



FWS draft advances first-ever eagle ‘take’ permit for existing wind farm

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The Fish and Wildlife Service has released its initial analysis for what could become the first permit authorizing a wind power operator to kill or harm golden eagles.

Fish and Wildlife’s draft environmental assessment (EA) analyzes the impacts of granting a so-called programmatic take permit to San Diego-based EDF Renewable Energy that would allow up to five golden eagles to be killed or harmed over a five-year period at its Shiloh IV Wind Project in Solano County, Calif.

The Bald and Golden Eagle Protection Act defines “take” as to “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb” individual eagles, their nests and eggs.

The draft EA was published in today’s Federal Register, kicking off a 45-day public comment period ending Nov. 12.

Fish and Wildlife’s draft EA analyzes four alternatives, and the service’s “preferred alternative” would allow the company to take a maximum of five golden eagles over five years but in exchange would require it to apply advanced conservation practices that include adopting mitigation measures to protect eagles from power lines and turbine blades

and retrofitting 133 utility power poles in the first year of operation to prevent electrocution of birds.

The permit calls for the formation of a technical advisory committee comprising Fish and Wildlife staff and adaptive management practices that increase protection measures based on the number of eagles that are affected. For example, if three eagles are taken within any 12-month period, the company must have biologists on the site during daylight operations who would have “the ability to temporarily modify the operation of particular turbine(s)” when an eagle approaches; radar must be deployed at the site if four eagles are taken within any 12-month period, according to the draft EA.

“The Service believes that if these steps were taken, the wind project would have no significant impact on eagle populations in the area, while reducing the emission of greenhouse gases and helping California meet its goals of 33 percent of its energy from renewable energy,” according to a statement announcing the release of the draft EA.

The draft EA, among other things, details the current status of golden eagles within 140 miles in and around the project as it considers four permitting alternatives, including an alternative of not issuing a take permit. It uses a mathematical model to predict the number of golden eagles expected to be taken at the site that “represents a worst-case assessment that conserva-

tively estimates impacts on eagles,” according to the draft EA.

Shiloh IV is a repowering wind project at an existing wind farm originally placed into operation in 1989. EDF Renewable Energy, starting in September 2012, replaced 235 older turbines with 50 modern ones that have about four times the electricity-generating capacity, according to the company.

The wind farm, situated on 3,500 acres of private land, reopened in December and has a total capacity to produce 102.5 megawatts of electricity, or enough to power about 40,000 homes.

“EDF Renewable Energy has worked collaboratively with [FWS] and environmental stakeholders throughout the development of the Shiloh IV wind project,” Rick Miller, EDF’s director of wind business development for the company’s West region, said in an emailed statement to Greenwire.

As the draft EA indicates, “the issuance of a take permit would mean the Service has concluded that the project, through its avoidance measures, conservation strategies and compensatory mitigation program, would result in no net loss of golden eagles,” Miller added. “Our company pursued the permit based on our responsible development practices to minimize environmental impacts while generating zero-emissions energy.”

Eagle deaths controversial

But eagle deaths reported at the growing number of large-scale wind power projects across the country have become a major source of concern.

A study released this month and conducted by Fish and Wildlife scientists found that wind farms have killed at least 85 eagles in nearly a dozen states over the past 15 years. California ranked near the top with 27 golden eagle fatalities at 13 wind power facilities (E&ENews PM, Sept. 11).

The wind industry has argued it has taken significant steps to avoid and mitigate harm to eagles and that mortality from turbines is “far lower” than from other leading causes including lead poisoning, electrocutions from power lines, vehicle collisions, drowning in stock tanks and illegal shootings.

Wildlife advocates, conversely, have criticized the Obama administration for failing to prosecute wind farms that kill eagles, which are protected under the Bald and Golden Eagle Protection Act. Under the Obama administration, wind farms have never faced prosecution or fines for the deaths of eagles and other protected bird species, according to an Associated Press report earlier this year.

In light of that fact, and the 85 eagle deaths recorded at wind farms over the past 15 years, issuing the take permit for the Shiloh IV Wind Project is perhaps a step in the right direction, said Ileene Anderson, a staff biologist for the Center for Biological Diversity in Los Angeles.

“It seems like it is a good step for the company to take, to actually apply for the eagle take permit,” Anderson said, noting the FWS study that estimated 85 eagle deaths, “all of it illegal because no company has an eagle permit.”

However, Anderson added, “the number of golden eagles proposed to be taken seems high in general,” and she took issue with the utility pole retrofits as a key mitigation strategy.

“If power poles are causing eagle mortality, then the transmission company should be responsible for retrofitting those poles. It should not be some other company that is using retrofitting for mitigation,” she said. “There are other things that can be done: micro-siting of turbines to avoid/minimize mortality based on how eagles use the landscape, radar detection, curtailment [turning turbines off] during high eagle and migratory bird migration times, to mention a few.”

Meanwhile, Fish and Wildlife has released a much-debated final rule to extend the length of take permits for wind farms to disturb or kill eagles from five years to 30 years, a proposal requested by the wind industry.

The White House last month gathered about two dozen of its top environmental officials, outside conservationists and renewable energy leaders to discuss the controversial rule designed to protect eagles while promoting wind energy development (Greenwire, Sept. 4).

“Ultimately, FWS must take a harder look at the number of mortalities for eagles under this permit and reduce it from the proposals in the EA, and implement some better avoidance measures, while making transmission companies responsible for their own problematic power poles to be retrofitted,” Anderson said. “Needless to say, we’ll be submitting detailed comments.”