energy is most certainly a part of the energy picture of the future, but it is imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

Secretary Thomas Harris
Louisiana Department of Natural Resources
Office of Mineral Resources
617 North Third Street
LaSalle Building, 8th Floor
Baton Rouge, Louisiana 70802

December 10, 2023

Dear Secretary Harris,

We appreciate the chance to comment on the following:

On November 27, 2023, your department accepted public comment at two public hearings, one in Lafourche Parish and one in Terrebonne Parish, to determine whether or not to issue permits to DOW LA GULF WIND, who wish to locate wind turbines in Louisiana coastal waters.

On November 29, 2023, your department accepted public comment at a public hearing in Cameron Parish to determine whether or not to issue permits to Cajun Wind, who wish to locate wind turbines in Louisiana coastal waters.

The persons listed on this letter are retired Special Agents of the Office of Law Enforcement of the United States Fish & Wildlife Service (USFWS), all of whom have considerable experience enforcing federal migratory bird laws in coastal Louisiana. All have agreed to support the assertions of this letter and all no longer work for or represent the federal government in any form or fashion. We write here today only as concerned private citizens.

Few, if any, states are more important to migratory birds than Louisiana. The coastal waters of Louisiana are populated by hundreds of species of migratory birds, including those that do not reside year-round in Louisiana. Wind turbines placed in the path of migratory birds in Louisiana coastal waters will prove, as they have proven elsewhere, to be extremely detrimental, creating a lethal minefield killing thousands of migratory birds each year.

Migratory birds are protected by the federal law known as the *Migratory Bird Treaty Act of 1918*. Less than twenty years ago, our Louisiana state bird, the brown pelican, was listed as endangered. The brown pelican was protected then by not only the *Migratory Bird Treaty Act of 1918,* but also the *Endangered Species Act of 1973.* Fortunately, the brown pelican was removed from the endangered species list in 2009. What a sad day it would be if our Louisiana state bird were to be put on the endangered list again. For that matter, what a sad day for Louisiana if any species of migratory birds became so rare and would need to be listed as endangered due to the presence of wind turbines in their flight path.

If the companies here asking for permission to place wind turbines in Louisiana coastal waters receive such state permits, they will also be required to apply for an incidental take permit from

the US Fish & Wildlife Service. Such a permit from the USFWS would be problematic in that the monitoring requirements for mortality by wind turbines would be impossible to satisfy due to the remoteness of location and harshness of the marine environment. In all likelihood, any bird killed or injured by a wind turbine would fall in the water, sink, drift away from the area, or be consumed by other organisms in the area. The reporting of mortality or injury to migratory birds could never approach accuracy due to the aforementioned reasons.

Placing the turbines on land would make the job of monitoring bird mortality, in all likelihood, easier.

We, the retired Special Agents of the United States Fish & Wildlife Service listed below, therefore ask your department to help protect the internationally significant number of migratory birds found in Louisiana coastal waters. We ask that you deny permission to any entity wishing to place wind turbines in Louisiana coastal waters.

Sincerely,

Philip Siragusa, *Retired Special Agent, US Fish & Wildlife Service*
101 Felonise St.
Lafayette, Louisiana 70507

Kash B. Schriefer, *Retired Special Agent, US Fish & Wildlife Service*
400 Robinhood Circle
Lafayette, Louisiana 70508

William K. Mellor, *Retired Special Agent, US Fish & Wildlife Service*
Jefferson Parish, Louisiana

Mark A. Johnson, *Retired Special Agent, US Fish & Wildlife Service*
Homossassa, Florida

Robert Oliveri, *Retired Special Agent, US Fish & Wildlife Service*
Brandon, Mississippi

W. Frank Simms III, *Retired Special Agent, US Fish & Wildlife Service*
St. Landry Parish, Louisiana

William Downie Wolfe, *Retired Special Agent, US Fish & Wildlife Service*
Tallahassee, Florida

From: Sherry Wilkes
To: Office of Mineral Resources
Subject: Wind Farm assessments, DOW LA Gulf Wind, Cajun Wind
Date: Sunday, December 10, 2023 11:57:24 AM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

December 10, 2023

Sheridan R. Wilkes
6214 Tennyson Drive
Baton Rouge, LA 70817

Office of Mineral Resources
Post Office Box 2827
Baton Rouge, Louisiana 70821-2827

I stand with the Orleans Aububon Society in its concern for the safety of migrating birds with regard to the projects in developing wind energy at hand, listed below.

While I appreciate the State's eagerness to lead the nation in developing wind energy in nearshore waters, I am concerned that the lack of environmental assessment may endanger bird migratory patterns. The Brown Pelican, for example, relies on flyways over Gulf. The plans to put wind farms too close to shore will certainly affect the survival of the species. Other birds are also at risk: Red Knot, Piping Plover, several Terns, Herons, Egrets, Laughing Gull, to name a few.

DOW LA Gulf Wind, LLC
– Public Hearing Operating Agreement in Lafourche/ Terrebonne Parishes, Louisiana Docket No. OMR 23-03

Cajun Wind LLC
– Public Hearing Operating Agreement in Cameron Parish, Louisiana Docket No. OMR 23-04

Briefly, I would like to urge these companies to consider these points made by Orleans Audubon Society:
--abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law
if the State will not abandon the "Operating Agreement" approach, then insert language in the Operating Agreement to require environmental oversight (see the OAS comment made in a separate letter for language).

--gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection,

--work closely with the Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns

--consider the Gulf of Mexico offshore wind siting recommendations developed by NOAA and BOEM modeling experts which recommends that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for population-level impacts on coastal bird species

--consider the American Bird Conservancy's Wind Risk Assessment

Thank you for communicating across environmental/business lines to protect bird species.

Sincerely,

Sheridan R. Wilkes

From: Andrea Walker
To: Office of Mineral Resources
Subject: Diamond Offshore Wind and Cajun Wind Operating Agreements
Date: Monday, December 11, 2023 2:38:23 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Office of Mineral Resources
P.O. Box 2827
Baton Rouge, LA 70821

RE: Comment
DOW Gulfwind LLC Docket NO.OMR 23-03
Cajun Wind LLC Docket NO. OMR 23-04

I am writing to comment on these projects and any other similar wind energy projects for the Louisiana State waters. It seems that Louisiana's use of Operating Agreements in lieu of a formal leasing program for wind energy projects is being done in a backwards manner from the process used to date by other States and federal agencies to implement their projects. These developers are choosing sites without consideration of environmental impacts to Louisiana coastal and territorial waters which harbor significant and substantial populations of species of birds, bats, marine mammals, and sea turtles. Many of these species are of regional, national, and global conservation concern.

Louisiana's coastal zones are of critical importance for over 2 billion birds that migrate across the Gulf in the Spring, thus making it a regionally, nationally, and globally important area for birds. It is predicted that migratory bird mortality from collisions with wind turbines is expected to be high because research (Russell et al.2005) has shown an estimated 200,000 to 321,000 birds per year died from collisions with oil rig platforms alone in the Gulf of Mexico. In addition, bird species which breed on the shores may be detrimentally impacted by near shore wind, as well as, species which use the Louisiana coastline in their non-breeding seasons.

I implore the Office of Mineral Resources to scrap the state's Operating Agreement approach and to begin to gather environmental data, then pursue a true lease program that takes into consideration the American Bird Conservancy's Wind Energy Risk Assessment Map and the Bureau of Ocean Energy Managements spatial modeling analysis for Wind Energy Areas in the Gulf of Mexico. In addition, as wind energy projects have developed along the Atlantic Coast, the Regional Wildlife Sciences Collaborative for Offshore Wind was cooperatively established. The Collaborative consists of federal, state, eNGOs, and offshore wind industry members. The Collaborative supports research and monitoring on wildlife and offshore wind by developing an integrated plan that reflects research and data collection needs of the four sectors with input from the science community, coordinating and aligning funding to meet those priorities, and ensuring appropriate data and standards are in place to support science priorities. I urge the state of Louisiana to establish a similar Collaborative for its coast and coastal waters, as well as, the Gulf of Mexico, and that Collaborative then issues a Science Plan similar to what has been developed along the Atlantic Coast before proceeding with any

Wind Energy Siting decisions on its coastline.

Migratory birds crossing the Gulf of Mexico are essential components of ecosystems from South America to the Arctic.Birds are experiencing unprecedented decline from habitat loss, pesticides, wildfires,strikes with buildings and windows, predation by cats and climate change. Placing wind turbines within the state waters of Louisiana would add another hazard. This is a preventable hazard which can be mitigated by following federal guidelines for advancing Wind Energy.

In addition, birdwatching generates billions of dollars in revenue annually.. A 2016 report from The National Survey of Fishing, Hunting, and Wildlife-Associated Recreation shows that there are 45 million birdwatchers in the US who spent $39 billion dollars on trips and equipment expenditures resulting in $96 billion dollars in total industry outputs. Other economic benefits were 782,000 jobs created, $35 billion in employment income, and $16 billion in combined state and federal tax dollars. That was data for just 2016. During the pandemic, birdwatching increased as a wildlife-associated recreation so the numbers are larger now in dollars spent.

Louisiana with its 485 species on its checklist is a top birding state for the United States. The state of Louisiana has a responsibility to protect its natural resources for generations to come. Certainly Wind Energy Development is part of the solution to our warming planet, but it must be developed using best practices to mitigate any negative environmental impacts and for Louisiana to continue to be able to call itself "The Sportsman's Paradise."

Sincerely,

Andrea Walker
Concerned Citizen and Birder
715 Souvenir Gate
Lafayette, LA 70506

From:	Andrew Wilson
To:	Office of Mineral Resources
Subject:	Comment related to Public Notice soliciting comments on Operating Agreement for Cajun Wind, LLC and proposed situs in Cameron Parish, Docket No. OMR 23-04
Date:	Monday, December 11, 2023 9:12:40 PM
Attachments:	OAS ACW Final Cajun Wind Final Wind Energy Comment 12.11.23.pdf
Importance:	High

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Dear Secretary Harris:

Attached is a comment on behalf of Orleans Audubon Society related to the above.

We thank you for the opportunity to comment. Please acknowledge receipt.

Respectfully,

Andrew C. Wilson
A Limited Liability Company
MILLING BENSON WOODWARD L.L.P.
68031 Capital Trace Row
Mandeville, Louisiana 70471

Direct: 985-292-2017
Office: 985-871-3924
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awilson@millinglaw.com
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64340 Fogg Lane
Pearl River, LA 70452–5206
OrleansAudubon@aol.com

December 11, 2023

Secretary Thomas Harris
Office of Mineral Resources, Department of Natural Resources
P.O. Box 2827
Baton Rouge, LA 70821

Delivered electronically to OMR@LA.gov

Re: Comment related to Public Notice soliciting comments on Operating Agreement for Cajun Wind, LLC and proposed situs in Cameron Parish

Docket No. OMR 23-04

Dear Assistant Secretary Manuel:

This is to present a comment on behalf of Orleans Audubon Society (OAS) related to the referenced Notice, including the proposed Operating Agreement Template for the referenced projects and any other similar wind energy projects. This comment also addresses the State's entire approach toward implementation of wind energy in near shore areas within Louisiana territorial waters.

In short, Louisiana's use of Operating Agreements in lieu of a formal leasing program for wind energy projects is being conducted in reverse order to the process used to date by all other States and federal agencies to implement wind energy projects. Developers are choosing project sites with no indication of any consideration of environmental impacts beforehand rather than the reverse. In essence, Louisiana has it "backwards." OAS believes Louisiana and the Nation certainly need renewable energy including wind energy, but such projects must be implemented responsibly. Louisiana's responsibility to the environment here is of paramount importance because its coastal zone and territorial waters harbor significant and substantial populations of species of birds, bats, marine mammals, and sea turtles, many of which are of regional, national and global conservation concern.

Summary

While OAS appreciates the State's eagerness to lead the nation in developing wind energy in nearshore waters, we advise that cutting corners, as is currently proposed, will lead to environmental catastrophe of significant scale to potentially stall or halt the project. The

State's Operating Agreement approach should be scrapped, and the State should begin to gather environmental data and then pursue a true lease program in line with existing Louisiana law,[1] rather than Operating Agreements. Alternatively, at a minimum, the State should insert a detailed clause in the proposed Operating Agreement Template which will require environmental surveys and monitoring well before siting and construction of wind energy projects so as to prevent and/or minimize adverse impacts on wildlife, particularly avian species. This approach will mirror the approach used by federal agencies as well as other States to date. Any other approach will invite protracted and expensive litigation.

Orleans Audubon Society

OAS is a 501(c)(3) non-profit, charitable organization with over 1000 members representing the following parishes: Washington, St. Tammany, Tangipahoa, St. John the Baptist, Orleans, Terrebonne, Jefferson, St. Charles, St. Bernard, Plaquemines, and Lafourche. As to OAS's standing or interest in this matter, OAS is dedicated to the preservation and conservation of wildlife and wild places not only in its eleven parish service area, but also throughout the entire southeastern U.S. OAS seeks to foster an understanding and appreciation of nature, particularly birds. OAS's stake hold includes ownership of the Marguerite Moffett Audubon Sanctuary, consisting of 108 acres of brackish marsh and shallow open water, located near Chauvin, Terrebonne Parish, within Louisiana's Coastal Zone.

Consequently, OAS has strong concerns with the construction of wind farms along Louisiana's coast directly in the path of one of the largest migratory flyways in the world, the Mississippi Flyway, which will likely prevent tens of thousands of birds in countless migratory species from entering the usual Louisiana coastal areas en route to areas throughout North America. Louisiana's nearshore wind energy program, as proposed, is certain to cause significant direct mortality when migrating birds collide with wind turbines. OAS is also concerned that wind development will negatively impact and cause direct mortality to two federally Threatened and Endangered shorebird species who rely on Louisiana's coast for their wintering grounds.

