



## FRIENDS OF BRAZORIA WILDLIFE REFUGES

### Minutes of the Board Meeting

Friday, May 12, 2023    Venue: Gulf Coast Bird Observatory

**Members in Attendance:** Ed Barrios, Marty Cornell, Phil Huxford, Ruby Lewis, Kim Richardson, Dick Schaffhausen, Mary Schwartz, Regina Tippet

**Members Absent:** Oron Atkins, Mickey Dufilho

**Refuge Staff in Attendance:** Bryan Winton, Curtis Jones, Lee Gaston

**General Members/Guests in Attendance:** none

President Mary Schwartz called the meeting to order at 1:01 pm.

**Agenda:** the agenda was unanimously accepted after a move to so do by Marty and a second by Ed.

**Minutes:** A motion was made by Dick, seconded by Ed to approve the minutes of the March 11, 2023 meeting of the board. This motion passed unanimously.

**Interim Motions:** On April 12<sup>th</sup>, the motion passed that **“The FOBWR approves the document “Comments on the GOM Wind Lease Sale PSN”** to be sent to the Chief, Bureau of Ocean Energy Management, Office of Emerging Programs.” These Comments were sent by registered mail on April 13<sup>th</sup>. This document is attached at the end of these minutes.

At this board meeting, Marty motioned that **“The FOBWR board authorizes sending copies of Comments on the GOM Wind Lease Sale PSN to United States Congressmen”**. Phil seconded the motion, which passed by unanimous acclamation.

**Land Acquisition:** Curtis noted that the purchase of the ~5,000-acre K-Bar Ranch property has been finalized.

**Refuge Update:** Bryan covered issues of the Complex relating to Friends and/or public use:

- An inquiry by Vincent Solis about hog hunting on refuge property will be answered; this activity is not permitted by the public; however, it is permitted in the nearby state-owned Nanny Stringfellow Wildlife Management Area.
- Bryan will be contacting Dr. Solis, as president of Brazosport College, to establish an intern program for college students that would give them credit for public service on our refuges.
- Because of a deficient budget, Bryan asked the board to consider the purchase of a lawn mower needed for the Brazoria NWR for maintenance around public-use facilities. Phil made a motion, seconded by Dick, that **“The FOBWR authorizes the expenditure of up to \$15,000 for the purchase of a commercial-grade zero-turn mower for the Brazoria**

**National Wildlife Refuge, with funding to come from the Brazoria-McGovern reserves.”** This motion passed unanimously.

- Bryan asked the board to pay for a six-month extension of Hanna Becket’s contract, which currently will expire in September. The cost would be \$30,000. No action was taken by the board.
- Auto tour roads are in need of maintenance, adding rock to two sections, one 9.5 miles and the other 7.5 miles in length. Discussion concluded that this expense would be large and not within the capability of FOBWR.
- Phil introduced Bryan to the Brazoria Lions club, where Bryan enjoyed giving them an overview of the Complex.
- Bryan will coordinate with Nancy Brown, leader of the FWS Houston Urban initiative, to promote the use of our refuges by Houston-area residents. One such event will be a June 4<sup>th</sup> fishing day for veterans at Cannan Bend.

This event stimulated discussion on the need to re-stock the lake at Cannan Bend. Phill suggested that 20,000 minnows, 10,000 blue gills, and 5,000 bass be added at a cost of around \$3,800. The board concluded that the refuge should first do a fish population survey to confirm the need.

- Bryan expressed his appreciation for recent Friends initiatives, mentioning the Takeout lunch, our letter of concern to the BOEM, painting the information pavilions at both the Brazoria and San Bernard refuges, Oron and his construction crew for their work on the Bobcat Woods and San Bernard Oak trails, and our successful 2023 Migration Celebration.
- With the retirement of Tom Schneider, another means is needed to account for volunteer hours of effort. It was suggested that the electronic records of the Texas Master Naturalist – Cradle of Texas Chapter could be mined for the vast majority of volunteer time on refuge projects. [non-COT volunteers would include RV volunteers and many that are engaged in sea turtle patrols; their hours would need to be separately determined.]
- Curtis noted that the SB refuge has money for materials to repair the observation platform on the Moccasin Pond Loop and the fishing pier at Cedar Lake Creek. Oron’s crew will do the work, pending the delivery of materials.
- Apple Snails at Hudson Woods require continuous eradication, which has been accomplished with volunteer crews led by David Heinicke and by contracted interns. However, there are no funds to hire interns for their continued service on this project this summer. To help with this problem, Marty moved and Ed seconded the motion that **“The FOBWR board authorizes the expenditure of up to \$14,000 to contract the services of two people for twelve weeks for Apple Snail eradication. Funds would come from the San Bernard McGovern reserves.”** This motion passed with a unanimous vote.

