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To: midwestwindhcp@fws.gov
cc: William Biggley <wbiggley@msn.com>, ajaxeast@msn.com, Jim Gracie <jgracie@brightwaterinc.com>, Paulette Hammond <Paulette.D.Hammond@questdiagnostics.com>, Mildred Kriemelmeyer
Subject: Scoping comments on the Midwest Wind HCP

Maryland Conservation Council

Protecting Maryland's Natural Heritage Since 1969

Suggestions for the Midwest Wind Energy Habitat Conservation Plan:

The Maryland Conservation Council (MCC), founded in 1969, is one of the oldest environmental organizations in the State. Our mission is the protection of our natural heritage. Our opinion on the construction of large wind arrays is entirely negative, but we suffer no illusions that we are going to stop the construction of industrial scale wind installations, and we offer below several suggestions for inclusion in the Habitat Conservation Plan.

We want first to say that wind technology is incapable of achieving its most critical goal, which is the total elimination of carbon dioxide emissions and the consequent stabilization of the earth's climate. This opinion is based on several recent papers in the peer-reviewed literature, but most importantly on the recent publications from the National Academies: "America's Climate Choices" and "America's Energy Future" and from the National Renewable Energy Laboratory: "Wind Power in America's Future," which all state that the use of wind arrays, even if massively interconnected, will require backup by "fast responding" generators (i.e. gas turbines when sufficient hydroelectricity is not available). This conclusion is based also on the present unavailability of an effective technology for the storage of electrical energy on a large commercial/industrial scale. The prospects for the successful development of such energy storage systems seem remote, and the climate crisis is looming ever larger. On the other hand, the MCC is firmly convinced that nuclear power is capable of meeting our electricity demand, with only a small fraction of the ecological footprint of wind power's and critically, with no carbon dioxide production and the smallest impacts on endangered species.

We believe that the Endangered Species Act is one of the most forward thinking pieces of legislation ever enacted. It seems to us that this current application for a multi-species, large area Incidental Take Permit could be a violation of the spirit of the Act, unless it results in a landscape-level appreciation of the impact of the number of wind turbines that are likely to be requested.

Having seen weaknesses in HCP's proposed for ITP's in Maryland (the Criterion project) and in West Virginia (the Beech Ridge project), we offer several suggestions for the Midwest Wind Energy HCP.

1) We feel that habitat conservation plans for the Criterion and Beech Ridge projects are deficient from a biological perspective because they primarily, if not only, consider the ecological effects of these industrial facilities from the perspective of direct kills by collision with turbines or by barotrauma. The HCP should discuss the cumulative ecological impacts of wind installations that occur in addition to direct kills of birds and bats.

A) If appropriate for the HCP (if not, then in the EIS) mention must be made of the concept of cumulative effects as described in the National Research Council's report, *The Ecological Effects of Wind Energy Projects* , that such projects alter ecosystem structure, and the there is not sufficient understanding of the ecological requirements of many organisms (in addition to birds and bats) to predict the cumulative impacts of many wind installations piled on top of one-another.

B) The report *Wind and Waterbirds* written by Bryan Watts deals succinctly with the phenomena of denial of habitat and forced energy expenditure which are potentially damaging cumulative effects of multiple wind energy projects. These concepts should be mentioned in the HCP or EIS.

C) The notice for the draft MSHCP in the Federal Register (Vol. 77 No. 169) states that the ensemble of species to be included in the plan is open ended at the moment. We urge the FWS to publish a list of all terrestrial animal and plant species listed and of concern, wherever wind turbines are proposed to be built.

2) Selection of the biological contractor chosen to monitor compliance with the plan must be made by the USFWS and not by the applicant(s)**.** Selection by the applicant(s) would potentially create a conflict of interest. Perhaps the applicants should be permitted to submit a list of potential contractors.

3) The reports made by the biological contractor should be submitted first to the USFWS and not to the applicant(s) **(**which also represents a potential conflict of interest**)**.

4). The HCP should present estimates of the number of wind turbines that could be constructed in the chosen area, as a clear indication to the public about how bad the negative environmental and aesthetic impacts might get. The estimates should include:

A) the maximum possible number of turbines based on wind resources using the NREL's latest data, without exclusions made for administrative or legal restrictions. Laws and regulations can be changed, wind resources are beyond human control.

B) A brief discussion of how the number and spacing of turbines will be affected by their rated power. This should also include a discussion of how the power of a turbine affects the amount of land that has to be cleared for its construction and operation.

C) the number of turbines based on likely restrictions such as interference with military operations, exclusion of highly protected land, etc.

5). The applicants should be required either to pay for advertisements (written by the FWS) or actively solicit news articles, in the newspapers of all large and medium sized cities in the eight state region. These articles (advertisements) should include all the salient details of this project, such as the number of turbines, the names of the species affected, and the issue of the unknown cumulative biological effects on these species.

One of the two major goals of this MSHCP project is to “minimize” the biological impact of a multitude of wind turbines on a large region of the US, a goal mandated by the remarkable ESA. Language, however, can have perverse meaning: if “minimized” impact turns out to be more harmful than it is now thought to be, then you will, in actuality have “minimized” the take, presumably attained your goal, but have caused perhaps irreparable harm. You're really seeking no impact, but your hands are tied. The MCC wishes you luck in your attempt to reconcile the protection of these creatures with the filling of eight states with ecosystem altering machines. We believe that this is unattainable. If your agency were charged with siting nuclear reactors of comparable generation capacity, your task would be far, far easier.

Thank you for the opportunity to present these suggestions.

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