



*Bringing back the birds*

13 September 2021

Bureau of Ocean Energy Management  
Office of Strategic Resources  
760 Paseo Camarillo, Suite 102  
Camarillo, California 93010

Re: Morro Bay Offshore Wind – Call for Information (BOEM-2021-0044)

American Bird Conservancy appreciates the opportunity to provide these comments on the Call for Information for the Morro Bay Call Area and Extensions, all of which are being considered for offshore wind energy development off California's central coast.

American Bird Conservancy (ABC) is a 501(c)(3), non-profit membership organization whose mission is to conserve native birds and their habitats, working throughout the Americas to safeguard the rarest bird species, restore habitats, and reduce threats. As part of our threats abatement program, we have been working with stakeholders to promote Bird-Smart Wind Energy development practices for over 10 years.

As part of a diversified strategy, offshore wind (OSW) energy development can make important contributions to address human-induced climate change, particularly for energy-intensive population centers near the coast. However, to fully realize the benefits of offshore wind, this must be done in a way that minimizes negative impacts to birds and other wildlife. First and foremost, this requires siting facilities in appropriate locations, i.e., avoiding development in high-risk areas.

Below we offer comments addressing relevant information BOEM must consider in its decision-making process within the Call Area Extensions, and therefore by association, the whole of the Morro Bay Call Area. We have serious outstanding concerns about what we see as inadequacies in project planning to date in the Atlantic with regard to protective measures, monitoring, compensatory mitigation and adaptive management for impacts to birds. We see some of these same inadequacies already for planning in the Pacific – these flaws can and must be rectified for existing and future projects. We offer recommendations below for doing so as this new industry gets underway.

We note that a coalition of organizations including Environmental Defense Center, Natural Resources Defense Council, Defenders of Wildlife, National Audubon Society and others have prepared comprehensive comments on many of the biological considerations that BOEM must incorporate into its leasing process, and we further support many of its technical recommendations including:

- **Full Consideration of Potential Impacts to ESA-Listed Species:** Further study is warranted to refine the assessment of collision risk that wind turbines in the Morro Bay Call Area pose to ESA-listed bird species, including an estimate of the number of birds of each listed species likely to be killed in collisions with turbines. At a minimum, BOEM should carefully consider impacts to Marbled Murrelet, Short-tailed Albatross, and California Least Tern, which are all protected under the ESA. Additional, though not exclusive, consideration must also be given to listed USFWS Birds

of Conservation Concern, including Scripp's Murrelet (a species petitioned for listing under the ESA in 2002), Ashy Storm-Petrel (classified by IUCN as Endangered), Brant, Brandt's Cormorant, Hudsonian Godwit, Black Skimmer, Black Tern, Caspian Tern, Gull-billed Tern, Red-throated Loon, Western Grebe, Black-footed Albatross, Laysan Albatross, and Cassin's Auklet. Project plans should be refined based on study results to reduce collision risk. We also expect that BOEM will adhere to its Migratory Bird Treaty Act obligations in accordance with the permanent withdrawal of the M-37050 Opinion, recognizing that incidental take is prohibited.

- **Evaluation of Impacts to Trans-Pacific Migratory Birds:** Consideration of offshore wind energy development in Morro Bay must include substantive evaluation of potential impacts on trans-Pacific migratory birds, a concern that is currently inadequately studied or considered as part of offshore wind energy planning in Morro Bay and elsewhere in U.S. Pacific waters.
- **Requirement of Effective Post-Construction Bird Impact Monitoring:** Bird collisions at offshore wind facilities have been minimally studied to date, despite many years of industry operation in European waters. In contrast, the potential risk of negative impacts is high, given the vast numbers of birds that use the airspace off the coast in the Pacific. A cautionary approach should be taken for this industry, which is new to U.S. waters and ecosystems. Among other things, this requires robust monitoring of impacts post-construction. Monitoring must also be conducted to evaluate displacement impacts. This would need to occur over an area likely to encompass multiple lease areas, and over an appropriately long-term timeframe, requiring a collaborative industry, federal, and state effort.