Moreover, OAS also has serious concerns about the siting of wind energy near colonial nesting waterbirds due to the associated disruption of their foraging ecology movement and as well as direct mortality from collisions with turbines. This comment will first explain how Louisiana got to this place, briefly summarize coastal Louisiana's importance to birds, and then offer solutions.

Avian Impacts Generally

Birds can be adversely affected by wind turbines due to: (1) displacement or loss of habitat; (2) barrier effects which can have energetic costs if birds reroute daily movements to foraging grounds or seasonal migratory movements to avoid wind turbines; and, (3) direct injury leading to sublethal impairment or mortality, such as through collision with the turbines. The birds affected include shorebirds as they fly parallel to the coast, seabirds which stay primarily offshore but may pass through proposed wind farms to nest on islands, as well as migratory landbird species which cross the Gulf of Mexico once or twice a year. Many species of birds migrating across the Gulf of Mexico launch off from Louisiana coastal areas in the fall when flying to their wintering grounds in Central and South America, and then they return each

[1] Acts No 443, Reg. Sess. 2022

spring to make landfall in Louisiana coastal areas on their way to breeding grounds in North America.

Avian Impacts Specific to Louisiana

Coastal Louisiana is a regionally, nationally and globally important area for birds, and as such, the State is charged with conserving this shared natural resource (Remsen et al. 2019). An incredibly high diversity of migratory birds, approximately 330 species representing 55 families, follow the Mississippi flyway and use Louisiana's coast and near shore waters.

Seventeen species of birds that breed in Louisiana are restricted to the coastal zone, and for eight of these species, coastal Louisiana hosts between 28 to 83% of the North American population north of the Gulf of Mexico (Remsen et al. 2019). With regard to threatened and endangered species, two threatened shorebirds, Red Knots and Piping Plovers, use Louisiana's coastline in their non-breeding seasons are also likely to be impacted by near shore wind.

Radar ornithology has demonstrated that 2.1 billion birds migrate across the Gulf of Mexico each spring (Horton 2019). Trans-Gulf migration (i.e., flying directly across the Gulf of Mexico rather than circumventing it by flying over land) has been confirmed along Louisiana's coastline for a variety of species by using either individual tracking devices or surveys conducted on oil rig platforms (Russell et al. 2005). Migratory bird mortality from collisions with wind turbines is expected to be high because an estimated 200,000 to 321,000 birds per year died from collision with oil rig platforms in the Gulf of Mexico (Russell et al. 2005). We anticipate that collision mortality will be at its highest when adverse weather conditions force migrating birds to fly at lower than normal altitudes.

Coastal Louisiana is of regional, national and global importance to many of the bird species that breed in this region (Remsen et al. 2019). For example, concerning colonial nesting waterbirds restricted to Louisiana's coastal zone, Louisiana's coastal zone supports 70% of the New World Sandwich Tern (*Thalasseus sandvicensis acuflavidus*) and 26% of the New World Royal Tern (*Thalasseus maximus maxima*) populations (subspecies designations for the populations occurring in the Americas). At the regional level of the northern Gulf States, Louisiana hosts a substantial portion of the following subpopulations: 83% Sandwich Tern, 71% Forester's Tern, 51% Royal Tern, 48% Tricolored Heron, 47% Brown Pelican, 44% Black Skimmer, 33% Laughing Gull, 28% Least Tern and 5% Reddish Egret. Louisiana's coast zone also hosts large numbers of breeding Little Blue Heron, Gull-billed Tern, and Caspian Tern.

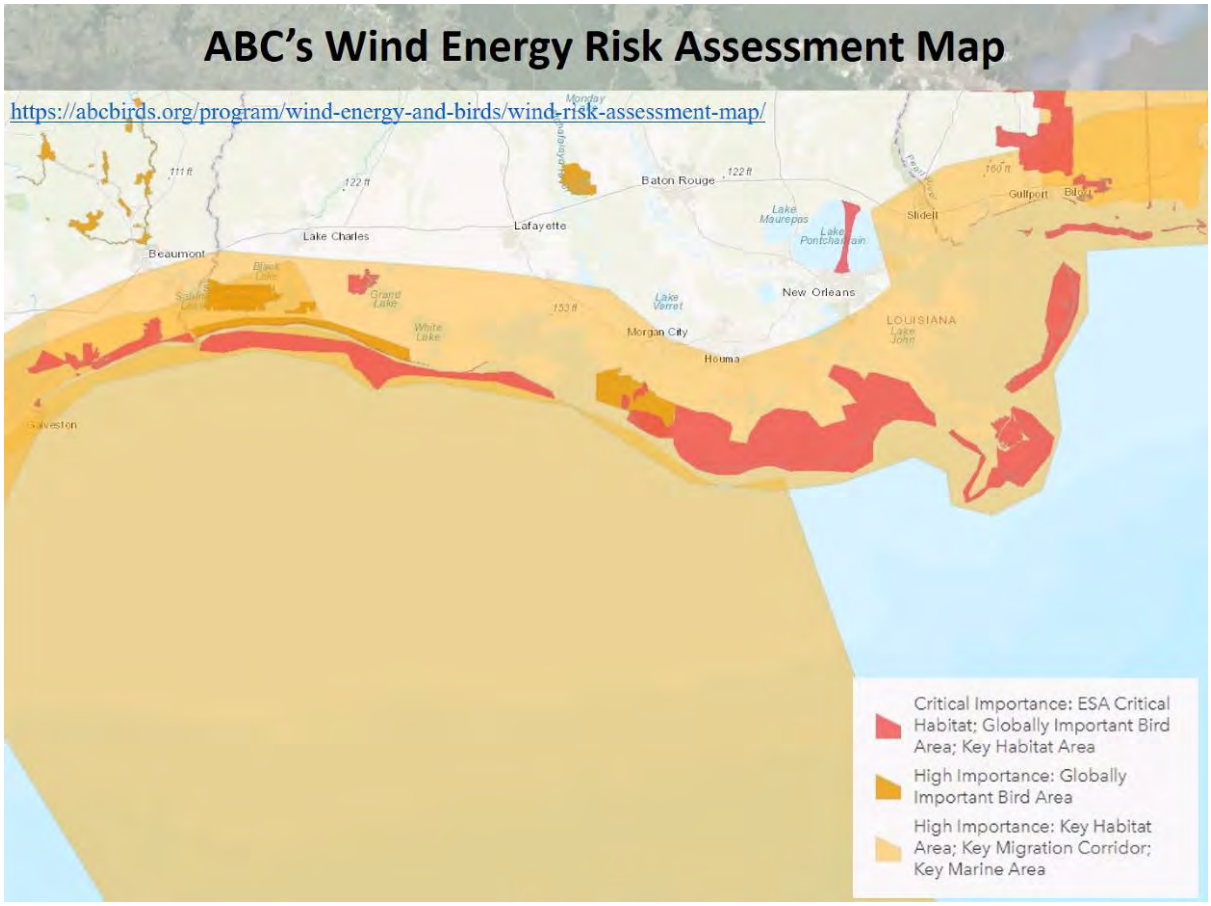
Louisiana's coastal zone is also critically important to the Seaside Sparrow, hosting more than half (55%) of its global population (Remsen et al. 2019). While this secretive, low-flying marsh bird is probably less likely to collide with wind turbines, the impact of wind energy development warrants assessment, especially given the importance of Louisiana's coast to the species' persistence.

Also of concern would be seabirds that frequent Louisiana's territorial waters, particularly in times of Tropical Storms and Hurricanes when large numbers may be carried by strong winds into the interior of Louisiana. These events have the potential for considerable direct mortality due to collision with near shore wind turbines, and this is would be a novel source of mortality for these species. Species likely to be impacted include Magnificent Frigatebird, Northern Gannet and Pomarine Jaeger.

Regarding the two federally threatened shorebirds, the Piping Plover and the Red Knot, the U.S. Fish and Wildlife Service recognizes the importance of Louisiana's coastal zone in that the Designated Critical Habitats for both species traverse the entire area.

OAS also wishes to call attention to a resource developed for the wind energy sector by the American Bird Conservancy (ABC 2023, Figure 1). The ABC created a "Wind Risk Assessment Map" which takes into account avian hot spots and areas considered to be important to birds. The map is specifically designed to guide wind farm sighting decisions. When one zooms in to Louisiana's coastline, it's clear that **most of the near shore waters are red**, denoting "Critically Important" areas. According to the ABC, "Red areas on the map are crucial breeding and wintering habitat, parks, and other public lands important to birds. These should be avoided as sites for wind project development, or approached with extreme caution."

Figure 1. American Bird Conservancy's Wind Risk Assessment Map for Louisiana's coastline.



OAS finds this map to be accurate and would like to alert the State to the fact that the currently proposed wind farm sitings are in red zones, hence underscoring the need for further study and analyses prior to proceeding.

Wind Farms in Federal Offshore Waters

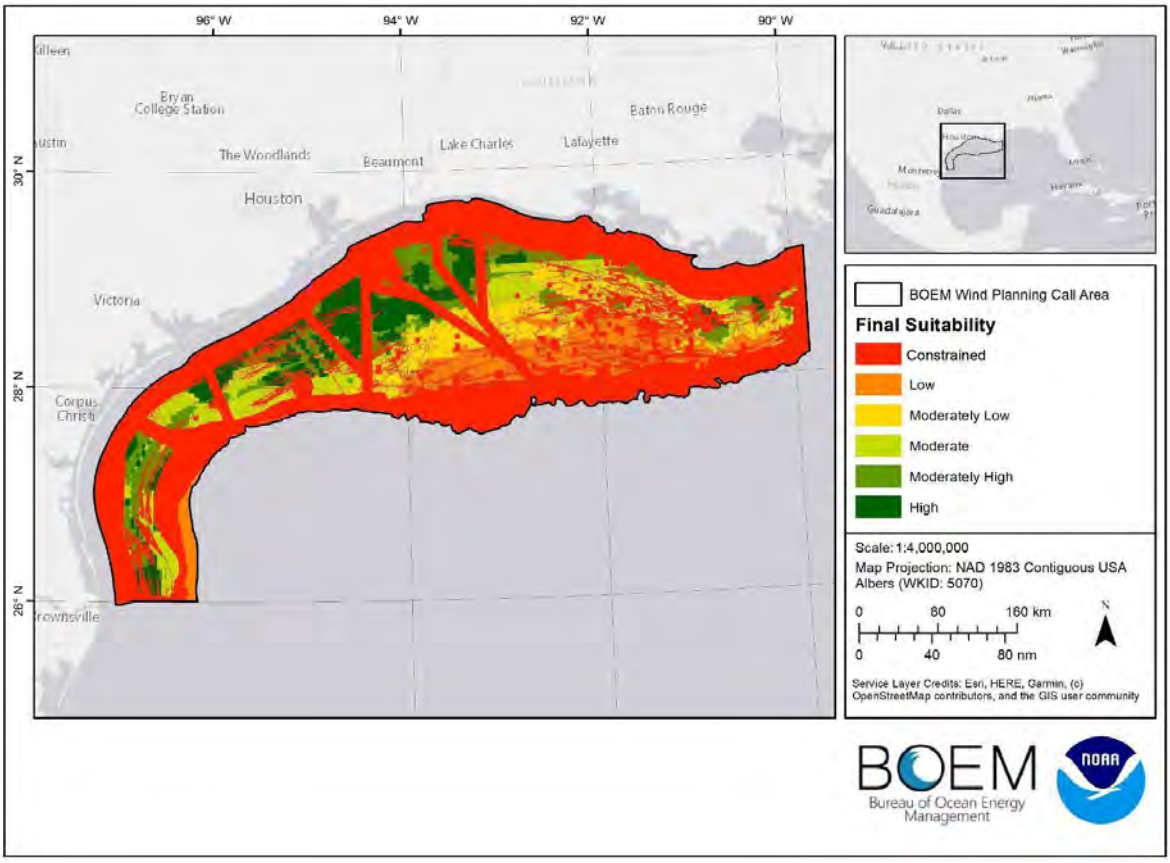
BOEM's federal program along the nation's coasts has progressed cautiously so as to take into account potential environmental impacts from both the construction and operation of the

turbines, as well as the deployment of cables on the sea bottom which transmit the generated power to shore based facilities. Because this program constitutes a "major federal action" under the National Environmental Policy Act ("NEPA"), a comprehensive Environmental Impact Statement ("EIS") was performed which resulted in many scientific studies on impacts to marine mammals, fisheries and avian species including both seabirds and migratory birds in many areas along the Atlantic Coast and the Great Lakes as well as the Gulf Coast.

As a result of the environmental studies and the preventative measures taken to reduce adverse impacts, it normally requires a seven year process from the initial lease to the Record of Decision from BOEM allowing the project to proceed. As of summer 2023, there are only two operating turbines in federal waters off Virginia, and those are merely experimental in nature. Many other federal offshore wind energy projects are in various planning or approval phases along the coasts of New York, New Jersey, Massachusetts, Maryland and elsewhere. On October 27, 2023, BOEM announced four finalized Wind Energy Areas in the Gulf of Mexico.

Notably, NOAA's and BOEM's (2023) extensive modeling which produced a comprehensive site map to guide site selection recommends avoidance of coastal and near shore sitings (Figure 2). In fact, BOEM's spatial modeling analysis for Wind Energy Areas (WEAs) to identify potential WEAs in the Gulf of Mexico specifically recommended complete avoidance for a 20 nm buffer from the coastline, in large part because this area was identified as an important area for a number of coastal bird species.

Figure 2. NOAA's and BOEM's Final Suitability modeling results for the Call Area. Red color indicates those areas where layers with a score of 0 occurred due to conflict with ocean activity. Green color indicates areas of highest suitability.



