



TEXAS GENERAL LAND OFFICE
COMMISSIONER DAWN BUCKINGHAM, M.D.

April 29, 2024

The Bureau of Ocean Energy Management
Office of Leasing and Plans
Attn: Renee Bigner
1201 Elmwood Park Boulevard
New Orleans, LA 70123

Dear Ms. Bigner:

As Commissioner of the Texas General Land Office (GLO), I appreciate the opportunity to comment on the Bureau of Ocean Energy Management's (BOEM) proposal for a second offshore wind energy auction covering 410,060 acres in the Gulf of Mexico (the "Auction"). The GLO serves the schoolchildren and environment of Texas by exercising prudent stewardship of State lands, minerals, and natural resources, including state-owned submerged lands extending from the shoreline out 10.3 miles to the boundary of federal waters. This similarity in mission makes me uniquely qualified to shed light on the folly of the Biden administration's decision to proceed with the Auction and its continued efforts to force-feed the American people failed "green" policies.

At a time when consumer demand for electronic vehicles (EVs) is waning,¹ American automakers are scaling back EV manufacturing plans,² and EV start-ups are failing,³ this administration proceeded to finalize a rule on March 20, 2024, requiring nearly all passenger cars sold in the US to be electric by 2032.⁴ Forgetting, of course, this administration is concurrently pushing to shutter natural gas-fired power plants at a time when U.S. power consumption requirements are expected to increase by 12 to 22 percent between now and 2030.⁵ So how do they propose to fill this void in energy supply? Offshore wind, of course. Unfortunately for the Biden administration, offshore wind projects just don't seem to pencil out. Just last year, BOEM auctioned approximately 200,000 acres for wind leases off the coast of Texas and received zero bids. In the time since the failed first auction, Ørsted announced it was canceling two proposed offshore wind projects located off the

¹ Reuters, Industry Pain Abounds as Electric Car Demand Hits Slowdown (Jan. 30, 2024), <https://www.reuters.com/business/autos-transportation/industry-pain-abounds-electric-car-demand-hits-slowdown-2024-01-30/>.

² CNBC, EV Euphoria Is Dead as Automakers Trumpet Consumer Choice in U.S. (Mar. 13, 2024), <https://www.cnbc.com/2024/03/13/ev-euphoria-is-dead-automakers-trumpet-consumer-choice-in-us.html>.

³ Reuters, EV Startup Fisker's Deal Talks with Large Automaker Ends (Mar. 25, 2024), <https://www.reuters.com/business/autos-transportation/ev-startup-fiskers-deal-talks-with-large-automaker-ends-2024-03-25/>.

⁴ U.S. Environmental Protection Agency, Biden-Harris Administration Finalizes Strongest Ever Pollution Standards for Cars in Position (last updated Mar. 15, 2024), <https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-strongest-ever-pollution-standards-cars-position>.

⁵ U.S. Environmental Protection Agency, EPA Proposes New Carbon Pollution Standards for Fossil Fuel-Fired Power Plants to Tackle (last updated Mar. 17, 2024), <https://www.epa.gov/newsreleases/epa-proposes-new-carbon-pollution-standards-fossil-fuel-fired-power-plants-tackle>.

coast of New Jersey.⁶ For that it took a \$4 billion dollar write-down. Ørsted similarly announced in January that it was withdrawing and "repositioning" a potential project off the coast of Maryland because it is no longer commercially viable due to challenging market conditions.⁷ This despite both federal and state tax incentives and subsidies. Rather than learn from the largest developer of offshore wind power in the world, the Biden administration, through BOEM, is hell-bent to push forward with the proposed Auction.

Even if a lessee were to actually see a path to eking out a profit, introducing hundreds of wind turbines across 410,060 acres of ecologically-sensitive ocean is reckless and directly contradicts the Biden administration's recent position when leasing federal land in the Gulf of Mexico for oil and gas development. Just last year, BOEM sought to reduce the size of – and ultimately cancel – an auction for oil and gas leasing in the Gulf of Mexico due to concerns about the endangered Rice's whale. It took legal action by the oil and gas industry and a ruling by the 5th Circuit Court of Appeals for that auction to proceed. Yet now, for a potential project with a greater surface footprint, concerns about impacts to the Rice's whale are apparently unvoiced. According to Clean Ocean Action, the number of whales washing ashore on the east coast is unprecedented and coincides with National Marine Fisheries Service's issuance of Incidental Harassment Authorizations for preconstruction activities carried out to assess sediment suitability for wind farms. This includes six endangered whales in a 33-day period. I am also greatly concerned about the hundreds of bird species that migrate south through the Central and Mississippi Migratory Bird Flyways. Studies estimate that over a million birds are killed by wind turbines in the United States each year.⁸ BOEM's proposal to erect a gauntlet of wind turbines for the estimated two billion birds⁹ to migrate through each year risks dramatically increasing that number.