- Lee Gaston requested financial help to pay of propane used to operate the Discovery Center. Toward this end, Phil moved that **“The FOBWR board authorizes an expenditure of \$5,000 to pay for fuel gas for the operation of the Discovery Center in 2023. Funding will come from the Brazoria McGovern reserves.”** Ed seconded the motion, which passed with unanimous consent.

**Action Items** are listed at the end of these minutes. New action items are highlighted in yellow throughout these minutes. Items completed or removed are:

- The Information booth at the San Bernard field office has been power washed and painted.
- The FOBWR Statement of Concern on windfarms in the Gulf of Mexico was submitted via registered mail to the BOEM on April 15, 2023. A copy of this document is attached to these minutes for the record.

Refuge **Treasurer’s Report:** The April, 2023 Financial Report is attached to the end of these minutes. Dick and Regina noted that:

- Our 2022 Form 990 has been filed with the IRS.
- Revenues were sufficient to cover the expenses of MC23. It was noted that corporate donations (\$5,250 including \$2,000 pending from Phillips) were about half the ~+10,00 of recent pre-Covid years [BASF and FLNG did not donate this year]. Elimination of our Food Booth resulted in minus ~\$1,600 of net income. This deficiency was offset by minimal money spent on signs and banners (replacement of out-of-date sign and banners will cost ~\$2,500) and Nature Store inventory (typically ~+\$2,000). The Migration Celebration Planning Committee was charged with developing a budget for MC24, including a plan to cover the anticipated increased cost from signs, banners, and store inventory.
- With the pending ~\$9,750 donation from Phillips 66 and residual dedicated funds from last year, the 2023 Birds of Prey program will end with a small reserve of less than \$2,000. Donations from small businesses and individuals were notably lower than past recent years. P66 accounts for about half of the income to run the BoP program at the current scheduling level. Phil is pursuing a \$10,000 grant from the Lawrey Committee that would provide a buffer compensating for lower funding from traditional sources; this would likely not be a reoccurring donation. In future years, it is agreed that the P66 commitment of support needs to be secured before programs begin.
- Regina noted that the Bank of America (BoA) prohibits their donations from supporting religious organizations (we receive donations from Merrill Lynch employees that are matched by Bank of America). The status of parochial schools under the definition of religious organizations needs to be clarified regarding use of contributions or grants for Birds-of-Prey programs (Merrill-Lynch matching contributions are not currently used for BoP programs, however Phillips66 grants are.) [BoP programs were given at seven

parochial schools in 2022.] Marty will clarify the ML-BoA position of parochial schools with Steve Polemenakos of Merrill Lynch.

It was suggested that donations from individuals could be dedicated to a particular religious-based school, thus avoiding potential conflict with grant/corporate policy.

**Web and Social Media:** Dick is posting six to seven photo contest winner photos on our web site per week. Dick was asked to add a list of the Members of the Board of Directors on our web site.

**Membership:** Dick received an email from a chamber of commerce inquiring on becoming a member of the FOBWR. We currently have no category covering corporate or NGO membership. Dick agreed to research the status of group memberships as practiced by other Friends groups, and report his results at the July board meeting.

**Maintenance:** no report

**Capital Projects:**

- Two new benches for the trail at Cannan Bend were inadvertently placed along the Big Slough Trail. This led to the motion by Marty that “**The FOBWR board authorizes the expenditure of up to \$3,000 for the purchase of two benches for the Cannan Bend Trail and for materials needed to construct five 4 ft x 6 ft wood deck bench platforms. 3 will be located on Big Slough trail and 2 located on Cannan Bend trail. \$2,400 is to come from Cannan Bend reserves, with the remaining \$600 charged to the McGovern-Brazoria sub-account.**” Phil seconded the motion, which passed unanimously. Marty will order the two new benches from Beason Outdoors.
- Oron’s crew will re-deck the boat dock at Cedar Lake Creek and the observation deck on the Moccasin Pond loop road when materials arrive.