Wind Energy in State Waters

In contrast, ***state*** offshore wind programs in some areas are proceeding quickly. The first state-waters wind farm is found in Rhode Island, known as the Block Island Wind Farm, was built in 2016 and has five operating turbines. That project was made possible because Rhode Island had developed a Special Area Management Plan (or "Ocean SAMP") ahead of time which serves as a federally recognized coastal management and regulatory tool. Using the best available science, the Ocean SAMP provides a balanced approach to the development and protection of Rhode Island's ocean-based resources. It should be noted that Louisiana fabrication yards, contractors and lift-boats built much of that farm and should be ready to assist in the Louisiana wind energy efforts.

Meanwhile, on August 10, 2022, in a 6-1 decision, the Ohio Supreme Court ruled in favor of the Icebreaker Wind Project on Lake Erie, affirming that project's state permit was correctly granted, allowing that project to proceed. Ohio's Icebreaker Wind is a unique wind energy project – the first offshore wind facility in the Great Lakes, the first freshwater wind farm in North America, and only the second state near shore wind project in the entire U.S.

More recently this past October, the RI Coastal Resources Management Council approved by unanimous vote the 804-megawatt (MW) New England Wind project developed by Connecticut-based energy company Avengrid. The project would install 84 turbines in a lease area 14 miles south of Martha's Vineyard, and deliver electricity via a buried export cable

that would make landfall in Hyannis, Mass. Except for a small portion of the export cable, the project is located entirely outside of Rhode Island state waters.

It is the first wind project to be considered by CRMC's executive body without input from the Fisherman's Advisory Board (FAB), a stakeholder group staffed by recreational and commercial fisherman and representatives from other related marine industries. A member of that Board resigned in protest in August, alleging state regulators were ignoring their own regulations to approve offshore wind projects that would be harmful to the environment and the fishing industry. This is a good example of a decision that will likely lead to litigation due to the lack of public input on fishing and environmental impacts.

Similarly in New Jersey, in 2018, when Governor Phil Murphy sought to make New Jersey a leader in clean energy, particularly wind energy, in that state in near shore waters, the state Board of Utilities refused to approve a pilot project 2.8 miles off Atlantic City, N.J. In its decision, the Board cited the opposition of local environmental groups, New Jersey Audubon, including the National Wildlife Federation, and the American Littoral Society, among others, as well as the cost to taxpayers.[2]

"Pursuing offshore wind as an element of the state's response to climate change has a place in the agenda, but it cannot be done at the cost of our coastal and marine wildlife,'' said Tim Dillingham, executive director of the American Littoral Society.[3] Moreover, the N.J. Department of Environmental Protection had conducted extensive studies on how birds and marine wildlife would be impacted by offshore wind farms, and essentially found the potential harm to wildlife is minimized the farther the turbines are located offshore.[4]

But even further ***offshore*** from the New Jersey coast, developers again failed to properly consider environmental impacts. As a result, more recently the County of Cape May and several local tourism and fishing business groups sued the U.S. Department of the Interior in New Jersey federal court, seeking to stop construction on Danish developer Orsted's multi-billion dollar Ocean Wind project.[5] The county said underwater noise and vessel strikes during construction will harm endangered North Atlantic right whales and sea turtles, and that rotating wind turbine blades would kill migrating birds.[6] Shortly thereafter, the developer cancelled all of its projects, citing supply chain issues and rising interest rates.[7] Orsted then took a $4 billion loss on the project.[8] These experiences from other states should be instructive for Louisiana, and should encourage the concept of developers and environmental groups working together for wind energy.

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[2] Tom Johnson, *"N.J. rejects Atlantic City Offshore-wind project for third time…too pricey"*, WHYY NJ Spotlight (12/19/2018)

[3] *Ibid.*

[4] *Ibid*.

[5] Reuters, *"Orsted offshore wind farm hit with lawsuit by New Jersey county,"* (Clark Mindock) (10/17/23)

[6] *Ibid.*

[7] AP, *"Orsted scraps 2 offshore wind power projects in New Jersey, citing supply chain issues,"* (10/31/23)

[8] CNBC, *"Orsted cancels two New Jersey offshore wind projects, takes $4 billion writedown"*, (11/1/23)

Wind Energy in Louisiana

On July 20, 2023, the Department of the Interior (DOI) announced it would hold the first-ever offshore wind energy lease sale in the Gulf of Mexico. The areas which were to be auctioned by the federal Bureau of Ocean Energy Management ("BOEM") on August 29, 2023, have the potential to generate approximately 3.7 GW, and power almost 1.3 million homes with clean, renewable energy. DOI plans to deploy 30 gigawatts (GW) of offshore wind energy by 2030 and reach a carbon-free electricity sector by 2035.The areas to be auctioned included a 102,480-acre area in federal offshore waters 44 miles from the coast south of Lake Charles, Louisiana. A lease for that area has now been awarded.

The State of Louisiana is now moving at an even faster pace than RI and Ohio. *The Advocate* recently quoted Governor John Bel Edwards as saying, "I believe they can be set up in state waters several years before they would be successful in federal waters." Meanwhile, in Executive sessions of the Mineral Board in which the public does not participate, the State has continued to negotiate with developers for Operating Agreements. These negotiations have led to the subject operating agreements with Mitsubishi-owned Diamond Offshore Wind ("DOW") and the Danish global energy firm Vestas under the name Cajun Wind. Kontiki Winds, a Norwegian company operating in Louisiana under the name Pelican Winds has now bowed out. Other companies are expected to pursue projects in Louisiana as well. At present, these Operating Agreements contemplate near shore areas in state territorial waters of Cameron, Terrebonne and Lafourche Parishes.

Louisiana's Wind Energy Legislation

In the Regular Session of 2022, the Louisiana Legislature passed Act 443 sponsored by Representative Jerome Zeringue, which amended and reenacted La. R.S. 41:1732 *et seq*. to implement a formal state wind leasing program. The Act also amended La. R.S. 30:209 to allow the State to enter into "operating agreements" with private entities for wind projects. LDENR then issued a Notice of Intent ("NOI") issued earlier this year announcing rulemaking for regulations under that Act which will provide guidelines for the wind energy leasing program. These proposed wind energy lease regulations include some consideration for environmental impacts with regard to the nomination of proposed project sites and the "packet" which must accompany such a proposal. As those regulations state in pertinent part:

§711. Nomination of State Lands and Water Bottoms for Wind Lease

D. 7. *a Summary of the environmental issues including, but not limited to, avian and baseline noise levels, the environmental impact of the placement of wind turbines and other equipment necessary for the exploration, development and production of wind energy, and the steps proposed to minimize the environmental impact, along with any supporting environmental impact documentation….*[9]

Still, that regulation does not specify ***how*** environmental impacts would be determined and this remains an open question.

[9] 49 LR 982, 984 (May 20, 2023)

But the Operating Agreements contemplated by the alternative statutory scheme of Act 443 have no such applicable regulations and certainly no requirements related to environmental impacts. In fact, the Operating Agreement approach included in Act 443 appears to allow for a complete "end around" any environmental considerations prior to siting decisions.

As a result, for projects subject to Operating Agreements environmental impacts will likely not be addressed until the 404/Coastal Use Permit process is underway, well after a site has been chosen and substantial investments of time, resources and funds have already been made, making a change in siting unlikely. Under that scenario, any environmental impacts will become a mere afterthought, and addressed only with a "Band-Aid" approach toward attempted mitigation of the substantial and irreversible harm to any number of species. Of significance, this approach will no doubt invite expensive and protracted litigation.

Indeed, unlike the federal programs and the Rhode Island programs which undertook major studies of environmental impacts ***before*** leasing began, Louisiana is implementing its wind energy program in reverse if not backwards. To date, the State has undertaken few studies to determine the environmental impacts of near shore wind farms but is still preparing to issue the subject Operating Agreements at locations of the developers' choosing based solely on economic considerations rather than environmental impacts which could otherwise be minimized if not avoided altogether by better siting decisions based upon sound science.

Stated bluntly, there is absolutely no indication that there was any consideration of environmental impacts whatsoever when these companies chose their respective project areas as set forth in the Public Notices for these Operating Agreements, nor is there any indication there will be consideration of environmental impacts when the specific sites are chosen within those areas.

The State's approach to date using Operating Agreements also raises significant questions regarding governmental oversight best capsulized in the Latin expression, "*Quis custodet custodes*?" ("Who guards the guards?"). Indeed, under the operating agreements, LDENR will be administering itself: LDENR will act as landowner and joint venturer; LDENR's Office of Mineral Resources will be the regulator; and LDENR's Office of Coastal Management will issue the CUP Permits to itself and the developer. It is difficult to see how this incestuous situation does not constitute a conflict of interest and suggests a likely environmental disaster if allowed to proceed in this fashion.

In sum, if the Operating Agreement approach becomes the sole pathway for developing wind in coastal Louisiana, it appears the State and interested developers will circumvent the entire wind lease program and all of its statutory and regulatory requirements related to environmental impacts as well as real opportunities for public input or effective governmental oversight; that is, unless a clause is added to require surveys and monitoring for environmental impacts.

Avian Surveys and Monitoring

The information Louisiana needs to adequately assess the risks that near shore wind energy poses to birds in the Gulf of Mexico is lacking. At present there is insufficient data

gathered together into one data base related to: 1) migratory bird species which cross the Gulf of Mexico and/or coastal Louisiana in either direction, north and south, 2) colonial nesting waterbirds breeding along Louisiana's coast, 3) federally Threatened and Endangered species of shorebirds wintering along Louisiana's coast, and 4) seabirds using state waters. Moving forward, the data currently available from any number of sources, must be tapped, augmented and analyzed, and additional studies are needed before any siting decisions are made for wind energy projects in Louisiana territorial waters.

Specific data needs include gaps in our knowledge concerning migration ecology, colonial waterbird breeding ecology and wintering ecology of shorebirds. More studies are needed on the timing of migration, flight altitudes and pathways of migratory birds for trans-Gulf migrants. Data specific analyses specific to flight altitude and weather conditions would be directly applicable. For colonial waterbirds, we need to identify activity hotspots and we need more studies on breeding home range sizes, foraging distances and routes, and flight behaviors, including altitudes.

Concerning federally Threatened shorebirds, while some data are available for Piping Plover and Red Knot use of Louisiana's coastal zone, we lack data concerning their wintering home ranges and foraging ecology. We also need data to assess the vulnerability of Seaside Sparrows to wind development in Louisiana's state waters. More study is needed to understand the movement ecology of seabirds using Louisiana's waters, especially in response to Tropical Storms and Hurricanes, which will likely require individual tracking devices. Numerous technologies available to add to these data.

Available resources include a wide variety of remote sensing capabilities such as LIDAR and Doppler Radar which can detect flocks of birds. There are also inexpensive acoustic monitoring devices to identify migratory species as they pass or stay behind. Satellite and GPS transmitter devices placed on individual birds can give constant monitoring information (e.g., data transmitted via satellites and the ARGOS system or GSM and cell tower technology) which can be loaded into a geographical information system ("GIS") for visual analysis. Finally, aerial photogrammetric studies have been effectively used to determine altitude of birds in flight as well.

Tagging of birds with nano tags or other small tags now allows in some cases for gathering of information in tags (requiring recapture to retrieve the data) or transmitting location data to tag monitoring towers available from vendors such as MOTUS to record the movement of particular tagged birds. More sophisticated geolocator tags are also available which provide location and migratory route data to satellites. These include light-level geolocators giving location data based upon sunlight, and atmospheric pressure geolocators which determine location and altitude using recorded barometric pressure that is analyzed in the context of weather information to determine fly routes. Tag technology has been further enhanced because tags are constantly shrinking in size which allows for tagging smaller species such as Chimney Swifts. Finally, battery life continues to be extended which allows for more data to be obtained over greater periods of time and distance.

Sadly, the State has yet to tap into all of this available technology on a meaningful level. This has to happen before responsible siting can occur.

Ongoing Wind Energy Studies on Environmental Impacts

In connection with the development of wind energy projects along the Atlantic Coast, the Regional Wildlife Science Collaborative for Offshore Wind (RWSC) was cooperatively established. It is led by four Sectors—federal agencies, states, eNGOs, and the offshore wind industry. The RWSC supports research and monitoring on wildlife and offshore wind by:

- Developing an ***Integrated Science Plan for Wildlife, Habitat, and Offshore Wind Energy in the U.S. Atlantic*** that reflects the research and data collection needs of the four Sectors with input from the science community
- Coordinating and aligning funding to meet those priorities
- Ensuring appropriate data and standards are in place to support science priorities

The Collaborative's Science Plan aggregates information about ongoing and pending offshore wind and wildlife data collection and research activities occurring in U.S. Atlantic waters. To capture this information dynamically, the Subcommittees are supporting the RWSC Offshore Wind & Wildlife Research Database, which is continually updated as new projects and data collection efforts begin. The Database is focused on recent and active projects in U.S. Atlantic waters that were funded to address offshore wind and wildlife or habitat interactions, and it compiles information about each project's overall goal(s), geographic area of focus, methods used, funders, principal investigators, and other details.

The State of Louisiana should not proceed with any siting decisions until a similar Collaborative is established for the Louisiana coast and coastal waters, if not the Gulf of Mexico, and that collaborative issues a Science Plan similar to what has been developed for several areas along the Atlantic coast.

Analysis of Operating Agreement Language as to Environmental Issues

The language of the proposed Operating agreement presents a number of environmental issues. These are addressed sequentially within the relevant Articles of the Operating Agreement below.

Article I -Approval Process

The "Advertisement and Public Hearing" process as contemplated by this Article is woefully inadequate as demonstrated by the sudden comment period for this Operating Agreement in the middle of the Thanksgiving holiday. This timing resulted in few attendees at the scheduled public meetings and limited time to meaningfully comment even with the extension to today's date. If this is a harbinger of what is to come, whatever the concept of advertising "in compliance with Applicable Law" is, needs to be revisited so that the public may participate in some meaningful way.

