

5. RENEWABLE ENERGY: FWS chief recommends mandatory wildlife review

Allison Winter, *E&E Daily* reporter

Congress should consider changing the law to require the wind industry to consult with wildlife experts before building new projects, the head of the Fish and Wildlife Service said yesterday.

FWS Chief Dale Hall told the House Natural Resources Committee that current law does not give his agency the authority to require wind companies to consider wildlife effects for their proposed facilities. Hall said a change to give the service the opportunity to weigh in on wind farms before they are built could benefit birds and bats and save time and money for the companies and federal officials in the long run.

"We need early involvement, pre-construction, to talk about what the impacts might be," Hall said at a hearing on wind power yesterday. "Right now ... we can't until it is already happening."

The four major laws that oversee the protection of wildlife -- the Endangered Species Act, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and the Marine Mammal Protection Act -- require a wildlife consultation for proposed federal projects, but not for private companies on private lands.

For private land, there is a prohibition against killing protected species, but that would not kick in until a site is already up and running and a protected species is killed. But at that point, it might be too late for preventive measures, especially if a facility is in the pathway of migration patterns.

"To really be effective, we need to work with them up front to avoid the negative impacts," Hall said in an interview after the hearing.

Hall said Congress would need to alter current law to give his agency the authority to intervene, although committee Democrats and environmentalists said the agency could use current law to do more, since little oversight of facilities takes place once they are up and running.

FWS has been working on wind power siting guidelines for years and has a set of interim guidelines that are voluntary. Hall said once the agency finalizes the guidelines, he hopes there is an avenue for them to become mandatory.

"I would hate to see after all these years, we come up with guidelines and they remain voluntary," Hall said after the hearing.

The agency proposed interim guidelines for wind power in 2003, took two years of public comment, then sent it back to the drawing board. The service formed a Federal Advisory Committee to help shape revised guidelines, which are still in the works.

The look at wind power's potential effects on wildlife comes as the industry starts to boom and stands to see an extension of its current tax credit in legislation that is in the works in the tax committees on both sides of the Hill.

Studies have shown wind power facilities in central California, Pennsylvania and West Virginia have killed a large number of raptors and bats, but other wind facilities in other parts of the country have had little harm on birds.

Early wind projects like Altamont in California became notorious for killing raptors and golden eagles. A 2005 report from the Worldwatch Institute found wind energy kills between 30,000 to 60,000 birds a year and could kill up to 1.8 million birds per year by 2030 unless protective measures are implemented.

But the wind power industry points out that those totals are still much smaller than the total number of birds that die when they crash into buildings or meet their fate with domestic house cats. Currently, for every one bird that dies in a wind turbine, there are 1,000 that are killed by house cats and 5,500 that die from flying into buildings or windows, according to the industry.

Bird advocates acknowledge that buildings are currently the real killers, but they are concerned with how a growing wind industry could wreak havoc on birds and bats. Wind generating capacity increased by over 27 percent last year and some expect to see a tenfold increase in the coming years.

Representatives from the American Bird Conservancy and Bat Conservation International recommended that Congress link mandatory reviews to wind power's tax incentives. Environmental attorney Eric Glitzenstein recommended a requirement that if wind facilities do not comply with the guidelines, they be sent straight to federal prosecutors -- a suggestion that Hall said might have some merit. Witnesses also recommended changes to give the Migratory Bird Treaty Act more teeth and allow citizen suits for violations.

Committee members indicated concern about wind power's harm for birds and bats but have not yet decided on how to move forward. Rep. Dale Kildee (D-Mich.) said some protections are needed to prevent a situation like the federal government is currently facing with salmon, where agencies are spending millions of dollars every year to mitigate the harmful effects of years of dams.

"The bottom line is that we cannot allow ourselves to wholeheartedly embrace wind energy at every location where a strong wind blows, without first evaluating this technology in its entirety and having in place a responsible regulatory framework," said Chairman Nick Rahall (D-W.Va.).

But Rep. Bill Sali (R-Idaho) said the panel might be overreacting, since more birds are killed in collisions with buildings or cats. Sali: "Is it unfair to address turbines, when there are all of these other issues?"