**Birds of Prey.** At the instruction of Jessica Follett, Advisor, Field Communications & Public Affairs – Gulf Coast for Phillips66 in Sweeny, Marty applied for a \$12,000 grant for our 2023 Birds-of-Prey program, with \$10,000 minus \$250 processing fee to go to the school programs and \$2,000 to pay for the four programs presented and MC23.

Phil reported that 48 programs attended by 18,802 people were given this year. Two programs will be given in the next couple of weeks, including Rasco Elementary, which is within our budget. An event at Spring on May 20<sup>th</sup> will be paid by the sponsoring organization.

**Legal / Agreements:** Kim will provide an update at the July board meeting.

**Outreach:** Ruby noted the upcoming event at Spring, Texas on May 20<sup>th</sup>. She is recruiting volunteers to help at the Summer Library Program, which will feature reptiles.

Ruby mentioned that during her frequent visits to the Brazoria Refuges, the Discovery Center is closed, preventing the many visitors she encounters from using the facility. Staffing, especially

on weekends, is desired. RV volunteers have in the past performed this duty, but they are rarely on station during the summer. Bryan suggested that Hanna Becket's schedule could be rearranged to cover weekends. Longer term, this assignment might be staffed with Friends and/or COT volunteers, or perhaps BP college students performing community service. Bryan will develop a plan of Discovery Center Staffing and present it at the next board meeting.

An order for at least 2,000 of our popular trail-walk trifolds is needed. Lisa Myers sent the electronic copy for the trifold to Mary and Ed. This copy needs updated photos. Ed will revise the trifolds and order; a motion to fund this publication will likely be needed. A past order for 1,000 trifolds cost \$404.

**Monthly Walk:** The walk for May will be on May 26 at the Brazos River Unit. There is likely to be another walk scheduled for the first part of June.

**Discovery center display:** Phil reported progress on rehabilitating the Discovery Center display, with the new bobcat being mounted. The new owl will be shortly delivered. The taxidermist is considering songbirds, and otter, armadillo, and snakes. Deterioration of the display was mostly from insects, teaching that periodic fumigation is in order.

**Document Archives;** We still do not have an accessible, searchable archive of FOBWR documents. During her attendance at the Friends Academy at the end of April, Mary discussed archive systems used by other Friends groups e.g., a system called "Slack". Ed and Mary will investigate archive options and recommend an archive program at the July board meeting.

The meeting was adjourned at 3:14

Submitted by Marty Cornell, Secretary

Friends of Brazoria Wildlife Refuges.

Friends of Brazoria Wildlife Refuge Board Action Register May 13, 2023				
Action Item	Who? Date Started	Due Date	Status	Comments

Develop a New Outdoor Environmental Education Display for our canopy	Marty	Target for concept proposal ?	No action has yet occurred	Committee to define aesthetics and variations in content/message modules. Material options for signs and displays to be defined as basis for cost estimates. Check spring-mounted signs and GCBO-pipe frame type. Need high quality images; pull
Develop text on FOBWR history for website	Ed Barrios	After April, 2023	Fixin to	Ed has reviewed documents back to 1994 (the start of FOBWR), and scanned newsletters through 2003. He will put these archives on our web site. When tax season ends this year. Ed has material
Develop a Succession Plan	Mickey	TBD	Researched succession planning; no further action	[Marty note: Kathy Allan, The Board Dr., has a process of first defining needs, followed by identifying potential candidates with the needed qualifications.]
Download Migration Records to our archives	Marty	Almost done Sep22	Action pending	Files are now backed up to our cloud server automatically as added to or amended. <b>Protocol needs to be defined to provide access by any board member.</b>
Download ATFN Records to our archives	Marty	Almost done Sep22	Action pending	As above
Download Governance items into our Archives	Marty	Almost done Sep22	As soon as convenient	As above