Obligatory considerations including baseline research, minimization, mitigation, and monitoring recommendations are more thoroughly treated in the aforementioned environmental coalition letter; we refer you to that letter for details. This letter, however, emphasizes critical fundamentals in the overall process of planning, deployment and expansion of OSW development in the Pacific. We highlight the following concerns and recommendations:

### **A Refreshed Commitment to a Transparent Planning Process is Needed**

Efforts to identify wind energy development areas in California and elsewhere in the Pacific must occur through a transparent, spatial planning process that takes into consideration the distribution of, and likely direct and indirect negative impacts to, birds and other wildlife. The rich biodiversity of the waters off the U.S. Pacific coast demand that an informed, deliberate analysis be used to identify appropriate locations for wind turbines. Such an analysis has not yet been undertaken despite advancements in proposed leasing areas. The identification of the Morro Bay Call Area and Extensions were the result of an environmentally and socially incomplete, largely undisclosed, process between select parties that now force stakeholders to comment on the boundaries of established areas, rather than a publicly-engaged process built on a holistic assessment of least-conflict areas.

Applicable analyses are being done currently,<sup>1</sup> though further baseline information is required to inform siting at project scale. It is in the best interest of Federal and State partners to suspend further

---

<sup>1</sup> Refer to forthcoming studies from Conservation Biology Institute's Offshore Wind Energy Project, Point Blue Conservation Science Ocean Zoning Program's offshore wind spatial modelling, and soon-to-be-released additions to Adams, J., Kelsey, E.C., Felis, J.J., and Pereksta, D.M., 2017, Collision and displacement vulnerability among marine birds of the California Current System associated with offshore wind energy infrastructure (ver. 1.1, July 2017): U.S. Geological Survey Open-File Report 2016-1154, 116 p., <https://doi.org/10.3133/ofr20161154>.

advancement of the leasing process until, at the very least, these assessments are completed and currently identified wind energy areas are determined to fall within least conflict zones.

Studies that verify and reduce uncertainty in Collision Risk Models, increase resolution on species' use of potential wind energy zones, and increase understanding of spatial and temporal variation in marine bird distribution are but some of the essential baseline information needed to improve OSW development area designations.

### **Adaptive Management Must Be Institutionalized In the Leasing Process**

We call for BOEM to commit to development of a coastwide adaptive management<sup>2</sup> plan for incorporation into the leasing process. With an adaptive management framework, BOEM can account for the current uncertainty of avian responses to OSW projects and learn from management actions. This will reduce uncertainty for subsequent projects and increase the likelihood of their success.

Undertaking this approach for OSW deployment in the Pacific will require BOEM, developers and State partners to obligate sufficient time, resources, and flexibility between installment of individual projects to monitor, analyze and adapt methods based on measured impacts. This enables sharing of lessons learned in siting, mitigation and post-construction monitoring, informing subsequent development projects and improving protective measures.

Minimizing the cumulative impacts of OSW to the substantial existing vulnerability of seabirds and other wildlife requires adaptive learning from one project to another. Ideally, adding projects would not occur until sufficient information is gathered at existing projects to ascertain OSW impacts in the Pacific, even if the current leasing schedule is impacted to achieve this commitment. Such requirements should be made clear to leaseholders at the sale notice, as should an obligation to publicly share collision and avoidance monitoring data publicly.

### **An Amendment and Exit Procedure Must Be Formalized**

In committing to fully environmentally and socially responsible OSW deployment, BOEM must outline a process to address a scenario where significant adjustments and/or termination of projects or whole wind energy areas is required based on findings of significant adverse environmental impacts at whatever stage this might occur in the leasing or operational process. BOEM, along with other Federal and State regulatory agencies, must be prepared to transparently arrest project approvals and/or shift wind development areas, if warranted.

To minimize the chance that projects would need to be substantively adjusted or terminated, we reiterate the importance of a spatial analysis to identify appropriate sites for development, including a retroactive analysis of existing and future call area development. This would inform an adaptive management approach to leasing that will aid in reducing the costs of adherence to environmental review in the long term.