In addition, the entire process of allowing Operators to choose sites ***before*** any environmental studies have been undertaken related to those particular sites is fundamentally flawed and in essence, ***backwards,*** as set forth above. This approach runs afoul of basic legal

concepts under the Louisiana Constitution, applicable statutory law, and the relevant jurisprudence. More specifically, in proceeding in this manner, the State is violating its duties under the Public Trust Doctrine embodied in Art. IX, Sec. I of the Louisiana Constitution, to protect the State's natural resources, including wildlife such as the birds which follow the migratory pathways along and over the State's coastline, and the contemplated sites for these Operating Agreements. In addition, this process violates the State and Local Coastal Resources Management Act (SLCRMA) (1978) and the State's Coastal Use Guidelines. Finally, this process fails to take into consideration the IT Factors which must be considered in connection with any State agency action.[10] As the Louisiana Supreme Court has stated:

> This is a rule of reasonableness which requires an agency or official, before granting approval of a proposed action affecting the environment, to determine that adverse environmental impacts have been minimized or avoided as much as possible consistently with public welfare. Thus, the constitution does not establish environmental protection as an exclusive goal, but requires a balancing process in which environmental costs and benefits must be given careful consideration along with economic, social and other factors."[11]

This Operating Agreement process falls well short of these legal requirements.

Article 7 – Use and Manner of Operations

Section 7.1 indicates that the Operator "shall be responsible for all damage to the Property caused by Operator's or Operator Group's operations," and goes on to describe particular natural resource damages. It is unclear from the language of this Section how the responsibility will be allocated as between the State as the owner of the damaged Property and the Operator since the State will be a knowing participant in all of the activity associated with the proposed wind energy projects. The vagueness of this language invites litigation should a mishap occur.

Additionally, the language of both Sections 7.1 and 7.2 related to standards of care and safeguards is too vague and ambiguous to be enforceable. There are no specific standards or safeguards for the environment. In essence this is a provision "without any teeth." Although a recent posting on the LDENR/OMR website indicates that Operators who nominate proposed sites must comply with certain existing regulations, none of those contains any provisions which adequately protect the coastal environment particularly as to wildlife. These are essentially the same regulations that were promulgated in 2015 and are now unchanged and the subject of a Notice of Intent earlier this year for wind energy leasing. The only regulation which even approaches environmental concerns is LAC 43.V.711 D.(8), which requires a packet of information to contain certain elements. This regulation reads in pertinent part as follows:

> 8. A summary of the environmental issues including, but not limited to, avian and baseline noise levels, the environmental impact of the placement of wind turbines and other equipment necessary for the

[10] *Save Ourselves, Inc. v. Louisiana Environmental Control Commission*, 452 So.2d 1152 (La. 1984)

[11] See also, *In re Shintech, Inc.,* 2000-1984 (La. App. 1 Cir. 02/15/02); 814 So.2d 20, 28

> exploration, development and production of wind energy, and the steps proposed to minimize the environmental impact, along with any supporting environmental impact documentation….

This language is too vague and ambiguous to be enforceable and is essentially useless.

Finally, as to Section 7.11 of this Article, this language requires the Operator to release data at a point in time which appears to be "after the fact," when such data will be of little use. This language needs to be revised to require ongoing and contemporaneous production of data, particularly environmental data as to wildlife impacts, as the data gathering occurs. Ideally, this data should be provided on an ongoing basis before a site is chosen. In addition, the State should provide clarifying language for the gathering of all data from Operators into a "central clearinghouse" to be maintained by the State and/or its contractors for use and access by all of the interested Operators as well as stakeholders and the public at large.

Article 10 – Insurance

This Article requires only $10 million for "environmental damage" which appears to be intended to cover natural resource damages. The potential damage to wildlife and natural resources, given the necessity for the laying of cables and construction activities on the sea bottom, could easily exceed these limits, and consequently, the limits should be increased.

Also, there may be insurance issues triggered by the fact that the Property, i.e., natural resources including wildlife, are owned by the State under the Louisiana Civil Code, yet the State, a co-venturer, seeks to be named as an additional insured on all liability policies which would be for its own losses, normally subject to a "Care, Custody and Control" exclusion. This Article should be clarified to avoid insurance litigation of the type resulting from the DEEPWATER HORIZON litigation.

Article 12 – Indemnification

It appears the intent of this particular Article was to insulate the State from any liability associated with these wind energy projects. Unfortunately, this language lacks the usual "talismanic" language on sole or comparative fault and "arising out of" phrases associated with indemnity as set forth in the jurisprudence interpreting decades of oilfield indemnity contracts which appears to have been overlooked. This will likely lead to unnecessary and complex litigation.

Article 15– Restoration

This article fails to consider the "endgame" strategy for whatever construction takes place in connection with these Operating Agreements. Some language should be included that would address the typical "site clearance" activities associated with Louisiana's offshore oilfield industry. In addition, there should be some consideration of a program similar to the LDWF "Rigs to Reefs" program which will help to reduce Operator costs associated with the termination of a particular wind energy project.

Environmental impacts Clause

Toward this goal of obtaining the best available data on environmental impacts from wind energy projects in Louisiana waters along the coast, the State should insert a clause in the Operating Agreement Template that requires each Operator to undertake certain studies, surveys and monitoring. The results of these efforts should be delivered in a summation report to the State. The Operator should also make available to the State after appropriate QA/QC procedures, all of its data to a central data base or storage area maintained by the State, as it is gathered. Such a clause related to birds might read as follows:

Environmental Impacts--Avian

Operator shall, working closely with the Louisiana Department of Wildlife and Fisheries, make best efforts at obtaining and analyzing available data concerning known, likely or potential environmental impacts from wind energy projects on marine life including mammals and sea turtles, coastal nesting colonial waterbirds, federally threatened Piping Plover and Red Knot, as well as impacts on existing flyways and migratory routes for birds transiting the Gulf of Mexico between North America and Central/South America in any direction. Operator shall obtain data using the best available technology concerning these impacts on resident and/or migrating species, which data shall be shared contemporaneously with State agencies for such time periods designated by State agencies. At the conclusion of the time period and before any construction shall have occurred, Operator shall generate printed studies to be made available online to include the following:

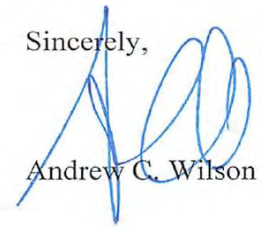
- Regional/local context relating to Gulf of Mexico and Louisiana;
- Potential impacts of offshore wind development to marine megafauna (collision, displacement, underwater noise disturbance);
- Birds at risk – species and vulnerability;
- Marine mammals – species and vulnerability;
- Other animals, such as sea turtles and bats (Solick and Newman 2021) to consider;
- International examples of comparable developments;
- International good practice across industry relating to development;
- Baseline surveys to characterise the pre-construction site;
- Decision making and predicted impacts – modelling data (theoretical);
- Construction issues including landfall relating to environmental impact;
- Mitigation (design and in-built);
- Compensation for adverse environmental impacts.

Data collection and communication of the same along these lines should provide the necessary data for sound, unbiased scientific decision-making on siting, and in steps necessary to avoid or minimize adverse environmental impacts. Obtaining, storing and sharing such data will greatly enhance public confidence in the State's emerging wind energy program, particularly among eNGOs such as OAS. The bottom line is that the State should only

implement wind energy projects responsibly, addressing all potential environmental impacts beforehand, in line with OAS's concerns as set forth above.

* * *

At this time, OAS greatly appreciates the opportunity to comment on these Notices and the Operating Agreement Template and the program generally. Should there be any questions or should any additional information, documentation or clarification concerning this comment be required, please feel free to contact the undersigned at your convenience.



Andrew C. Wilson
Conservation Committee Chair
Orleans Audubon Society

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https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/GOM-WEA-Modeling-Report-Combined.pdf

From:	Green, Ashley
To:	Office of Mineral Resources
Cc:	Byron Miller; Greg Roberts; Jamie Manuel; O"Neal, William; James, Debra; Killian, Aaron; Saunders, Bryan
Subject:	Docket No. OMR 23-04 (Cajun Winds LLC Wind Energy Production Agreement)
Date:	Monday, December 11, 2023 2:50:56 PM
Attachments:	Opposition Letter to State re Cajun WindvF.pdf

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Good afternoon,

Attached please find Castex Carbon Solutions, LLC's Opposition to the above referenced matter.

Ashley Green
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December 11, 2023

Louisiana Department of Natural Resources
Office of Mineral Resources
OMR@LA.GOV

Re: Docket No. OMR 23-04; Castex Carbon Solutions, LLC's Opposition to Wind Energy Production Agreement, Cajun Winds, LLC, Cameron Parish, Louisiana

To Whom It May Concern:

Please have this letter serve as a formal objection to the Wind Energy Production Agreement ("***WEPA***") proposed by Cajun Winds, LLC ("***Cajun Winds***")[1]. As you are aware, Castex Carbon Solutions, LLC ("***Castex***") and the State of Louisiana (the "***State***") entered into that certain Carbon-Dioxide Storage Agreement dated effective August 30, 2023 (the "***Carbon Storage Agreement***") covering 24,181 acres of State-owned pore space situated in Cameron Parish, Louisiana (the "***Carbon Storage Lands***"), as more particularly described in the Carbon Storage Agreement. Pursuant to the Carbon Storage Agreement, Castex agreed to pay the State (i) a $7,254,300 bonus payment; (ii) $1,450,860 in annual rentals until the end of the Operational Term[2]; and (iii) an Annual Injection Fee of $7.50 per ton (subject to the adjustments described in Section 4.5 of the Carbon Storage Agreement).

As you are also aware, in exchange for the valuable and considerable amount of consideration provided to the State, Castex was granted the exclusive right to inject and store carbon dioxide into the Carbon Storage Lands, and to use the Carbon Storage Lands for any and all of the Permitted Purposes, including but not limited to, being able to construct, prepare, install, maintain, operate, expand, enlarge, modify, replace, repair, and dispose of the Facilities, construct flow-lines, and Inject any Carbon Dioxide Stream into the Storage Facilities.[3]

Castex recognizes the State's retained rights under Article 5 of the Carbon Storage Agreement, which include the granting of rights-of-way. However, the State cannot exercise these rights if, by

[1] https://www.dnr.louisiana.gov/assets/OMR/media/forms_pubs/Cajun_Wind_Public_Hearing_Notice_FINAL_Cameron_rev_11-14-23.pdf; and https://www.dnr.louisiana.gov/assets/OMR/Cajun_Wind_LLCDraft_Agreement.pdf

[2] Capitalized terms not otherwise defined herein shall have the same meaning ascribed to them in the Carbon Storage Agreement.

[3] See Section 5.4 of the Carbon Storage Agreement.

doing so, it materially interferes with Castex's operations and rights under the Carbon Storage Agreement. A substantial majority of the lands covered by the Cajun Winds' proposed WEPA overlap with the State's recently granted carbon storage agreements, including the Carbon Storage Lands. The State should make clear that the Castex CCS Project takes precedent over the Cajun Winds project; however, except for references to the Carbon Storage Agreement, WEPA fails to provide adequate assurances to Castex that Cajun Winds' potential operations, covering approximately 60,000 acres, will not materially interfere with Castex's operations under the Carbon Storage Agreement. Castex is still engineering the infrastructure design for the carbon storage project ("***CCS Storage Project***") and has not been provided with any information pertaining to the operational or pre-operational construction plans or permanent infrastructure for the Cajun Winds project. The CCS project will utilize new pipelines, surface equipment, and subsurface monitoring infrastructure that could be jeopardized by the Cajun Winds infrastructure and/or the installation of same. At a minimum, Castex should be provided with, and have an opportunity to review and consent to all of the operations that may take place on the Carbon Storage Lands.

As you may know, carbon sequestration involves an expensive, rigorous and expansive process to meet the qualifications associated with obtaining a Class VI permit, and Castex must commit valuable resources and time in order to meet the conditions imposed by the applicable governing authorities. The WEPA, in its current form, introduces uncertainty and complexity into the Class VI process and the Castex CCS Project as a whole that could unnecessarily delay our ability to safely deliver significant economic impact and environmental objectives for the State of Louisiana. Please note that this letter is not an exclusive list of Castex's concerns, and Castex reserves the right to address any additional concerns it may have during the December 13th hearing.

Sincerely,

/s/ William O'Neal

Castex Carbon Solutions, LLC

Cc:
Jamie Manuel (Jamie.Manuel@LA.GOV)
Byron Miller (Byron.Miller@LA.GOV)
Greg Roberts (Greg.Roberts@LA.GOV)

P.O. Box 712 Thibodaux, LA 70302
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December 5, 2023

Louisiana Department of Natural Resources
Office of Mineral Resources
P.O. Box 2827
Baton Rouge, LA 70821-2827

Re: Public Comment for Docket No. OMR 23-03 DOW LA Gulf Wind, LLC

To Whom it May Concern:

The Bayou Industrial Group is honored to write this comment letter regarding DOW LA Gulf Wind's proposed Offshore Wind Project in Louisiana state waters. Bayou Industrial Group and our 200 plus members strongly support OMR's approval of offshore wind energy activities in the Gulf of Mexico. Indeed, for more than a decade, offshore service providers located in Lafourche and Terrebonne parishes have served as critical participants in the burgeoning offshore wind industry in the mid-Atlantic and Northeast regions of our country.

We are confident that the companies located in the Bayou Region can and will serve an ever growing role in renewable energy activities in the Gulf of Mexico. The potential for meaningful partnerships between our Federal and State governments, as it relates to renewable energy is something that can't be ignored due to us having the right mix of businesses in our region already. We firmly believe our Bayou Region, which has been engaged in offshore energy exploration and production for nearly 90 years, can serve a vital role in providing expertise, manufacturing capabilities, logistics and services to the offshore renewable energy industry moving forward into the future.