Refresh the Discovery Center Display	Phil	not specified	Ongoing	Phil will meet with taxidermist on 11Mar23 Construct a searchable file of FOBWR contacts, e.g., corporate sponsors and donors, sponsors and participants for MC, BoP, ATFN, members, volunteers, outreach. Marty and Lisa have given lists to Ed. Ed is in the process of combining all contact lists.
Master Contact Spreadsheet	Ed	Before MC23		
Create a Grant Solutions account to enable applying for federal grants	Regina and Marty	When need emerges.		The ASAP system is used for reimbursements. Regina will pursue a Grant Solutions account. ASAP is up and running. GS current grant is there. We are not in yet. Have not set up an account yet; difficult; woody did last one. Don't need until we get a grand from the feds
Design concept for B. Burkhart memorial	Oron		\$840 in donations have been received.	Ideas considered and rejected include a memorial entrance arch for the BWT pollinator garden, a granite bench with an etched design, a concrete bench with bench with imbedded tiles, and a stained glass hanging
Correct the Brazosport Chamber of Commerce information about trails on the refuges.	Ed	This summer of 2023		

Create informational PowerPoint presentation on refuges & FOBWR to present to community organizations/groups	Marty	Summer of 2023	Marty will develop a new 15-min PPT with segments of drone footage.
Follow up on three benches for the Cannan Bend and Big Slough Trails	Marty and Oron	Spring 2023	Three benches were received, but all were placed on the Big Slough Trail. Two more will be ordered. 5 treated-pine platforms will be constructed for these benches.
Check with Steve Polemenakos of ML for fixed income investment options	Dick	O/B May Board Mtg.	Increasing interest rates provide opportunity for, e.g., 5% treasury bond or higher rate CD <b>waiting for response</b>
Develop a budget for MC24	MC Planning Committee	Not specified	Include plan to increase corporate donations.
Clarify the use of Merrill Lynch / Bank of America contribution for BoP programs at parochial schools.	Marty	O/B July 2023 board meeting	
Add a list of the Members of the Board of Directors on our web site	Dick	Not specified	
Research the status of group memberships as practiced by other Friends organizations.	Dick	O/B July 2023 board meeting	
Develop a plan for staffing the DC, especially on weekends	Bryan	O/B July board meeting	



Revise trail trifold and order  
2,000 copies

Ed

ASAP

Recommend an archive  
system for FOBWR  
documents

Mary & Ed

O/B July  
board  
Meeting.

Order two benched for the  
trail at Cannan Bend

Marty

O/B July  
board  
meeting.

## FOBWR FINANCIAL STATEMENT April 2023 Final

TDECU				\$113,735.82	*A
Merrill Lynch Cash				\$451,750.69	
Merrill Lynch Certificates of Deposit				\$48,140.97	*G
Prepaid - McCoy's Deposit Account				\$4,571.55	
<b>ACCOUNT BALANCE</b>				<b>\$618,199.03</b>	
-					
<b>FUNDED GRANTS and ALLOCATED FUNDS</b>	<b>Grantor</b>	<b>Total Awarded</b>	<b>Amount Spent</b>	<b>Amt Available</b>	
20131230 McGovern Brazoria NWR non committed	Katherine McGovern	320,279.33	179,678.21	140,601.12	
20131220 McGovern San Bernard NWR	Katherine McGovern	147,000.00	101,380.23	45,619.77	
20130919 Poole Tract Land Acquisition	Trull Foundation	10,000.00	-	10,000.00	
20181231 Houston Endowment Land Acquisition 4	Houston Endowment	325,000.00	301,072.19	23,927.81	*E
20201228 Houston Endowment Land Acquisition 5	Houston Endowment	150,000.00	71,600.00	78,400.00	
20211229 Damuth Foundation Land Acquisition	Damuth Foundation	35,000.00	35,000.00	-	
20220112 Equistar Chemicals - Motus Tower Fees	Equistar Chemicals	7,000.00	664.00	6,336.00	
20221101 Knobloch Foundation Land Acquisition	Knobloch Foundation	118,304.00	2,800.00	115,504.00	*C
20221129 Hershey Foundation Land Acquisition	Hershey Foundation	47,322.00	2,200.00	45,122.00	*C
20210722 Black Rail Habitat (\$78,000 Reimbursable grant)	USFWS	76,438.92	76,438.92	-	*H
<b>TOTAL ALLOCATED FUNDS</b>		<b>\$1,236,344.25</b>	<b>\$770,833.55</b>	<b>\$465,510.70</b>	
<b>FOBWR PROJECTS</b>		<b>Amt Allocated</b>	<b>Amount Spent</b>	<b>Amt Available</b>	
46400 Birds of Prey	FOBWR	15,709.20	1,006.71	14,702.49	
Migration Celebration	FOBWR	31,752.40	9,944.85	21,807.55	
20170101 BNWR Donation Box	Donations	2,612.85	-	2,612.85	
20201231 General Donations, Membership, Etc.	Donations	7,808.62	-	7,808.62	
20210101 Barbara Burkhardt	Memorial	840.00	-	840.00	
20140403 Law Enforcement Restitution	Federal Court Fines	1,835.35	-	1,835.35	
20211112 Maintenance of Public Use Facilities	FOBWR	18,399.86	1,397.77	17,002.09	