---

<sup>2</sup> Williams BK. Adaptive management of natural resources--framework and issues. *J Environ Manage.* 2011 May;92(5):1346-53. doi: 10.1016/j.jenvman.2010.10.041. Epub 2010 Nov 13. PMID: 21075505.

## **Strengthening the Linkage Between Offshore and Onshore Impacts**

There is a dearth of recognition of the significant impacts to onshore development associated with the Morro Bay Call Area and other wind energy development areas off California's coast. In particular, the development of a wind port also requires an inclusive, transparent and deliberate process that considers long-term ramifications of industrializing an existing port (e.g., ecological impacts to sensitive bays and estuaries, increased shipping traffic, as well as community impacts), and/or the impacts of developing a new port. BOEM must consider this development within the context of any OSW leasing process as part of the cumulative impact assessment.

## **Consideration of the Call Area East Extension**

The Morro Bay Call Area East Extension overlaps the National Audubon Society-designated Piedras Blancas, CA Important Bird Area. This area was designated for dense numbers of Sooty Shearwaters (millions of shearwaters navigate the Central Coast with hotspots in and between Estero Bay and Monterey Bay, often in flocks of 100,000 or more)<sup>3</sup>, which the IUCN Red List indicates is Near Threatened due to "persistent signs of a current decline in the global population." This species is vulnerable to collisions with wind turbines. As a result, the Morro Bay Call Area East Extension is not an appropriate area for wind turbines, and should not be further considered for development.

## **Compensatory Mitigation Must Be Provided for Impacts to Birds**

It is likely that a significant number of birds protected by federal laws will be killed in collisions with turbines in any facilities installed within the Morro Bay Call Area or Extensions. Compensatory mitigation must be provided for this loss, and particularly for species of conservation concern and those impacted in greater numbers.

Quantifying compensatory mitigation for birds should initially be based on a conservative estimate of the number of birds that will be killed in collisions with turbines. Evaluating mitigation necessary to effectively compensate for these losses should use resource equivalency analysis, which accounts for the fact that birds at different life stages do not functionally equate in conservation importance (e.g., one additional hatchling does not functionally replace a breeding adult bird). Quantities and supporting analyses should be re-evaluated as collision monitoring data become available, and additional mitigation provided as necessary.

In our view, mitigation more effectively compensates for impacts when conducted on a project-, species- and population-specific basis. However, if a project-based approach proves difficult to implement, a compensatory mitigation fund must be developed and administered by trustees of federal agencies. Following the model of other forms of development, this would most appropriately be funded by developers, with funding levels based on the impacts of the operation of their facilities. We note that a recently-announced partnership<sup>4</sup> between the National Fish and Wildlife Foundation and Apex Clean Energy could serve as a model for such a fund.

---

<sup>3</sup> Adams, J., MacLeod, C., Suryan, R. M., Hyrenbach, D. K., Harvey, J. T. Summer-time use of west coast US National Marine Sanctuaries by migrating sooty shearwaters (*Puffinus griseus*), *Biological Conservation*, Volume 156, 2012, Pages 105-116, ISSN 0006-3207, <https://doi.org/10.1016/j.biocon.2011.12.032>. (<https://www.sciencedirect.com/science/article/pii/S0006320711004952>)

<sup>4</sup> <https://www.nfwf.org/media-center/press-releases/apex-clean-energy-and-national-fish-and-wildlife-foundation-partner-first-its-kind-conservation>

The development of OSW in the Pacific demands a leasing process guided by comprehensive baseline studies and full consideration of potential impacts to protected species and sensitive habitats. While there is urgency to address the effects of climate change, OSW must not contribute to the further decline of wildlife species. By conducting the appropriate level of spatial analysis, institutionalizing adaptive management into the leasing process, and considering cumulative impacts, we can move forward with this new industry in an environmentally responsible way.

Thank you for the opportunity to provide input, and for considering these recommendations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joel Merriman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joel Merriman,  
Director, Bird-Smart Wind Energy Campaign  
American Bird Conservancy  
Washington, DC  
jmerriman@abcbirds.org