We encourage further cultivating of relationships with the offshore industry in the Gulf, and taking advantage of the expertise that our region offers in offshore energy development.

Again, we strongly support DOW's Project and appreciate the opportunity to submit this comment.

Thank you,

Ben Malbrough
President
Bayou Industrial Group

From: BERT BOYCE
To: Office of Mineral Resources
Subject: DOW LA Gulf Wind LLC Docket No. OMR 23-02
Date: Sunday, December 10, 2023 10:46:25 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

TO: Department of Natural Resources
Office of Mineral Resources
P.O. Box 2827
RE: 1. DOW LA Gulf Wind LLC Docket No. OMR 23-03
2. Cajun Wind Docket No. OMR 23-04
3. Comment on stat's wind energy policy plans

I write in opposition to the proposed operating agreements with Dow LA Gulf Wind LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana due to avian environment concerns.

I understand that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws, including their environment protections, without any environment risk siting assessment being completed prior to establishing the wind farms. Considering these sites are in the path of the three largest bird migratory flyways in North America, the impact would be devastating. The wind farms would also negatively impact fragile nesting birds, including Louisiana's state bird, the Brown Pelican. Other birds, such as the federally threatened Piping Plover and Red Knot would also be dangerously threatened by the near shore wind farm construction.

Recommendations developed by NOAA and BOEM modeling experts state that Gulf of Mexico offshore wind farms should NOT be located withing 20 nautical miles of Louisiana's coast due to concerns for population-level impacts on coastal bird species. These recommendations warn that such close coastal placement of the wind farms not only threatens but could cause the extinction of entire bird species. No siting decisions should be made for the Louisiana coast until environmental studies have been conducted by such groups as the Regional Wildlife Science Collaborative for Off Shore Wind.

I urge the state to:

+Abandon the "operating Agreement" approach and implement a lease program in accordance with the new state law.

+If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight.

+Gather environmental data and conduct rick/vulnerability assessments PRIOR to site selection.

+Work closely with the Louisiana Department of Wildlife and Fisheries on the environmental assessment, to address the Department's concerns.

+Consider the NOAA and BOEM recommendations that wind farms NOT be developed with 20 nautical miles of Louisiana's coast.

+Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is a critical component of our energy future, but the site selection for wind farms must be the result of a careful, thoughtful, and scientifically sound process. Birds and other wildlife are valuable natural resources and need our protection.

Thank you for the opportunity comment on these Notices and the Operating Agreement template as well as the general policy for wind farm development.

Judith Boyce
1341 Lakeridge Drive
Baton Rouge, LA 70802
(225) 931-8175

From:	Cameron Poole
To:	Office of Mineral Resources
Subject:	RE: DOW LA Gulf Wind, LLC – Public Hearing – Record of GNOwind Comment
Date:	Monday, December 11, 2023 9:13:50 AM
Attachments:	GNOwind_DOW_Public Comment_11.27.23.pdf

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Good morning, Asst. Sec. Jamie S. Manuel,

Please find attached a copy of GNOwind's public comment for DOW LA Gulf Wind, LLC, which was provided in person at the November 27th hearing. The GNOwind Alliance greatly appreciates the opportunity to provide this feedback to OMR regarding one of the first proposed operating agreements (OA)s in state waters for OSW development.

Best regards,

Cam Poole
Energy & Innovation Associate
Greater New Orleans, Inc.
1100 Poydras Street, Ste. 3475
New Orleans, LA 70163
cpoole@gnoinc.org
www.gnoinc.org
W – 504.527.6919
M – 504.494.7900

TO: Louisiana Department of Natural Resources – Office of Mineral Resources
ID: Docket No. OMR 23-03
FROM: GNOwind Alliance
DATE: November 27, 2023
RE: DOW LA Gulf Wind, LLC – Operating Agreement in Lafourche and Terrebonne Parishes, Louisiana

I. Introduction

The GNOwind Alliance (GNOwind), a program led by Southeast Louisiana's regional economic development organization (EDO), Greater New Orleans, Inc. (GNO, Inc.), submits this public comment to the Louisiana Department of Natural Resources (LA DNR) – Office of Mineral Resources (OMR) to present arguments that Louisiana's economy and environment stands to benefit greatly from offshore wind (OSW) developments such as that presented by Diamond Offshore Wind (DOW) LA Gulf Wind, LLC.

The GNOwind Alliance greatly appreciates the opportunity to provide this feedback to OMR regarding one of the first proposed operating agreements (OA)s in state waters for OSW development. As a consortium dedicated to developing Louisiana as a global offshore wind energy hub, the GNOwind Alliance shares the State's vision for state-water development opportunities. OMR's commitment to responsible development for OSW has been demonstrated by staff in the planning undertaken to date with community members, ocean co-users, and industry leaders, and public engagement opportunities such as this public hearing today.

II. Background: Opportunities for Louisiana in Offshore Wind

For the reviewer's awareness, The GNOwind Alliance is managed by Greater New Orleans, Inc. (GNO, Inc.), and is further supported by EDO partners including the South Louisiana Economic Council (SLEC), the Baton Rouge Area Chamber (BRAC), One Acadiana (OA), and the Southwest Louisiana Economic Alliance (SWELA). GNOwind is comprised of over 250 member organizations and 500 individuals inclusive of representatives of ports, training centers, marine transportation entities, fabricators, manufacturers, environmental scientists, as well as state and local agencies. **GNOwind Alliance members hail from across the State of Louisiana and share a vision for working together to harness South Louisiana's potential as a driving force, and helping hand, for regional and national offshore wind deployment.** GNOwind also works with national partners to facilitate open dialogue across critical actors in the energy industry and is actively supporting workforce development programming with higher education partners, coordinating supply chain strategies, activating our membership around prudent legislative endeavors, supporting grid development needs, and other efforts designed to accelerate sustainable offshore wind industry formation in South Louisiana. GNOwind includes international partners like RWE Renewables, who joined in May 2022 to help establish an offshore wind supply chain and supplier database in Louisiana to accelerate usage of local suppliers for GOM and national developments offshore – there are currently 130 Louisiana companies registered for this service.

Louisiana companies have already played a tremendous role in offshore wind's 10-plus years in the U.S. by providing critical offshore construction experience earned through decades of oil and gas leadership. This knowledge has advanced projects up and down the East Coast – most notably the Block Island wind farm which leveraged over 8 Louisiana companies for its construction and was the U.S.'s very first commercial wind project. With our extensive history of offshore construction, engineering expertise, environmental monitoring, and data collection, introducing Louisiana's experienced professionals to the offshore wind market will advance new innovations and opportunities for the industry. Existing infrastructure such as shipyards, ports like Port Fourchon, and rail linkages to the American heartland, combined with a well-trained workforce, and strong coastal infrastructure, will be essential for any offshore wind project being developed at an agreeable price point. This is evidenced by gulf coast contractors holding a strong 35% share of the national contract pipeline for all offshore wind projects in the U.S., per the Oceantic Network (formerly the Business Network for Offshore Wind (BNOW). **However, despite the substantial and expanding supply-chain role Louisiana has established in the offshore wind industry, Louisiana and its neighboring states are yet to reap the rewards of OSW projects that service our communities and industry with an emission-free source of electricity.** There is a strong case for developing offshore wind in Louisiana state waters, as well as in federal waters of the Gulf of Mexico managed by the Bureau of Ocean Energy Management (BOEM), where the National Renewable Energy Laboratory (NREL) found Louisiana to have the 4th highest technical potential for offshore wind energy.

The supplier-only dynamic began to change this past summer, when BOEM hosted the first offshore wind auction for the Gulf of Mexico for a Louisiana wind energy area (WEA) off the coast of Lake Charles. BOEM uses its renewable energy competitive leasing process to identify the offshore locations that appear most suitable for development, taking into consideration potential impacts to resources and ocean users. BOEM collaborated with the National Oceanic and Atmospheric Administration to build an ocean model that analyzed the entire Gulf of Mexico ecosystem to find areas that have the least conflict with other uses and the lowest environmental impact. **RWE was awarded this first lease for offshore wind development in federal waters of the Gulf of Mexico this month after winning the August auction. RWE's proposed project has the potential to provide 1.2GW of emission-free energy to Louisiana annually once operational – presenting an opportunity to decarbonize the grid or support green hydrogen development for existing industrial uses.** On October 27, 2023, BOEM announced it has finalized four additional WEAs in the Gulf of Mexico that collectively present the potential to produce enough clean, renewable energy to power more than three million homes. These 4 additional WEAs for OSW leasing in the Gulf of Mexico are notably the closest to Louisiana of all 15 WEAs available for development in the Western and Central call areas. As such, it is fair to say that the federal process for introducing local offshore wind development opportunities for Louisiana communities is well underway. However, since BOEM is currently only exploring lease opportunities in the Western and Central Call Areas, it is unclear when a timeline similar planning and leasing in the Eastern Call (and Southeast Louisiana) will take place in the next decade.

III. Value of the Proposed Project by Diamond Offshore Wind (DOW)

Given the current absence of federal water leases for development in this region, or plans to introduce them, opportunities for offshore wind energy that services communities and industries of Terrebonne and Lafourche remain distant despite growing demand and prospective benefit. The GNOwind Alliance finds that this scenario captures the value of the project proposed by Diamond Offshore Wind (DOW) LA Gulf Wind, LLC in seeking to be a 'first-mover' for the region by advancing a state-water wind energy project in Terrebonne and Lafourche parishes. It has been evidenced in other offshore wind markets nationally and across the globe that developers who invest in a region's first project help reduce barriers for subsequent investment by other developers and interested parties. First projects such as that proposed by Diamond Offshore Wind LA Gulf Wind, LLC also provide near term opportunities to justify investments by local suppliers, port facilities, and workforce development partners. Despite all of the value brought to the market through successful first projects, it is also crucial to recognize the additional risks such developments incur in the absence of peers, precedence on permitting/other requirements, and in developing a feasible and valuable offtake agreement in the market. This should be considered by OMR as the office continues to change the contents of the DOA prior to final approval by the State Mineral and Energy Board at one of its upcoming meetings.

Given the costs and benefits at play, it is important to note that Diamond Offshore Wind (DOW), its parents, and affiliates, offer decades of experience in successfully developing, constructing, and operating major energy assets. DOW has experience owning and operating 7 commercial scale offshore wind projects as well as experience owning and operating 12 independent offshore wind transmission lines totaling more than 1,300 kilometers in length. Beyond commercial experience, DOW has supported other U.S. states with first-of-its-kind offshore wind projects. Namely, the New England Aqua Ventus I project in support of the State of Maine's Offshore Wind Initiative, which aims to explore thoughtful development of floating offshore wind energy in the Gulf of Maine, while ensuring balance with the state's maritime industries and environment. This demonstration project is not only supporting the commercialization of new floating technologies that will be key for Maine and other New England States' developments but is also identifying and introducing best practices for engaging other ocean users such as the region's robust lobster industry. For Aqua Ventus I, a portal was developed to communicate with fishermen through key activities such as the seabed survey, as well as provide services to support any potential damages incurred by fishermen from the construction activities. Engagement with commercial fishing operations is a standard requirement of federal OSW leases provided by BOEM that was brought down to Maine's state planning through this first project. As such, GNOwind has great confidence in DOW to not only help advance novel commercial solutions for state-water OSW development in Louisiana – opening the door for further responsible development and greater investment – but also identify solutions for accommodating our environmental resources and other valuable ocean users such as our shrimpers. Given our State does not yet benefit from a programmatic process for such matters, it is crucial that first-movers such as DOW bring this experience to the table to help identify Louisiana-specific solutions that ensure deconfliction with other ocean users alongside project validation.

It is also important that the value of introducing offshore wind in state waters, such as proposed by Diamond Offshore Wind LA Gulf Wind, LLC, accounts for its ability to support a clean hydrogen economy in Louisiana whereby Terrebonne and Lafourche parishes possess great comparative advantages to benefit from this type of offtake. In September 2022, GNO, Inc. was awarded a $50 million federal grant from the U.S. Economic Development Administration (EDA) which was matched with $24.5 million from Louisiana Economic Development (LED) for the ***H_2theFuture*** initiative. H_2theFuture is a 25-organization partnership with representation from across South Louisiana to decarbonize the industrial corridor of South Louisiana. H_2theFuture will develop a new clean energy cluster in South Louisiana, spanning the clean hydrogen life cycle, from research and development at Louisiana universities to an end-use project at the Port of South Louisiana. H_2theFuture identifies three primary objectives:

1. Preserve traditional energy jobs, in lower-carbon applications.
2. Train future workers for new clean energy jobs.
3. Intentionally address historic economic, environmental, and social inequities.