20190601 ATFN 2019 Cannan Bend	FOBWR	211,436.29	174,088.64	37,347.65	*B
<b>TOTAL FOBWR PROJECTS</b>		<b>\$290,394.57</b>	<b>\$186,437.97</b>	<b>\$103,956.60</b>	
<b>OPERATIONS</b>		\$37,300.85	\$3,698.45	<b>\$33,602.40</b>	*E, *F
<b>FUNDS IN TRANSIT</b>				<b>\$15,129.33</b>	*I
<b>TDECU SAVINGS</b>				<b>\$15.70</b>	
<b>TOTAL Funds in Bank Accounts</b>				<b>\$613,643.18</b>	

#### COMPLETED PROJECTS OR GRANTS

#### NOTES

\*I Accounts Receivable/Payable & bank activity not yet posted

\*A December 2022, Transferred \$100,000 from TDECU to Merrill Lynch

#### MOTIONS

\*B Mar 2020 Combined Hickner Memorial Fund \$51,570.00 & 2019 ATFN (net \$53,866.29) & added \$50,000.00 Hickner donation

Mar 2021 reclassified \$56,000.00 from McGovern Brazoria

\*C Jan 2023 Per grant agreements, 5.3571% allocated to Admin expenses

\*E 11/13/20 Per Board guidelines 7% was allocated to Admin expenses from Houston Endowment # 4

\*F Sept 2022 Per board approval, \$15,000 reclassified from General Donations to Operations

\*G Merrill Lynch account now includes one Certificate of Deposit for \$50,000. Maturity date is Feb 20, 2024

Balance is net of unrealized market gains/losses and includes estimated accrued interest.

\*H Total Grant = \$78,000: \$76,440 for program costs plus \$1,560 for FOBWR indirect costs (reclassified to Operations Oct 2022)



## Friends of Brazoria Wildlife Refuges

April 15, 2023

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

### Comments on GOM Wind Lease Sale PSN

#### Summary:

We hereby offer our comments on [Docket No. BOEM–2023–0021], the Proposed Sale Notice for Commercial Leasing for Wind Power Development on the Outer Continental Shelf in the Gulf of Mexico (GOMW–1) per the notice in the Federal Register / Vol. 88, No. 37 / Friday, February 24, 2023 / Notices.

The Friends of Brazoria Wildlife Refuges has considerable concern over the siting and leasing of wind farms in the Gulf of Mexico (GOM) prior to a thorough Environmental Impact Statement (EIS) that would cover site characterization, assessment, and operational activities relative to wildlife. The results of this EIS would need to indicate that, at most, a modest negative impact on wildlife would ensue from the construction and operation of Gulf-sited windfarms before they are sanctioned. The available data suggest that such an outcome is unlikely. If this contention proves to be validated, offshore windfarms in the GOM should not be permitted.

We are especially concerned about the impact of windfarms on migrating, pelagic, and shore-residing bird populations that are known to be active in the GOM. Experience with land-based windfarms has shown that high-density migration paths should be avoided or their operation situationally curtailed to minimize bird mortality from turbine blades and structures. Such paths are reflected in the significant bird migration routes that cross the Gulf.

From 2016 through the second week of January, 2023, 178 Humpback whales have been stranded off the Atlantic coast from South Carolina to Maine<sup>1</sup>, and several endangered North Atlantic Right Whales have also recently been stranded. This time period corresponds to the surveying for offshore wind farms in this region. The strong correlation of increased mortality of whales to wind turbine siting activities along the Atlantic coast of the United States does not

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<sup>1</sup> [Here's what feds are looking at as they study 9 whale deaths on East Coast - nj.com](https://www.nj.com/news/atlantic-coast/article.html)

necessarily equate to causation, and it is likely that other factors, instead of or in addition to surveying activities, are involved in this unusually high whale mortality. However, until the causes of the death of these marine mammals is reasonably understood, permitting for the development of windfarm leases in the GOM should not take place. An environmental impact statement should first determine that minimum impact on cetaceans, such as the critically endangered Gulf of Mexico whale (*Balaenoptera ricei*), also known as “Rice’s Whale”, would result from siting assessment and operation activities in the GOM, as required by the Marine Mammal Protection Act and/or the Endangered Species Act.

