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Lawsuit dismissed in wind-farm bird deaths

Associated Press

OAKLAND, Calif. - An environmental group on Tuesday criticized an Alameda County judge's dismissal of a lawsuit against windmill operators over the deaths of thousands of birds in the Altamont Pass.

Superior Court Judge Bonnie Sabraw ruled Thursday in favor of wind operators, rejecting a claim by the Center for Biological Diversity that birds were wildlife property held in trust by the public.

Sabraw said the wind farms did not violate the state's unfair competition law because the environmental group did not lose property or money.

"The court's ruling conflicts with more than 100 years of California Supreme Court rulings that clearly establish that California's wildlife is property owned by the people of California," said Richard Wiebe, attorney for the center.

An estimated 1,700 to 4,700 birds die each year by flying into Altamont's whirring turbine blades or being electrocuted by transmission lines, according to a study released by the California Energy Commission in 2004.

Hawks, owls and federally protected golden eagles have all been killed by the windmills.

The center sought both restitution for environmental damage caused by the turbines and measures to protect raptors in the future. The group was considering whether to appeal the ruling.

Earlier this month, Alameda County supervisors approved a six-month, \$600,000 plan to monitor the impact of Altamont windmills on birds.