Offshore wind will play a significant role in the execution of the H_2theFuture initiative and actively supports the objectives identified above. For more than 120 years since the first oil well was drilled, Louisiana has powered the nation and world with oil and natural gas. Louisiana accounts for about 10% of U.S. total marketed natural gas production and holds about 7% of the nation's natural gas reserves; the State's 15 oil refineries also account for nearly one-sixth of the nation's refining capacity and can process about 2.9 million barrels of crude oil per day (U.S. Energy Information Administration). Currently, 95% of commercial hydrogen is produced via steam-methane reforming, a process that generates carbon dioxide as a byproduct. These facilities tend to be located along the Louisiana (and Texas) coast, supplying petrochemical and ammonia manufacturing. Hydrogen production from electrolysis, which uses renewable energy from wind to split water into hydrogen and oxygen, is a technology that has been around for more than 100 years, but until today has not been cost-competitive. That market dynamic is changing primarily due to policy, but also thanks to advances in offshore wind and new electrolysis technologies that use OSW energy. The State's legacy provides a century-long wealth of knowledge, experience, and expertise in developing and regulating energy. However, as a result of this deep industry investment, industrial emissions currently account for 66% of Louisiana carbon emissions; significantly higher than the national average of 17% (Louisiana Climate Action Plan). **It is critical for the State of Louisiana to aggressively employ all mechanisms for reducing emissions, while simultaneously protecting the high-paying jobs that support our economy. Offshore wind provides a unique opportunity to do both, and state-water opportunities puts Louisiana leadership in the driver seat of how soon these are introduced locally.**

The economic and environmental benefits of offshore wind developments such as that presented by Diamond Offshore Wind (DOW) have been clearly expressed and demanded at the state level. In 2022, Act 443 authorized the State to enter into revenue-sharing leases for wind energy. This measure initiated Louisiana's ability for the state to offer leases, or enter operating agreements, for offshore wind development within the first 3 nautical miles from shore. As we know, this presents the basis for the DOA under consideration today. During the 2023 Regular Legislative Session, the State Legislature advanced policy instruments to augment the planning

readiness for offshore wind development and transmission infrastructure upgrades. Act 397 appropriated $4 million to the Louisiana Department of Natural Resources (LDNR) for the completion of a Statewide Offshore Wind Plan ($3M) and Transmission Study ($1M). LDNR published the Request for Information (RFI) for the Louisiana Comprehensive Wind Roadmap on November 8, 2023. The State Legislature also passed HCR 127, which urges and requests Louisiana Economic Development, in consultation with the Louisiana Workforce Commission, to evaluate the state's business advantages, economic climate, and workforce readiness to compete in attracting offshore wind energy supply chain industries. **The language of HCR 127 further expresses that Louisiana's leadership in offshore wind energy production, as well as existing maritime trades, workforce, and manufacturing assets, gives Louisiana a competitive advantage to attract new investment and expand business in this emerging sector.**

IV. Concerning the Agreement Structure

A. Terms and Provisions of the Draft Operating Agreement (DOA)

GNOwind coordinated with the Southeast Wind Coalition's (SEWC) Louisiana program to provide recommendations concerning the specific provisions of the DOA and encourage DNR and OMR's review of these when submitted in accordance with the extended deadline of December 11th, 2023.

V. Conclusion

The GNOwind Alliance appreciates the opportunity to submit these comments for the DOW LA Gulf Wind, LLC Operating Agreement and look forward to continued coordination with the Office of Mineral Resources on offshore wind development in the State of Louisiana.

Sincerely,

Jasmine Brown-DeRousselle
Vice President of Public Policy
jbrown@gnoinc.org

Lacy McManus
Executive Director of Future Energy
lmcmanus@gnoinc.org

Cameron Poole
Energy & Innovation | GNOwind Program Manager
cpoole@gnoinc.org

From: Mary Dahlen
To: Office of Mineral Resources
Subject: OMR 23-04
Date: Monday, December 11, 2023 9:18:33 AM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

We are expressing our concern to oppose the Cajun Wind Project in Cameron, LA.

Thank you,
Mary Dahlen
Linda Dahlen
Richard Dahlen
Katherine Deshotel
Cameron Parish residents

Sent from Yahoo Mail for iPhone

From: Cathy
To: Office of Mineral Resources
Subject: Wind energy
Date: Monday, December 11, 2023 6:09:57 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Cathy Hansen, 1226 Keed Ave., Baton Rouge, LA 70806

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

I write in opposition to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana due to avian environmental concerns.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wind farm development.

Wind energy is a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I urge the state to:

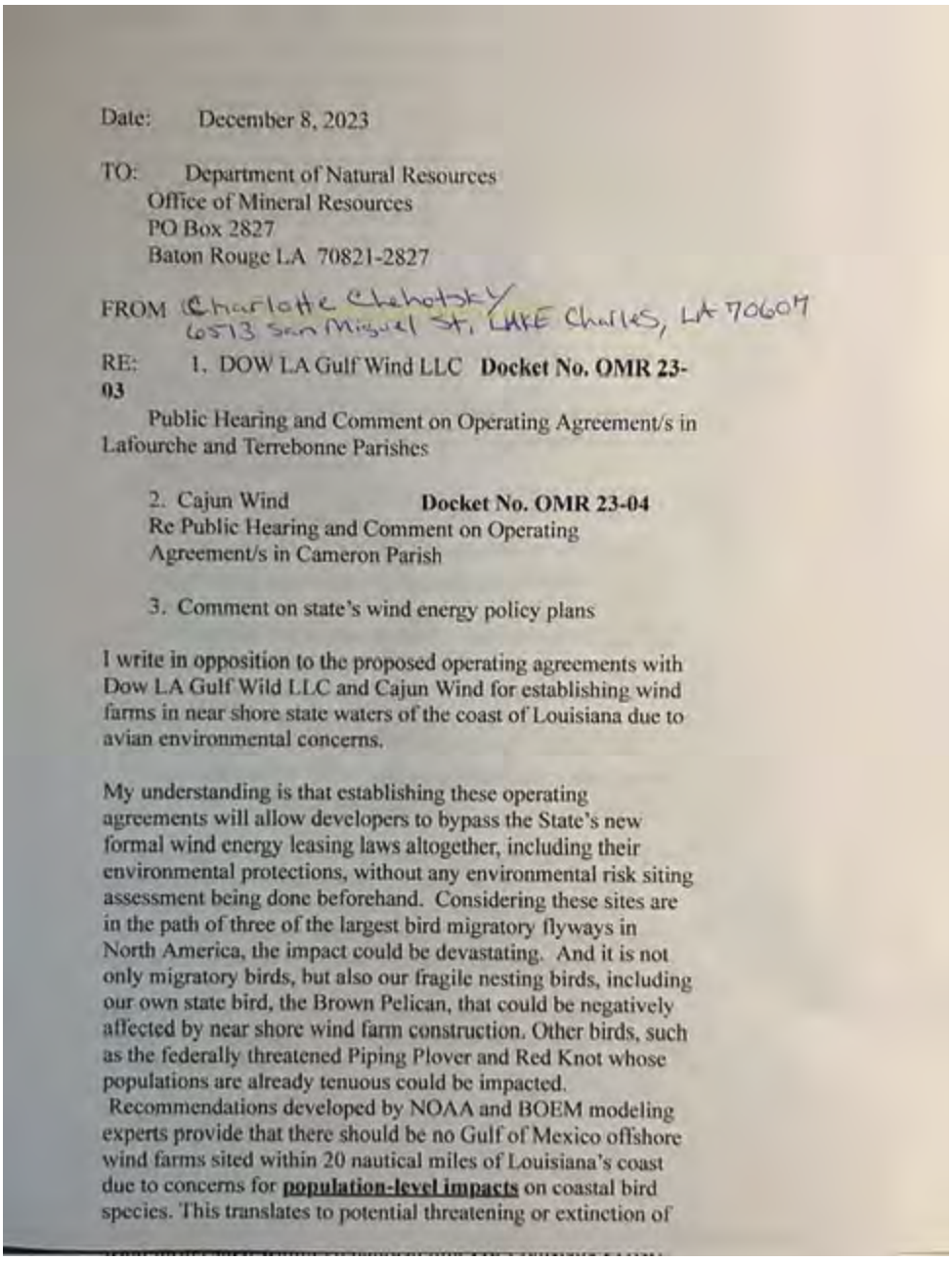
<!--[if !supportLists]-->● <!--[endif]-->Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
<!--[if !supportLists]-->● <!--[endif]-->If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;
<!--[if !supportLists]-->● <!--[endif]-->Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
<!--[if !supportLists]-->● <!--[endif]-->Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
<!--[if !supportLists]-->● <!--[endif]-->Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;

<!--[if !supportLists]-->● <!--[endif]-->Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Cathy Hansen

From: Pookah Chehotsky
To: Office of Mineral Resources
Subject: Docket No OMR 23-03 and OMR 23-04
Date: Monday, December 11, 2023 3:45:33 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.



Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM Charlotte Chehotsky
6513 San Miguel St, Lake Charles, LA 70607

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

I write in opposition to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana due to avian environmental concerns.

My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted.
Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of

entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for OffShore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not all of the north coast of the GOM.

I urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;
- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
- Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wind farm development.

Charlotte Chehardy

From: Colette Dean
To: Office of Mineral Resources
Subject: Docket No. OMR 23-03/ Docket No. OMR 23-04
Date: Monday, December 11, 2023 12:52:34 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

December 11, 2023

Attention:
Department of Natural Resources
Office of Mineral Resources
P.O. Box 2827
Baton Rouge, LA 70821-2827

RE: 1. DOW LA Gulf Wind LLC Docket No. OMR 23-03
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind. Docket No. OMR 23-04
Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comments on state's wind energy policy plans

I am in opposition to the proposed operating agreements with DOW La Gulf Wind LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana due to avian enviornmental concerns.
Establishing these operating agreements will allow developers to bypass our State's new formal wind energy leasing laws altogether, including their Enviornmental protections, without any Enviornmental risk sitting assessment performed beforehand. Considering these sites are in the path of three of the LARGEST bird migratory flyways in North America, the impact could be devastating. This will not only affect migratory birds, but our fragile nesting birds, including our own state bird, the Brown Pelican - all that could be negatively affected by near shore wind farm construction.
Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted. Recommendations developed by the NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for population-level impacts on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government

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* Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
* Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for POPULATION_LEVEL IMPACTS on coastal bird species;
* Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the sitting of these wind farms be the result of careful, thoughtful and scientifically sound process After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.
Thank you for the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wind farm development.

Sincerely,
Colette Dean
18917 Lake Harbour Avenue
Baton Rouge, Louisiana 70816

Date: December 11, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Daniel Patterson
27 Weldon Cir
Ponchatoula, LA 70454

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish

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I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wind farm development.

From:	David Booth
To:	Office of Mineral Resources
Subject:	Dockets OMR 23-03 and OMR 23-04
Date:	Monday, December 11, 2023 1:58:30 PM
Attachments:	letter to DNR re wind farm offshore.docx

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Subject: Dockets OMR 23-03 and OMR 23-04

Dear Sirs, please accept our written comments in the attached letter. It has been sent by the required deadlines. Thank you.

Sincerely,
David Booth
President LOS
337-526-0837

Louisiana Ornithological Society

5524 Alexander Lane

Lake Charles LA 70605

David@boothenvironmental.com

Date: December 10, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: David Booth, President of the Louisiana Ornithological Society (LOS)

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Other Comments on Louisiana's wind energy policy plans

The LOS is in opposition to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana due to avian environmental concerns.

The LOS is The Louisiana Ornithological Society (LOS) is an organization which has standing in the matter before you. Our members regularly visit Lafourche, Terrebonne and Cameron Parishes. We visit the beaches, the marshes, the waterfronts and even the specific areas which will be impacted by the proposed actions described in these actions.

The LOS was organized in 1947 to gather and disseminate accurate information concerning the bird life of the western hemisphere and of Louisiana; to promote interest in and appreciation of the value of birds, both aesthetic and economic which will ensure wiser conservation of our bird life; to promote opportunity for acquaintance and fellowship among those interested in nature; and to issue, at such times as possible or practicable, publications as a means of furthering these ends.

In pursuit of these goals, the LOS regularly meets in Cameron Parish and occasionally in the other Parishes referenced above. We hold semiannual meetings in Cameron Parish. There is one in October and one in April of each year. We sponsor a myriad of Birding Field Trips in the state

as well as the Parishes during the year, to view bird species along the beaches, the fresh, salt and brackish water marshes. We frequent water fronts, refuges, approved wooded areas and other areas impacted by the proposed actions. These areas would undoubtedly be adversely affected by the project if located where proposed.

Our understanding is that establishing these operating agreements will allow developers to bypass or short circuit the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted. Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for OffShore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not all of the north coast of the GOM.

We urge the state decision makers to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;
- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;
- Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in

need of our protection. We must only develop wind and solar energy if there is not a serious impact on our fragile ecosystems.

Thank you for the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

Sincerely

David Booth

President Louisiana Ornithological Society

December 11, 2023

Department of Natural Resources
Office of Mineral Resources
P.O. Box 2827
Baton Rouge, LA 70821-2827

RE: 1. DOW LA Gulf Wind LLC | **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes
2. Cajun Wind | **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish
3. Comment on the State's wind energy policy plans

This comment is on behalf of the Barataria-Terrebonne National Estuary Program (BTNEP) related to the referenced Notices, including the proposed Operating Agreement Templates for the referenced projects and other similar wind energy projects. This comment also addresses the State's approach toward implementing wind energy in near-shore areas within Louisiana territorial waters.

BTNEP implements a science-based, consensus-driven plan that utilizes partnerships focused on cultural, economic, and natural resources. We are excited about the opportunities wind energy will provide for the State. Wind power will provide a clean, renewable energy source and bring economic growth to our area. While BTNEP supports wind energy, we oppose establishing operating agreements that allow developers to bypass the State's new formal wind energy leasing laws, including their environmental protections, absent any environmental assessment.

These wind energy sites are in the path of three of North America's main bird migratory flyways. Both migratory birds and birds that nest on Louisiana's barrier islands, including our state bird, the Brown Pelican, could be negatively affected by near-shore wind farm construction.

The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near-shore wind farm projects. Siting decisions should be made for the Louisiana coast once a body akin to the Regional Wildlife Science Collaborative for Offshore Wind, established for developments along the Atlantic coast, is set up for the northern coast of the GOM.

985.447.0868
btnep.org
P.O. Box 2663
Thibodaux, LA 70310

btnep
Barataria–Terrebonne
NATIONAL ESTUARY PROGRAM

BTNEP urges the State to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
- If the State does not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;
- Gather environmental data and conduct risk/vulnerability assessments before site selection;
- Work closely with the Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;

Wind energy is an exciting part of Louisiana's future. However, the siting of these wind farms must result from a careful, thoughtful, and scientifically sound process. Our cultural, economic, and natural resources benefit by partnering to protect birds, wildlife, and our State.

We appreciate the opportunity to comment on these Notices and the Operating Agreement template, as well as the general policy for wind farm development.

