

**Center for Biological Diversity
Golden Gate Audubon Society
CALifornians for Renewable Energy**

**ALAMEDA COUNTY TO APPROVE FLAWED PERMITS
FOR ALTAMONT PASS WIND FARMS THIS WEEK**

SUPERVISORS WILL VOTE SEPTEMBER 22ND ON MEASURES TO REDUCE BIRD KILLS

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Oakland, CA – The Alameda County Board of Supervisors will vote Thursday on the contested renewal of 29 permits covering more than 3,600 wind turbines at the Altamont Pass Wind Resource Area (APWRA), focusing on additional permit conditions and mitigations to reduce ongoing bird kills. Wind turbines at APWRA are estimated to kill up to 1,000 or more protected birds of prey each year, including golden eagles and other raptors, in violation of state and federal wildlife protection laws.

The new conditions are an improvement over the original permits, which required no reduction in bird kill, but do not include important measures conservationists, state Attorney General Bill Lockyer, state and federal regulatory agencies, bird experts, and consultants for the California Energy Commission have called for. The resulting permits are the product of a flawed process, beginning with the County's failure to conduct an environmental review, which is legally required prior to approving the permits. Additionally, the County has failed to require the wind turbine operators to submit financial data to justify their claims of financial hardship, the only justification offered for the wind industry's refusal to make greater and quicker reductions in the massive annual avian mortality at APWRA.

“The County permits are a gift to lawbreaking companies at Altamont that will allow them to phase in bird kill reduction measures that should have already been implemented and to continue to kill over 500 raptors annually for the next 5 years while deferring off-site mitigation,” said Jeff Miller, wildlife advocate with the Center for Biological Diversity (CBD). “The Altamont wind companies can well afford immediate effective mitigation and offsite habitat protection as compensation for bird kills.”

In response to public outcry over bird kills and appeals of the permit renewals by CBD, Golden Gate Audubon Society, and CALifornians for Renewable Energy in November 2003 and January 2004, the County recently added mitigation measures to the permits aimed at reducing bird kills. The Supervisors are expected to approve the new permit conditions, but they fall far short of the recommended mitigations published by the CEC and advocated by the Attorney General and the appellants. The appellants are asking for immediate reduction of existing avian mortality by half and funding for offsite mitigation as compensation for ongoing bird kills. The appellants proposed immediate permanent shutdown of the top three groups of high-risk turbines and an immediate 3½ month winter shutdown of all turbines, measures expected to cut bird kills by 50%.

The County buckled under industry claims of financial hardship, proposing permanent shutdown of only the top two tiers of high-risk turbines, and phasing in both permanent and winter season shutdowns over five years, despite a financial analysis that demonstrated immediate shutdowns are affordable and despite the refusal of the wind power companies to produce any evidence of financial hardship. The County is also allowing the companies to defer any discussion of monetary payments for off-site mitigation for three years, despite the companies having escaped compliance with any bird mortality permit conditions during the 22 months in which the appeals have been pending, and by their own account having saved from \$6.7 to \$9.1 million. The appellants proposed that the companies be required to immediately pay \$6.5 million in mitigation to be used for off-site habitat protection.

“The Supervisors have an opportunity to correct two decades of illegal bird kills and make wind energy at Altamont truly green,” said Elizabeth Murdock, Executive Director of Golden Gate Audubon. “Unfortunately, they are poised to buckle to industry pressure. Their proposal is bad for birds and bad for wind energy. Most birds killed are protected by state and federal laws, which can carry as much as \$50 million in fines per year. State law prohibits the killing of even one golden eagle. The County’s action is arbitrary, ignores the Attorney General’s recommendations for addressing illegal bird kill, leaves the County itself open to lawsuits, and puts the future of wind energy at Altamont at risk.” According to wind industry reports and publications, the Altamont Pass fiasco and decades of foot-dragging on solutions has tainted public perception of wind energy and hampered wind power development, as concerns about bird impacts have delayed or discontinued other wind facilities.

“The enactment of the 2005 Energy Policy Act by Congress provides an opportunity to include the costs of proposed mitigations in the energy pricing formula for Altamont Pass wind power,” stated CARE President Michael Boyd. Industry should be working with the appellants, Alameda County and PG&E in current energy pricing proceedings before the CPUC, instead of fighting proposed mitigations and presuming PG&E will continue higher prices for environmentally unfriendly wind energy operations.”

In a related development, the Center for Biological Diversity lawsuit against all of the wind power companies at APWRA alleging the ongoing bird kills are unlawful business practices will likely proceed to trial. The lawsuit has survived four wind industry motions to dismiss the case in the past 6 months, with an Alameda County Superior Court rejecting the wind companies’ latest attempts to derail the case last month. The lawsuit was filed in state court in November of 2004, seeking remedies for the killing of tens of thousands of raptors in criminal violation of state and federal wildlife protection laws, unlawful and unfair business practices under California’s Unfair Competition Law (section 17200 of the California Business and Professions Code).

More information about the impacts of wind turbines on raptors at Altamont Pass can be found at www.biologicaldiversity.org/swcbd/programs/bdes/altamont/altamont.html and www.goldengateaudubon.org.

An August 2004 report by the California Energy Commission on the avian mortality problem at APWRA is available at www.energy.ca.gov/pier/reports/500-04-052.html