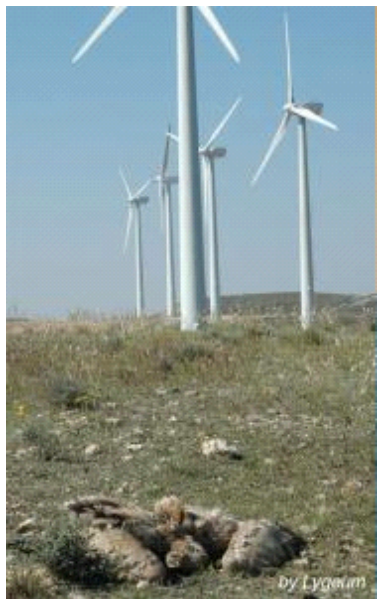


## **Sierra Club Lobbies Against Legislation That Would Protect Endangered Birds and Bats**



Do you know where your money and representation goes when you support a wildlife, environmental or nature organization? If you think it is going to save and protect wildlife you might want to take a second look.

While the Sierra Club asks its members for support to save The Endangered Species Act it is lobbying on the side of the American Wind Energy Association to defeat legislation that would protect endangered birds and bats. Even though thousands of birds, bats, eagles and other endangered species die every year from deadly collisions with wind turbines.

According to the Sierra Club's website:

"The Endangered Species Act is one of America's most effective tools for safeguarding our fish and wildlife heritage."

"Thanks to this landmark law, wild salmon still spawn in the rivers of the Pacific Northwest, wolves have returned to Yellowstone, and the bald eagle soars from coast to coast. The ESA has been successful in keeping over 99 percent of all the fish and wildlife under its care from going extinct, but the Bush administration is rushing to gut the law by changing regulations to make it easier for developers to pave and pollute the nation's wildlands and our special places."

But, while Sierra Club accuses the Bush administration of rushing to gut the law, it is backing an industry that wants to ignore the laws by essentially sparing itself from oversight, compliance and responsibility with US Fish and Wildlife requested standards and regulations, the Endangered Species Act, the Migratory Bird Treaty Act, the Bald and Golden Eagle Act, the Endangered Species Act and the National Environmental Policy Act.

Congressman Rahall D-W.VA proposed a section to a larger energy bill, now being debated in Congress, that would direct the U.S. Fish and Wildlife Service to publish standards for siting, construction and monitoring of wind projects to mitigate and control further illegal harm to protected birds, bats and endangered species.

Of course, the wind energy developers, represented by the American Wind Energy Association, who has gotten a free ride on regulations thus far, went into a tail-spin of public relations hysteria claiming Rahall's legislation is anti-wind and would "essentially outlaw" the generation of new wind power plants and wind turbines in the US and criminalize this rapidly developing industry.

The American Wind Energy Association claims Subtitle D would burden wind power with 'sweeping new requirements

that have never applied to other energy sectors'. But proponents of the provision say no other energy sector has been responsible for the direct and irrefutable carnage of thousands of dead birds, bats, eagles and other endangered species in alarming and growing numbers right on the front steps of their industrial plants and facilities.

AWEA also claims the US Fish and Wildlife Service and its scientists are by and large incompetent and ill-equipped to review existing and planned wind projects while omitting the fact that this review would be on behalf of the birds and endangered species the US Fish and Wildlife Service is mandated to protect. Not only is USFWS charged with the responsibility of protecting birds, threatened and endangered species and enforcing the laws but ironically it is credited by the Sierra Club as "successful in keeping over 99 percent of all the fish and wildlife under its care from going extinct".

Additionally, the wind industry claims birds do not fly into wind turbines, they simply fly around them and point to one industry study done in Denmark, who is one of the largest producers and exporters of wind turbines in the world.

But, the empirical evidence from all over the world shows eagles, birds and bats are being killed in record numbers by wind turbines that have been placed in migratory flyways, important nesting and foraging areas and endangered species habitats.

However AWEA also claims to be working with environmental groups and scientists to address the issue of the deaths to birds and bats at wind farms. "So which is it?" some ask "Are birds and bats being killed or are they not? If they are not, why is this industry claiming to be working to reduce a non-existent impact?"

But Rahall, who supports wind power as a renewable energy resource, believes that while wind power should be a part of the Nation's energy portfolio it needs to grow responsibly "I suspect" he said recently "wind projects are on a regular basis in violation of the Migratory Bird Treaty Act and the Endangered Species Act, yet no enforcement action is being taken".

