

Robert P. LaBelle, Federal Co-lead
Mid-Atlantic Regional Planning Body
BOEM
45600 Woodland Road, Mailstop: VAM-BOEM DIR
Sterling, VA 20166

April 17, 2017

Dear Mr. LaBelle:

The American Bird Conservancy (ABC) and the undersigned conservation groups are concerned about the potential impacts of extensive offshore wind energy development on the endangered Roseate Tern. As you know, the Bureau of Ocean Energy Management (BOEM) has leased several areas on the eastern continental shelf and designated them for large-scale offshore commercial wind energy development. These include projects off the coasts of South Carolina, North Carolina, Virginia, Delaware, New Jersey, New York, Connecticut, Maryland, Massachusetts, and Maine. Some of these have already been approved by their respective states.

We understand that these commercial leases give the lessee exclusive right to seek approval from BOEM for development of the leasehold, but do not grant the right to construct any facilities. This means —among other things — that valid environmental studies must first be conducted to evaluate the risk to federally protected wildlife from these developments.

We are also aware that BOEM, in cooperation with the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS), has been conducting studies since 2010 to assess the seasonal distributions of protected and other species, the results of which have not been released. In this sense, the assignment of specific offshore lease locations seems premature, since the environmental risks associated with their development have not yet been fully assessed.

The Roseate Tern, is a U.S. Endangered Species. It migrates the entire length of the eastern seaboard, nesting on sandy or rocky islands with some low plant cover north from New York to Maine. These marine fish-eaters often stay close to shallow waters for feeding, especially in protected bays and estuaries. However, when breeding, they also forage in coastal waters, sometimes venturing many miles offshore to feed their developing chicks. This could put them at risk of collisions with offshore wind turbines. During migration, and post-breeding dispersal, the species can be found foraging across a much wider area reaching south to Florida where some birds also breed, and often venturing far offshore.

We are pleased that surveys are being conducted by FWS and NMFS rather than by the developers' paid consultants. That being said, the presence of Roseate Terns in our Atlantic coastal waters will clearly necessitate—for each project—the completion of a full Environmental Impact Statement (EIS) and Section 7 consultation with the FWS.

We are especially interested to learn how such projects might be mitigated to protect terns, which do not expect to encounter such moving obstacles while they have their eyes focused downwards during foraging activities. Seasonal shut-downs is one strategy that must be considered since Roseate Tern distributions are predictable according to known seasonal ranges.

In fact, with regard to the Cape Wind project, FWS scientists initially advocated such shutdowns for the precise purpose of limiting impacts on Roseate Terns but that measure was removed from the Biological Opinion for the project when it was objected to by the company. That Biological Opinion has been vacated and remanded to the FWS by a federal court to reconsider whether the temporary shutdown measure should be retained, thus making this a particularly opportune time for the agencies to address how best to protect Roseate Terns from offshore wind projects. While temporary curtailment during periods of greatest threat appears to be most viable means of protecting the species, there may be others that are being considered. Information on this would be of great interest.

We support the development of clean, renewable sources of energy such as wind and solar power to address anthropogenic climate change, but also believes that it must be done responsibly and with minimal impact on our public trust resources, including ecologically important native wildlife, and particularly Threatened, Endangered, and other protected species and their habitats. When it comes to wind energy, proper siting is the most important consideration.

Thank you for considering these comments. Please put ABC on the mailing list to receive information on FWS/NMFS wildlife surveys and EISs when they become available. We would also like to be informed if the

preliminary report is still coming out in spring of 2017. ABC and our partners will be monitoring this situation closely to ensure that our nation's federally-protected birds, including the endangered Roseate Tern, are not unduly impacted by rapidly proliferating wind energy development, both onshore and offshore.

Respectfully Yours,

Michael Hutchins, Ph.D.
Director, Bird Smart Wind Energy Campaign
American Bird Conservancy