Further, the impact of wind turbines on fish species and local fishing communities as a whole are deeply troubling. BOEM itself was a co-participant in a study released just last month detailing numerous impacts that offshore wind power projects have on fish and marine mammals, including noise, vibration, electromagnetic fields, and heat transfer that could damage the marine environment.¹⁰ U.S. Department of Commerce concedes that the construction and operation of wind turbines: (1) displace fishermen from traditional fishing areas; (2) changes the distribution, abundance, and species composition of fish in an area; (3) causes economic loss to commercial, recreational, and tribal fishing; and (4) reduces safety at sea.¹¹

As the head of the Texas agency in charge of disaster recovery, I'm also keenly aware of the risks posed to these wind farms by hurricanes in the Gulf of Mexico. According to a study by Carnegie Mellon, there is a higher than 25% probability that more than 10% of wind turbines in the Gulf of Mexico are destroyed by hurricanes within 20 years.¹² A single wind turbine comprises 335 tons

⁶ Ørsted, "Ørsted Ceases Development of Ocean Wind 1 and Ocean Wind 2" (Oct. 2023), available at <https://us.orssted.com/news-archive/2023/10/orssted-ceases-development-of-ocean-wind-1-and-ocean-wind-2>.

⁷ Ørsted, Skipjack Wind to Be Repositioned for Future Offtake Agreements (Jan. 10, 2024), <https://orssted.com/en/media/news/2024/01/skipjack-wind-to-be-repositioned-for-future-offtak-815811>.

⁸ ABC Birds, Wind Turbine Mortality (last visited Mar. 31, 2024), <https://abcbirds.org/blog21/wind-turbine-mortality/>.

⁹ Marralab, "Migratory Bird Habitat Report" (January 2020), <https://marralab.com/wp-content/uploads/2020/01/Migratory-Bird-Habitat-Report.pdf>

¹⁰ Associated Press, "Report by feds, anglers cites offshore wind impacts on fish" (Published March 31, 2024), AP News, <https://apnews.com/article/offshore-wind-fishing-turbines-whales-noaa-90535220198d3def5adef0dde0b363b3>.

¹¹ National Oceanic and Atmospheric Administration (NOAA) Fisheries, "Fishing Community Impacts" (Accessed April 11, 2024), <https://www.fisheries.noaa.gov/topic/offshore-wind-energy/fishing-community-impacts>.

¹² Carnegie Mellon University, "Hurricane Risk to Offshore Wind Turbines Along the U.S. Coast" (Accessed April 11, 2024), <https://www.cmu.edu/ceic/assets/docs/publications/working-papers/ceic-12-01.pdf>.

of steel, 4.7 tons of copper, 2 tons of rare earth elements, over 1,200 tons of concrete and as much as 1,400 liters of oil.¹³ This means that BOEM is willingly introducing the next ecological and navigational hazard to both the Gulf and the coastal communities I serve.

Fortunately for all involved, access to state-owned submerged land for transmission lines to shore requires an easement approved by the Commissioner of the GLO.¹⁴ As Commissioner, I am charged with determining whether the granting of an easement is in the best interest of the state. I can assure you that when weighing the interests, I will do so objectively and without being influenced by "green" policy goals. As of now, I see a number of significant concerns – economic, practical, and environmental – that must be addressed before a prospective wind lessee is permitted to cross state-owned submerged land.

Thank you for your careful consideration of these comments.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Buckingham", written in a cursive style.

DAWN BUCKINGHAM, M.D.
Commissioner, Texas General Land Office

¹³ Wind Watch, "Metals and Minerals in Wind Turbines" (Accessed April 11, 2024), <https://www.wind-watch.org/documents/metals-and-minerals-in-wind-turbines/>.

¹⁴ Tex. Nat. Res. Code § 51.291 (West).