The evidence of Rahall's statement is backed by the Center for Biological Diversity in California who has been fighting for years for these billion-dollar businesses to operate in compliance with the law.

Over twenty-years there have been 17,000 to 25,000 illegal raptor (eagles, hawks, falcons and owls) deaths at the Altamont Pass Wind Farm and to date the laws have not been enforced, no fines have been paid nor has any meaningful mitigation taken place to prevent more deaths to raptors and endangered species there in the future. Additionally, new studies in West Virginia, Pennsylvania, Ontario and New York, to name a few, are showing that thousands of migratory bats and birds are being slaughtered by wind turbine blades.

According to Donald Michael Fry, PhD, the Director of the Pesticides and Birds Program at the American Bird Conservancy, testimony to the House Subcommittee on Fisheries, Wildlife and Oceans Oversight Hearing on: "Gone with the Wind: Impacts of Wind Turbines on Birds and Bats":

**"The mortality at wind farms is significant, because many of the species most impacted are already in decline and all sources of mortality contribute to the continuing decline."**

"The wind energy industry has been constructing and operating wind projects for almost 25 years with little state and federal oversight. They have rejected as either too costly or unproven techniques recommended by NWCC" (and other avian experts) "to reduce bird deaths.

The wind industry ignores the expertise of state energy staff and the knowledgeable advice of Fish and Wildlife Service employees on ways to reduce or avoid bird and wildlife impacts."

Below is one of the Federal Laws Rahall's proposal wants to see carried out and enforced by the US Fish and Wildlife Service that is being fought tooth and nail by the wind industry with the backing of the Sierra Club so they will not have to be in compliance with federal law or even take them into consideration when siting wind turbines:

The Bald and Golden Eagle Act

Subdivision (a) makes it a criminal offense to "knowingly, or with wanton disregard for the consequences of his act take . . . in any manner . . . any golden eagle . . . ." 16 U.S.C. § 668(a).

'[T]ake' includes also . . . kill, . . . molest or disturb." 16 U.S.C. § 668c.

Penalties: up to \$500,000 fine and two years imprisonment for each eagle killed.

One would think this industry which presents itself as 'environmentally friendly' would welcome standards, guidelines and oversight from the US Fish and Wildlife Service if for no other reason than 'an ounce of prevention would be worth, literally, a pound of cure'. Especially since this growing industry presents itself as struggling and is now public lands and waters on which to build their projects at little cost to them. (The Cape Wind project, proposed by a private developer for federal waters off of Cape Cod, MA would build an industrial wind power plant the size of Manhattan island but only pay a lease on the diameter of the individual 130 turbines. In analogy, they would rent a golf course but only pay for the holes.)

But, who are these 'struggling' wind industry owners and developers at, for instance, Altamont Pass?

FPL Group—Florida—\$11 billion revenues (2003)

Altamont Power, Green Ridge Power

Vestas—Denmark—\$3.4 billion revenues (2004 proj.)

Altamont Power, Green Ridge Power

AES—Virginia—\$8.4 billion revenues (2003)

SeaWest

Electricité de France—France (French government-owned electric utility)—\$59 billion revenues (2003)

Enxco

Powerworks—Idaho—privately held

Altamont Winds, Pacific Winds

### **A choice between birds and global warming?**

While it is understandable that environmental organizations like the Sierra Club may support wind power as a source of alternative energy to fossil fuel burning power plants; is it at all understandable that they would want and allow irresponsible development and circumvention of the laws that protect our wildlife from harm on behalf of an industry that has already proven itself to be deadly to migratory birds, bats, eagles and other endangered species when built in wrong locations?

The American Wind Energy Association, backed by the Sierra Club, would have us believe that the sacrifice of eagles, birds and bats is a small price to pay in the face of global warming. But many people do not consider the sacrifice of endangered birds and bats a small price to pay for a source of alternative energy that would be made less deadly through responsible siting, planning, adherence to the laws and oversight from the authorities charged with protecting them.

### **As wind turbine numbers grow so do the dangers to birds and bats**

Wind power is the fastest growing alternative energy source and along with it one of the fastest growing sources of death to birds and bats. It must be regulated and overseen by the authorities whose job it is to protect our endangered birds and wildlife.

Is your charitable contribution going to an environmental organization that supports irresponsible development and the circumvention of the laws over wildlife protection and using your name to essentially sign a death warrant for migratory birds, bats, eagles and endangered species?

If so, ask yourself if they are worthy of your support.