Sincerely,

T. Bradley Keith
Program Director

Delaina LeBlanc
Biological Resources Coordinator

985.447.0868
btnep.org

P.O. Box 2663
Thibodaux, LA 70310

btnep
Barataria–Terrebonne
NATIONAL ESTUARY PROGRAM

From: Donald Norman
To: Office of Mineral Resources
Subject: Comments on Wind Turbines:
Date: Monday, December 11, 2023 5:22:03 PM
Attachments: Norman Comments to Office of Mineral Resources.docx

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EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Please find my comments on the Proposed Operating Agreements:

DOW LA Gulf Wind, LLC – Public Hearing Operating Agreement in Lafourche/ Terrebonne Parishes
Louisiana Docket No. OMR 23-03

Thank you for receiving these comments electronically.
Don
--
Donald Norman
Norman Wildlife Consulting
320 W Beach Pkwy
Mandeville, LA 70448

In Washington State
2112 NW 199th
Shoreline, WA 98177

Mobile
206.719-3849

Comments on the DOW LA Gulf Wind, LLC – Public Hearing Operating Agreement in Lafourche/ Terrebonne Parishes. Louisiana Docket No. OMR 23-03

To: The Office of Mineral Resources

From Donald Norman, Norman Wildlife Consulting

Date December 11, 2023.

My name is Donald Norman and I am writing to encourage the Office of Mineral Resources to utilize good planning for the proposed wind energy projects in the Louisiana coastal areas with environmental and economic studies prior to initiating agreements. Recent cancelation of contracts of offshore agreements in NY, NJ and MA are an indication that the companies providing the construction and operation of wind projects have not been given good guidance on the projects. There is good testimony from several environmental groups that there are significant potential impacts with the proposed projects and it is in the state's interest to have these companies perform these studies as part of these companies' management of their mitigation costs. I believe that there is significant potential for wind energy to be a positive step towards a lower carbon footprint. I believe that businesses interested in setting up these projects need to understand there are significant collision and construction impacts that could impact costs. As mentioned above, current delays in supply chains and construction equipment mean that these studies should be performed well before the siting of locations. I also believe that there are continuing new technologies that could reduce collisions that need to be presented in a NEPA type setting that can help reduce conflicts.

My background as an environmental consultant in Washington and Alaska, as well as in Louisiana, gives me some very clear examples of how poor planning results in environmental issues getting in the way of well-meaning projects. I have worked as a consultant for dredging companies in La and Ga and work closely with them to assist in reducing delays in projects. As presented in the comments by Orleans Audubon and others, there is an abundance of date on migratory land bird abundance and weather, as well as movements of near shore seabirds that could help understand the mitigations necessary to reduce impacts. The wind energy business has faced a rocky start from eagle kills at Altamont to bat kills from baurotrauma, but better designs are reducing impacts and technology to understand when bird strikes occur, primarily in inclement weather during the spring and fall. The quantification of these studies would help allow calculations of how many days turbines would have to be turned off. Such calculations are now used for contracting in CPRA for hurricane days, so it is easy to set up such stipulations in wind contracts. This is a much easier path than having to set them thru legal action.

As has been presented in other comments, there is an additional wealth of quantifiable and legally defensible data on the potential impacts of collisions and light impacts of offshore structures. There are, however, potential mitigations of impacts and some environmental studies as well as designs for adaptive management strategies, such as turning off turbines in

weather when migrating birds are flying at lower elevations. The effectiveness and proven methodologies need to be tested and could easily be done on existing offshore structures.

There are also significant additional potential impacts from collisions from near shore movements of terns, gulls, pelicans, ducks, geese, falcons; the list goes on and on. Having worked on the Louisiana coast, I have observed many species moving at elevations that would be impacted by potential collisions. Again, there has been an increasing understanding of location and season movements of such bird species, but this information will not be available in the current permitting of locations for structures.

Donald Norman Qualifications
Donald is a wildlife toxicologist by training and has worked on endangered species in Louisiana, oil spills in Alaska, and avian monitoring and abatement for several companies in Louisiana and Georgia. He received a BS in Chemical Oceanography from the University of Washington, an MS in Wildlife Toxicology from Western Washington University, and an MS in Ecology from the University of Pennsylvania. He has provided consulting services for government, industry and non-profits over the past 35 years.

Donald can be reached at (206) 719-3949 and at
NormanWildlifeConsulting@gmail.com

From: Joni.Tuck@shell.com
To: Office of Mineral Resources
Subject: Docket No OMR23-03 - letter of support
Date: Monday, December 11, 2023 2:52:29 PM
Attachments: 20231211145147.pdf

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Good afternoon,

Attached please find the letter of support for OMR23-03 DOW offshore wind project in LA State waters from the South Central Industrial Association (SCIA).

We greatly appreciate the opportunity to provide comment on this important item in OMR's docket in 2023.

Kind regards,

Joni Tuck

Joni Tuck
Corporate Relations Advisor – Deepwater Gulf of Mexico
Shell
Joni.Tuck@shell.com
504.425.6235 Desk
985.227.6062 Mobile

SCIA
SOUTH CENTRAL INDUSTRIAL ASSOCIATION
Active Voice for Regional Industry

Officers, Directors, and Staff

Joni Tuck
President
Shell

JJ Buquet
Executive Vice President
Buquet Distributing

Matthew Newchurch
Vice President
Duplantis Design Group

Mark Danos
Secretary-Treasurer
Danos

Dean Cheramie
Director
D & S Marine Service

Lance Trotti
Director
Oak Point Risk Advisors

Leah Brown
Director
Chevron

Mitch Marmande
Past President
Delta Coast Consultants

Kathy Doiron
Assistant Director

Louisiana Department of Natural Resources
Office of Mineral Resources
P. O. Box 2827
Baton Rouge, LA 70821-2827

December 11, 2023

Re: Public Comment for Docket No. OMR 23-03 DOW LA Gulf Wind, LLC

To Whom It May Concern:

The South Central Industrial Association (SCIA), our 250 member companies and their 240,000 employees look to you for the future of our energy industry and our region. These men and women are directly involved in the oil, gas, marine and nascent offshore renewable energy service industries and live in Louisiana powering American energy production and dominance in the US Gulf of Mexico. SCIA members are the economic driver of the state and we know that our members embrace the opportunities to support the development of the offshore wind and renewables energy industry so that Louisiana remains the hub of offshore innovation and advancement.

We write today in support of DOW LA Gulf Wind's proposed offshore wind project in Louisiana state waters in the vicinity of Port Fourchon. SCIA strongly supports opportunities for Louisiana to demonstrate our continued leadership in advancing energy production in the prolific Gulf of Mexico integrated energy production basin.

SCIA and our members understand that Louisiana's OMR has the opportunity to create value for offshore wind development in the GoM in ways that the Federal government has yet to realize and we strongly support DOW's above-referenced project as a critical first step to expanding Louisiana's offshore and maritime services industry to service offshore wind and renewables.

Thank you for the opportunity to provide comment on this item.

Respectfully,

Joni Tuck
Board President
South Central Industrial Association

From:	Leon Zebrick
To:	Office of Mineral Resources
Subject:	Proposed Windfarm
Date:	Monday, December 11, 2023 3:30:21 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Date: December11, 2023

TO: Department of Natural Resources

Office of Mineral Resources

PO Box 2827

Baton Rouge LA 70821-2827

FROM: Leon Zebrick

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**

Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**

Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

I am emphatically opposed to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind

for establishing wind farms in near shore state waters of the coast of Louisiana due to its potential negative impact to avian life.

My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted. Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of

Louisiana's coast due to concerns for population-level impacts on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for Off Shore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not for all of the north coast of the GOM.

I urge the state to:

Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;

If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;

Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;

Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;

Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for population-level impacts on coastal bird species;

Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Although wind energy is most certainly a part of the energy picture of the future, it is imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. They must not endanger species critical to life on earth, which birds are. Birds are an indicator species of ecosystem condition, "having important ecological functions – such as seed dispersal and insect consumption" according to www.usga.gov. Their extinction may very well trigger human extinction. Besides, birds and other wildlife are part of our natural resources, and are in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

Sincerely,

Leon Zebrick
370 Moss Lane
Mandeville, LA 70471

From:	Margie Vicknair-Pray
To:	Office of Mineral Resources
Cc:	Angelle Bradford; Nancy Pyne
Subject:	Re: Comment on Louisiana Docket No. OMR-23-03 – DOW LA Gulf Wind, LLC
Date:	Monday, December 11, 2023 8:41:25 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Secretary Thomas Harris
Louisiana Dept.of Natural Resources
Office of Mineral Resources
Post Office Box 2827
Baton Rouge, Louisiana 70821-2827
OMR@la.gov

Re: Comment on Louisiana Docket No. OMR-23-03 – DOW LA Gulf Wind, LLC

Dear Secretary Harris:

This comment is on behalf of the Sierra Club Delta Chapter/Louisiana (Delta Chapter), in regard to the referenced Notice as well as any other similar wind energy projects to be developed in the Louisiana Gulf area.

Although we commend the State and the Office of Mineral Resources for facilitating the development of offshore wind energy, we are deeply concerned by the lack of community voices and oversight during this initial development period.

This lack of representation is cause for alarm as the Delta Chapter and other NGOs have expressed concern over the absence of environmental studies necessary to ensure that the State's entire approach toward implementation of offshore wind energy in near shore areas is sympathetic to the wildlife, especially birdlife, in those areas.

Louisiana territorial waters are part of a major Gulf migratory route for hundreds of species. Over two billion birds migrate through the Gulf corridor each year. Additionally, several shore bird species migrate east to west and back along the coast of Louisiana and Texas. The flight across the Gulf of Mexico is a 15-to-20-hour flight, so birds often arrive exhausted. They land on barrier islands and shores like Grand Isle and Holly Beach for a day or two to recover. It's critical for them to be able to land safely so that they can continue their journey to arrive at their breeding sites. Additionally, studies should be performed to ensure that other life – bats, turtles and marine mammals are not negatively affected by the placement and operation of offshore wind farms.

Our vital question is: Why has Louisiana chosen to let developers decide the placement of offshore wind farms based solely on economic considerations? This is backwards from the way every other state and the federal government have proceeded. If there are (and most likely will be), disastrous environmental consequences afterward, how will mitigation be approached? Who will foot the bill?

The OMR should prioritize applicants who plan to use cutting-edge technologies to mitigate avian and marine ecosystem harm. Offshore wind activities should strive to avoid, minimize, mitigate, and monitor impacts on marine ecosystems.

We feel that the OMR must acquire and ensure a meaningful base of environmental consultants to devise a framework for this project and future offshore wind projects, and develop a permanent formal leasing program for wind energy projects instead of the ill-advised Operating Agreements in review now. Any other approach will invite protracted and expensive litigation.

The Sierra Club has been a proponent of wind energy for decades, but once again Louisiana's lack of foresight and planning is likely to put us at the bottom of a good list. Instead of being a leader in this new industry – as we should be – we will end up sabotaging what could be a very positive experience. We want offshore wind in the Louisiana Gulf, but such projects will require regulation and monitoring so that they are implemented and managed responsibly.

Margie Vicknair-Pray
Conservation Projects Coordinator
Sierra Club Delta Chapter/Louisiana
P.O. Box 8619
New Orleans, LA 70182-8619
Ph: 905-373-7097 Email: margie.vicknair-pray@sierraclub.org

From:	Patricia Zebrick
To:	Office of Mineral Resources
Subject:	Re: Near shore Wind Farm Development
Date:	Monday, December 11, 2023 12:47:06 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Date: December11, 2023

TO: Department of Natural Resources

Office of Mineral Resources

PO Box 2827

Baton Rouge LA 70821-2827

FROM: Patricia P. Zebrick

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**

Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**

Public Hearing and Comment on Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

I am emphatically opposed to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind

for establishing wind farms in near shore state waters of the coast of Louisiana due to its potential negative impact to avian life.

My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted. Recommendations developed by NOAA and BOEM modeling experts

provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for population-level impacts on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for Off Shore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not for all of the north coast of the GOM.

I urge the state to:

Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;

If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;

Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection;

Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;

Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for population-level impacts on coastal bird species;

Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Although wind energy is most certainly a part of the energy picture of the future, it is imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. They must not endanger species critical to life on earth, which birds are. Birds are an indicator species of ecosystem condition, "having important ecological functions – such as seed dispersal and insect consumption" according to www.usga.gov. Their extinction may very well trigger human extinction. Besides, birds and other wildlife are part of our natural resources, and are in need of our protection.

I appreciate the opportunity to comment on these Notices and the Operating Agreement template as well as the general policy for wild farm development.

Sincerely,

Patricia P Zebrick
370 Moss Lane
Mandeville, LA 70471

Secretary Thomas Harris
Louisiana Department of Natural Resources
Office of Mineral Resources
617 North Third Street
LaSalle Building, 8th Floor
Baton Rouge, Louisiana 70802

December 10, 2023

Dear Secretary Harris,

We appreciate the chance to comment on the following:

On November 27, 2023, your department accepted public comment at two public hearings, one in Lafourche Parish and one in Terrebonne Parish, to determine whether or not to issue permits to DOW LA GULF WIND, who wish to locate wind turbines in Louisiana coastal waters.

On November 29, 2023, your department accepted public comment at a public hearing in Cameron Parish to determine whether or not to issue permits to Cajun Wind, who wish to locate wind turbines in Louisiana coastal waters.

The persons listed on this letter are retired Special Agents of the Office of Law Enforcement of the United States Fish & Wildlife Service (USFWS), all of whom have considerable experience enforcing federal migratory bird laws in coastal Louisiana. All have agreed to support the assertions of this letter and all no longer work for or represent the federal government in any form or fashion. We write here today only as concerned private citizens.