It is disturbing that BOEM protocol begins the development of EIS only after the issuance of wind energy leases in the Call area when post-lease information is available. We contend that sufficient data is currently readily available to inform the BOEM of probable significant environmental issues with offshore windfarms in the GOM.

It is noteworthy that the Draft Environmental Assessment for offshore windfarms in the GOM<sup>2</sup> is limited to wind lease site assessment activities. As such, by not considering operational impacts on wildlife, it eliminates birds from further consideration in this report, deferring to other cited sources. But these sources either are also limited to siting characterization and assessment (i.e., not operation)<sup>3</sup>, or are speculative, written before the advent of significant offshore wind energy, stating that in contrast to onshore wind facilities,

- “...weather conditions and the tendency for many marine and coastal birds to exhibit flocking behavior and/or daily onshore-offshore movements may increase the potential for bird strikes at offshore wind facilities,
- In some areas, marine and coastal birds form large congregations which undertake large morning movements from coastal roosting sites to offshore feeding areas...
- ...migrating inland birds (especially those crossing the Gulf of Mexico), may readily encounter offshore wind facilities and thus have the greatest potential for colliding with rotors and towers.
- ...migrating birds of species that cannot rest on the water surface, such as neotropical passerines, wading shorebirds, and hummingbirds... experience high energetic costs when crossing large expanses of open water (such as the Gulf of Mexico), and deviations in flight paths may adversely affect their condition and ability to successfully reach land.”<sup>4</sup>

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<sup>2</sup> [Gulf of Mexico Renewable Energy Lease Issuance Draft Environmental Assessment \(boem.gov\)](#)

<sup>3</sup> Gulf of Mexico OCS Proposed Geological and Geophysical Activities: Western, Central, and Eastern Planning Areas; Final Programmatic Environmental Impact Statement (BOEM 2017)

<sup>4</sup> Programmatic Environmental Impact Statement for Alternative Energy Development and Production and Alternate Use of Facilities on the Outer Continental Shelf: Final Environmental Impact Statement (MMS 2007b)

A conclusion of this reference is that “It is not possible to estimate the collision rate for offshore turbines, as this would depend on the specific location of the facilities and the marine and coastal birds that occur in or migrate through the surrounding areas.”

The FOBWR contend that it is now possible, with the proposed lease areas M and I in the GOM clearly identified, to estimate the collision rate for offshore turbines in these locations. This estimate should be done as part of an EIS issued by the BOEM **prior** to the issuance of lease contracts.

Our position is consistent with others that have previously commented to the BOEM. In their June 11, 2021 comments to the BOEM, the National Wildlife Federation et al. commented that “ Responsible offshore wind siting and NEPA require that no less than an EA of the proposed lease area(s) be conducted in advance of an area lease sale...” (underline emphasis in the original document).<sup>5</sup> In a similar fashion, the Center for Biological Diversity and the Defenders of Wildlife<sup>6</sup> jointly contend that the “BLM must complete a programmatic Environmental Impact Statement (“EIS”) **before** any call areas are designated or lease sales take place to ensure that its leasing program adequately analyzes the impacts of wind energy facilities on the marine environment before siting decisions are made.” (emphasis added)

Concerns of the impact on the environment should be resolved before proceeding with leasing activity in the Gulf of Mexico. This action would satisfy the BOEM intent “... to identify wind energy areas in a manner that avoids or minimizes impacts on environmental resources.”<sup>7</sup>

## **Friends of Brazoria Wildlife Refuges**

The Friends of Brazoria Wildlife Refuges is a 501(c)(3) non-profit organization whose mission is to support the Texas Mid-coast National Wildlife Refuge Complex in its charge to manage the conservation and restoration of wildlife and plant resources and their habitats within the Brazoria, San Bernard, and Big Boggy National Wildlife Refuges. The FOBWR advocates and

