

# Bay Area Extra

## LIVERMORE

### Suit over dead birds dropped against windmill operators

*An Alameda County Superior Court judge has dismissed a lawsuit against wind-farm operators on the Altamont Pass that claimed windmill operators had violated state law by killing migratory birds.*

*Judge Bonnie Sabraw ruled Thursday the operators were not in violation of the state's unfair competition law because the Center for Biological Diversity, which filed the suit in 2004, did not lose property or money. The center had claimed the birds were part of the public trust and therefore wildlife property of the public.*

*According to a study released in 2004 by the California Energy Commission, an estimated 1,700 to 4,700 birds die each year by flying into whirring turbine blades or being electrocuted by transmission lines that thread through the 50,000-acre Altamont Wind Resource Area. Those birds include golden eagles, red-tailed hawks, burrowing owls and other protected species.*

*The center was seeking both restitution measures for environmental damage caused by the turbines in the path and future mitigation measures to protect raptors.*

*Richard Wiebe, attorney for the center, said he believes an appeal will be filed because the ruling disagrees with previous California Supreme Court rulings.*

*Earlier this month, Alameda County supervisors approved the initial phase of a monitoring system that will study the impact the Altamont windmills have on birds. The board unanimously approved the \$610,000, six-month program after hesitating in July to support a \$3 million, three-year plan to monitor bird deaths.*

-- MediaNews