Few, if any, states are more important to migratory birds than Louisiana. The coastal waters of Louisiana are populated by hundreds of species of migratory birds, including those that do not reside year-round in Louisiana. Wind turbines placed in the path of migratory birds in Louisiana coastal waters will prove, as they have proven elsewhere, to be extremely detrimental, creating a lethal minefield killing thousands of migratory birds each year.

Migratory birds are protected by the federal law known as the *Migratory Bird Treaty Act of 1918*. Less than twenty years ago, our Louisiana state bird, the brown pelican, was listed as endangered. The brown pelican was protected then by not only the *Migratory Bird Treaty Act of 1918,* but also the *Endangered Species Act of 1973.* Fortunately, the brown pelican was removed from the endangered species list in 2009. What a sad day it would be if our Louisiana state bird were to be put on the endangered list again. For that matter, what a sad day for Louisiana if any species of migratory birds became so rare and would need to be listed as endangered due to the presence of wind turbines in their flight path.

If the companies here asking for permission to place wind turbines in Louisiana coastal waters receive such state permits, they will also be required to apply for an incidental take permit from

the US Fish & Wildlife Service. Such a permit from the USFWS would be problematic in that the monitoring requirements for mortality by wind turbines would be impossible to satisfy due to the remoteness of location and harshness of the marine environment. In all likelihood, any bird killed or injured by a wind turbine would fall in the water, sink, drift away from the area, or be consumed by other organisms in the area. The reporting of mortality or injury to migratory birds could never approach accuracy due to the aforementioned reasons.

Placing the turbines on land would make the job of monitoring bird mortality, in all likelihood, easier.

We, the retired Special Agents of the United States Fish & Wildlife Service listed below, therefore ask your department to help protect the internationally significant number of migratory birds found in Louisiana coastal waters. We ask that you deny permission to any entity wishing to place wind turbines in Louisiana coastal waters.

Sincerely,

Philip Siragusa, *Retired Special Agent, US Fish & Wildlife Service*
101 Felonise St.
Lafayette, Louisiana 70507

Kash B. Schriefer, *Retired Special Agent, US Fish & Wildlife Service*
400 Robinhood Circle
Lafayette, Louisiana 70508

William K. Mellor, *Retired Special Agent, US Fish & Wildlife Service*
Jefferson Parish, Louisiana

Mark A. Johnson, *Retired Special Agent, US Fish & Wildlife Service*
Homossassa, Florida

Robert Oliveri, *Retired Special Agent, US Fish & Wildlife Service*
Brandon, Mississippi

W. Frank Simms III, *Retired Special Agent, US Fish & Wildlife Service*
St. Landry Parish, Louisiana

William Downie Wolfe, *Retired Special Agent, US Fish & Wildlife Service*
Tallahassee, Florida

From: Savannah Fontenot
To: Office of Mineral Resources
Subject: OMR 23-04
Date: Monday, December 11, 2023 1:28:59 PM

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

STOP! Don't move ahead with the wind turbine project off Rutherford Beach. It will change the way we enjoy that place. I've seen those things catch on fire and burn. That place is hurricane central so what will happen when they are destroyed by hurricanes. They are also a hazard to birds. If they leak then that will going to the water and cause health issues for the food we eat from the ocean. Leave the movement of wind to God! You are not God so stop playing! It's not green energy, it's trash! You know this is the truth, stop hiding the ugly parts from the people.
Thanks
Concerned citizen

Sent from Yahoo Mail on Android

From:	Stacy Ortego
To:	Office of Mineral Resources
Subject:	LWF Comments on OMR 23-03 and OMR 23-04
Date:	Monday, December 11, 2023 1:28:53 PM
Attachments:	LWF Comments on Wind Operating Agreements_Docket No. OMR 23-03 and OMR 23-04.pdf

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Good afternoon,

Attached are Louisiana Wildlife Federation's 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).

Thank you,

Stacy Ortego
Coastal Policy Manager
Louisiana Wildlife Federation
225-344-6707 (o)
337-351-3973 (c)
lawildlifefed.org

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

PO Box 65239, Baton Rouge, LA 70896
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(225) 344-6707
www.lawildlifefed.org

December 11, 2023

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 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,

Rebecca Triche
Executive Director

Stacy Ortego
Coastal Policy Manager

December 11, 2023

Department of Natural Resources
Office of Mineral Resources
P.O. Box 2827
Baton Rouge, LA 70821-2827

RE: 1. DOW LA Gulf Wind LLC | **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes
2. Cajun Wind | **Docket No. OMR 23-04**
Re Public Hearing and Comment on Operating Agreement/s in Cameron Parish
3. Comment on the State's wind energy policy plans

This comment is on behalf of the Barataria-Terrebonne National Estuary Program (BTNEP) related to the referenced Notices, including the proposed Operating Agreement Templates for the referenced projects and other similar wind energy projects. This comment also addresses the State's approach toward implementing wind energy in near-shore areas within Louisiana territorial waters.

BTNEP implements a science-based, consensus-driven plan that utilizes partnerships focused on cultural, economic, and natural resources. We are excited about the opportunities wind energy will provide for the State. Wind power will provide a clean, renewable energy source and bring economic growth to our area. While BTNEP supports wind energy, we oppose establishing operating agreements that allow developers to bypass the State's new formal wind energy leasing laws, including their environmental protections, absent any environmental assessment.

These wind energy sites are in the path of three of North America's main bird migratory flyways. Both migratory birds and birds that nest on Louisiana's barrier islands, including our state bird, the Brown Pelican, could be negatively affected by near-shore wind farm construction.

The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near-shore wind farm projects. Siting decisions should be made for the Louisiana coast once a body akin to the Regional Wildlife Science Collaborative for Offshore Wind, established for developments along the Atlantic coast, is set up for the northern coast of the GOM.

985.447.0868
btnep.org
P.O. Box 2663
Thibodaux, LA 70310

btnep
Barataria–Terrebonne
NATIONAL ESTUARY PROGRAM

BTNEP urges the State to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
- If the State does not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;
- Gather environmental data and conduct risk/vulnerability assessments before site selection;
- Work closely with the Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns;

Wind energy is an exciting part of Louisiana's future. However, the siting of these wind farms must result from a careful, thoughtful, and scientifically sound process. Our cultural, economic, and natural resources benefit by partnering to protect birds, wildlife, and our State.

We appreciate the opportunity to comment on these Notices and the Operating Agreement template, as well as the general policy for wind farm development.

Sincerely,

T. Bradley Keith
Program Director

Delaina LeBlanc
Biological Resources Coordinator

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Thibodaux, LA 70310

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Barataria–Terrebonne
NATIONAL ESTUARY PROGRAM

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Date: December 8, 2023

TO: Department of Natural Resources
Office of Mineral Resources
PO Box 2827
Baton Rouge LA 70821-2827

FROM: Jamie Roques
224 Hearthstone Dr
Baton Rouge, LA 70806

RE: 1. DOW LA Gulf Wind LLC **Docket No. OMR 23-03**
Public Hearing and Comment on Operating Agreement/s in Lafourche and Terrebonne Parishes

2. Cajun Wind **Docket No. OMR 23-04**
Re Public Hearing and Comment on3 Operating Agreement/s in Cameron Parish

3. Comment on state's wind energy policy plans

I write in opposition to the proposed operating agreements with Dow LA Gulf Wild LLC and Cajun Wind for establishing wind farms in near shore state waters of the coast of Louisiana due to avian environmental concerns.

My understanding is that establishing these operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. Considering these sites are in the path of three of the largest bird migratory flyways in North America, the impact could be devastating. And it is not only migratory birds, but also our fragile nesting birds, including our own state bird, the Brown Pelican, that could be negatively affected by near shore wind farm construction. Other birds, such as the federally threatened Piping Plover and Red Knot whose populations are already tenuous could be impacted.

Recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species. This translates to potential threatening or extinction of entire species! The federal government undertakes detailed environmental studies before choosing wind energy sites that are well offshore, as do other states for their near shore wind farm projects. No siting decisions should be made for the Louisiana coast until a body akin to the Regional Wildlife Science Collaborative for OffShore Wind which was established for developments along the Atlantic coast, be established in the least for Louisiana's coast, if not all of the north coast of the GOM.

I urge the state to:

- Abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law;
- If the State will not abandon the "Operating Agreement" approach, then insert language in the agreement requiring environmental oversight;
- Gather environmental data and conduct risk/vulnerability assessments PRIOR to site selection:
- Work closely with Louisiana Department of Wildlife and Fisheries on the environmental assessment, addressing the Department's concerns:
- Consider the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for **population-level impacts** on coastal bird species;
- Consider the American Bird Conservancy's Wind Risk Assessment map before allowing wind energy developers to propose project sites.

Wind energy is most certainly a part of the energy picture of the future, but it's imperative that the siting of these wind farms be the result of a careful, thoughtful, and scientifically sound process. After all, our birds and other wildlife are part of our natural resources as well, and in need of our protection.

I appreciate the opportunity to comment on these Notices and

the Operating Agreement template as well as the general policy for wild farm development.

Sincerely,

Jamie Roques

ROQUES
224 Hearthstone Dr.
Baton Rouge, LA 70806

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DNR
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2023 DEC 15 PM 1:58

Date: December 10, 2023

TO: Department of Natural Resources

Office of Mineral Resources

P.O. Box 2827

Baton Rouge, LA 70821-2827

FROM: Jon W. Wise

5040 Purdue Drive

Metairie, LA 70003

RE: DOW LA Gulf Wind, LLC Docket No. OMR 23-03

Public Hearing and Comments on Operating Agreements in Lafourche and Terrebonne Parishes

Cajun Wind Docket No. OMR 23-04

Public Hearing and Comments on Operating Agreements in Cameron Parish

TO WHOM IT MAY CONCERN:

I write in opposition to the proposed operating agreements with DOW LA Gulf Wind, LLC and Cajun Wind as respects the referenced hearings, for establishing wind farms in near shore state waters of the coast of Louisiana due to avian environmental concerns.

By way of introduction, I am a lifelong resident of Louisiana and have spent most of my 65 years in the New Orleans area. I have had a lifelong interest in the birds of Louisiana and have spent many productive years observing them throughout the state, and particularly, along our beautiful coastline, from Cameron Parish east through Plaquemines and St. Bernard. Of particular interest to me are the migratory songbirds that arrive along the entire coast of Louisiana every spring from Central and South America, to make their first stop along the cheniers and marshlands of our state, before continuing on to their breeding grounds farther north. In the fall, these same birds undertake an equally arduous trip south to their wintering grounds- this time over a more extended time period. I am sure that you are aware from scientists employed by the DNR, as well as by the host of exemplary ornithologists who teach and study at Louisiana State University in Baton Rouge, that the Louisiana coast is directly in the path of the North American Flyway and that it plays a critical role in permitting a successful migration. Often, birds land along the coast in Cameron Parish and Lafourche/Jefferson Parish in states of near exhaustion after the difficult path from the Yucatan across the Gulf- there to

gather their strength, forage for food and continue on. It is a frightening and marvelous instinct/adaption that enables these beautiful creatures to survive.

The last half century, as you may know, has been hard on these birds- warblers, thrushes, cuckoos, vireos, whippoorwills, nighthawks, grosbeaks, tanagers, buntings, to name only a few. Some, like the Cerulean Warbler, are already threatened, facing loss of habitat at both their breeding and wintering range. It is the responsibility of the DNR to consider these birds in developing plans for alternate energy. I could go on and on about how so many Louisiana citizens appreciate the joys of birding. But birding in Louisiana is not only local. Thousands of birders from the rest of the United States and the world come to Louisiana during the spring and fall to participate in solo birding, group outings and festivals. This is so because the Louisiana coast is a special and irreplaceable environment for nurturing the birds, and therefore being able to observe them.

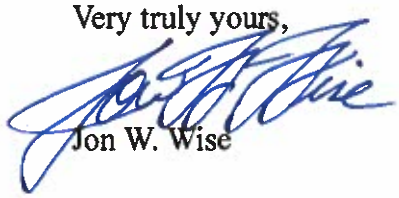
I know that Jane Patterson, the president of Baton Rouge Audubon, has written to you to discuss the fact that the proposed operating agreements will allow developers to bypass the State's new formal wind energy leasing laws altogether, including their environmental protections, without any environmental risk siting assessment being done beforehand. A simple resort to any of the LSU ornithologists, or the data preserved by Cornell University's global website, Ebird.org, would show the number of birds that would be affected. Without some efforts to address the migration (much of which occurs at night) and how to mitigate bird injury or mortality, the probability of devastating and irremediable loss to species is quite high. Unlike other locations where wind farms are situated, the existence of the flyway creates a special problem that demands creative solutions. It would be irresponsible at the least to allow projects to move ahead in this sensitive area while bypassing a thoughtful consideration of how to address the likelihood of killing migratory birds.

Beyond that, Louisiana coasts are vital to year-round species, who live and breed along the shoreline and live on fish, crustaceans and other foods that they obtain flying along the near shore waters. Inevitably, the wind farms, if not built and oriented with regard to these birds- Brown Pelicans, Osprey, frigate birds, cormorants, skimmers, gannets, gulls, terns and others- will cause significant bird death. As you may know, recommendations developed by NOAA and BOEM modeling experts provide that there should be no Gulf of Mexico offshore wind farms sited within 20 nautical miles of Louisiana's coast due to concerns for population level impacts on coast bird species.

I conclude by urging the state to abandon the "Operating Agreement" approach and implement a lease program in accordance with the new state law; to gather environmental data and conduct risk vulnerability assessments PRIOR to site selection; work closely with the Louisiana Department of Wildlife and Fisheries on the environmental assessment and address the department's concerns; and consider/adopt the NOAA and BOEM recommendations that no wind farms be developed within 20 nautical miles of Louisiana's coast due to concerns for population-level impacts.

Thank you for your consideration.

Very truly yours,



Jon W. Wise

Jon Wise
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Metairie, La 70003

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Department of Natural Resources
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