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<sup>5</sup> Comments in Response to the Bureau of Ocean Energy Management Request for Interest in Commercial Leasing for Wind Power Development on the Gulf of Mexico Outer Continental Shelf (OCS), 86 Fed. Reg. 31339 (June 11, 2021), Submitted by National Wildlife Federation, Natural Resources Defense Council, National Audubon Society, Healthy Gulf, Audubon Delta, Ocean Conservation Research, Whale and Dolphin Conservation, Audubon Texas, Environment Texas, Mass Audubon, and Southern Environmental Law Center, Docket ID: BOEM-2021-0041, page 16

<sup>6</sup> Comments on Request for Interest in Commercial Leasing for Wind Power Development on the Gulf of Mexico Outer Continental Shelf (OCS) [Docket No. BOEM– 2021–0041], page 4, July 26, 2021, submitted jointly by , the Center for Biological Diversity and the Defenders of Wildlife.

<sup>7</sup> Regulations.gov; [Docket \(BOEM-2023-0021\)](#); Proposed Sale Notice for Commercial Leasing for Wind Power Development on the Outer Continental Shelf in the Gulf of Mexico

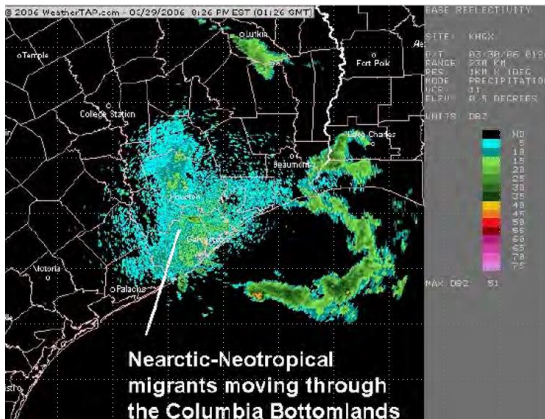
supports the refuges' public-use mandate for hunting, fishing, wildlife observation, photography, interpretation, and environmental education.

These refuges are located primarily in Brazoria County, Texas, which is bordered on the east by the Gulf of Mexico.

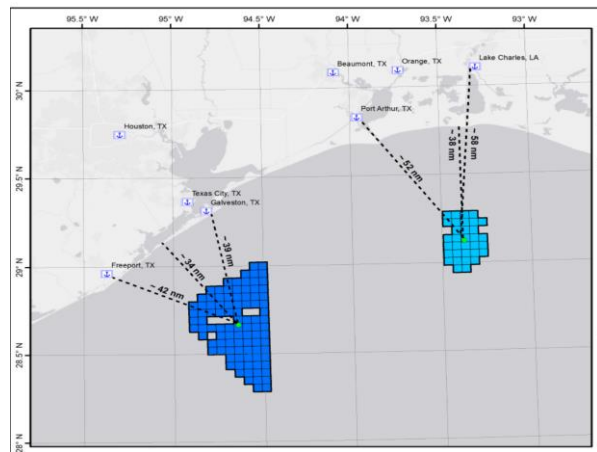
### Avian Wildlife in the Gulf of Mexico Threatened by Offshore Wind Farms

Brazoria County, Texas is especially rich in its diversity of resident and transitory bird species, with about 300 species identified during a given year and over 180 species identified during the 24-hour Christmas bird counts that occur each December. This abundance results from the diverse ecology of coastal mid-Texas that includes coastal shores and estuaries, coastal prairies, and riparian forests known as the Columbia Bottomlands. These lands provide nourishment and sanctuary for migratory birds in their spring and fall migration, with many species making landfall after traversing hundreds of miles over the Gulf of Mexico.

German to this document is that the Port of Freeport in Brazoria County is but 42 nm from the center of leasing area Option I. Option M, the second Wind Energy Area under consideration, is centered 32 nautical miles from the Louisiana shore south of Lake Charles, LA.<sup>8</sup> Both Call areas are well within migratory routes over the GOM, as see in the figures below.



Doppler radar of the northern spring migration of Nearctic and Neotropical birds through the Columbia Bottomland forests. 29Mar06. Dr. Sidney Gauthreaux, Jr.



Gulf of Mexico recommended Wind Energy Areas<sup>7</sup>

It is noteworthy that the BOEM document containing the above recommended WEAs considered the impact on shrimping, pelagic birds, marine fisheries, DoD exclusion zones, and

<sup>8</sup> Commercial and Research Wind Lease and Grant Issuance and Site Assessment Activities on the Outer Continental Shelf of the Gulf of Mexico Draft Environmental Assessment, Bureau of Ocean Energy Management Gulf of Mexico Region, July, 2022

bottom habitat. It did not consider the impact of migratory bird movement over the two WEAs, and, for pelagic birds, only considers the impact of site surveys.

Horton et al. estimates that the annual nocturnal migration with a northern trajectory exceeds 2.1 billion birds. This does not include diurnal migrants nor resident birds that forage offshore.<sup>9</sup> Brown pelicans are part of this later group, where recent studies reveal that some pelicans breeding in Texas and Louisiana overwinter along the Pacific coast of Mexico, and, “Over-water migrations were not uncommon. These included north-south transits across the GOM from the Louisiana Delta region to the Yucatan Peninsula, and from the Florida Keys to Cuba. During these transits, individuals were using pelagic waters.”<sup>10</sup> It has been reported that brown pelicans do not exhibit a strong avoidance behavior from turbines and thus are predicted to be especially vulnerable to collision, because they generally fly within the rotor swept zone<sup>11</sup>

The BOEM projects that wind turbines in the designated areas would have an operating capacity of 40%, which means that they would be idle for 60% of the time, making them attractive as perching platforms for birds such as pelicans, terns, gulls, frigatebirds and raptors such as the peregrine falcon. These birds would be in harms way as the turbines begin to rotate.

Per the Smithsonian Conservation Biology Institute Migratory Bird Center, the bird population roughly doubles during the fall southern migration, with over 80% of the terrestrial migratory bird species in North America (i.e., songbirds and near songbirds with a terrestrial life history [doves, cuckoos, nightjars, hummingbirds, woodpeckers]) migrating at night.<sup>12</sup>

## Conclusions

Clearly, the 20 nm buffer distance from offshore windfarm siting as proposed by the BOEM<sup>4</sup> is inadequate to protect these billions of birds from collisions with turbine structures and rotating blades. It is also clear that any windfarm sited in the GOM should be required to have stringent operational protocols to mitigate harm to migrating and resident birds.

The BOEM Draft EA for wind farms offshore in the northwestern Gulf of Mexico<sup>13</sup> makes conflicting statements on their protocol for environmental assessments. In Chapter 1 covering Purpose and Need: “The U.S. Department of the Interior’s Bureau of Ocean Energy Management (BOEM) has prepared this environmental assessment (EA) to determine whether

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<sup>9</sup> [Hornton 2019.pdf](#); Holding steady: Little change in intensity or timing of bird migration over the Gulf of Mexico.

<sup>10</sup> [\\*BOEM 2020-036.pdf](#), Lamb JS, Satgé YG, Streker RA, Jodice PGR. (n.d.). Ecological Drivers of Brown Pelican Movement Patterns, Health, and Reproductive Success in the Gulf of Mexico:236. 112

<sup>11</sup> 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.

<sup>12</sup> Critical Habitats for Migrating Birds along the Gulf of Mexico, Smithsonian Conservation Biology Institute Migratory Bird Center,

<sup>13</sup> Ibid, reference 8



the issuance of leases and grants within the Call Area (Figure 1-1) in the Gulf of Mexico (GOM) would lead to reasonably foreseeable significant impacts on the environment and, thus, whether an environmental impact statement (EIS) should be prepared **before** a lease or grant is issued. (Emphasis added)

In chapter 2, The Proposed Action and Alternatives: “Therefore, BOEM’s environmental analysis is focused on the effects of site characterization and site assessment activities expected to take place **after** the issuance of commercial and research wind energy leases.” (Emphasis added)

Clearly, as we and others have illustrated, it is reasonable to foresee that significant negative impacts on the environment, most especially for birds and likely for marine mammals, are indeed probable. We thus strongly recommend that an Environmental Impact Statement covering windfarms in the Gulf of Mexico occur before the commencement of leasing activities.

Mary Schwartz, President

Martin Cornell, Secretary

Friends of Brazoria Wildlife Refuges  
P.O Box 505  
Lake Jackson, Texas 77566  
979-236-9946  
[mschwartz97@comcast.net](mailto:mschwartz97@comcast.net)

Friends of Brazoria Wildlife Refuges  
P.O. Box 505  
Lake Jackson, Texas 77566  
979-235-9886  
[marty-carole@comcast.net](mailto:marty-carole@comcast.net)