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JUDGE OKS CBD LAWSUIT TO GO FORWARD OVER RAPTOR KILLINGS AT ALTAMONT PASS, CA WIND TURBINES

ALAMEDA COUNTY WILL HEAR APPEAL OF TURBINE PERMITS MARCH 3 AND APRIL 7

Contact: Richard Wiebe (415) 433-3200
Attorney for Plaintiffs

Jeff Miller (510) 499-9185, e-mail jmiller@biologicaldiversity.org
Center for Biological Diversity

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Oakland, CA – Judge Ronald Sabraw of the Alameda County Superior Court today ruled that the Center for Biological Diversity (CBD) and its co-plaintiff Peter Galvin can go forward with their lawsuit against wind power companies responsible for killing tens of thousands of eagles, hawks, falcons, owls and other protected birds with wind power turbines in the Altamont Pass Wind Resource Area (Altamont) in the San Francisco Bay Area of California. Judge Sabraw ruled that, although the enactment of Proposition 64 in November 2004 applied retroactively to bar CBD and Mr. Galvin from bringing suit on behalf of the general public, CBD and Mr. Galvin could continue to pursue their claims against the wind power companies for destroying wildlife because they, like all other Californians, have a property interest in the wildlife the wind power companies are destroying. The Judge also invited Attorney General Bill Lockyer or the Alameda County District Attorney to join the lawsuit to pursue these claims on behalf of the general public as well.

The lawsuit was filed in state court on November 1, 2004, seeking remedies for the killing of tens of thousands of raptors in flagrant criminal violation of state and federal wildlife protection laws. Wind turbines at Altamont have killed an estimated 880 to 1,330 golden eagles, hawks, owls and other protected raptors each year for the past 20 years, in violation of numerous California Fish and Game Code provisions as well as the federal Migratory Bird Treaty Act and the Bald Eagle and Golden Eagle Protection Act. The lawsuit alleges that these thousands of crimes by wind power companies including FPL Energy, GREP, Green Ridge Power, Altamont Power, Enxco, Seawest Windpower, Windworks, Altamont Winds, and Pacific Winds are unlawful and unfair business practices under California's Unfair Competition Law (section 17200 of the California Business and Professions Code).

On another front, the Alameda County Board of Supervisors will hold an administrative appeal hearing for 29 permits covering more than 3,600 wind turbines at Altamont on March 3 and April 7 in Oakland. In November 2003 and January 2004, CBD, Golden Gate Audubon Society, and

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CALifornians for Renewable Energy appealed these permits after Alameda County renewed them without conducting any public environmental review or requiring any meaningful mitigation measures to reduce or compensate for bird deaths. According to the Alameda County Planning Department, the March 3 hearing will be an informational hearing for the Board to learn more about the current status of the issue, followed by a vote on the permit appeal on April 7.

“Although they have had well over a year since our permit appeal to the Board of Supervisors to come up with a meaningful proposal, the three successive mitigation plans proposed by the wind power companies would in no way significantly reduce the massive bird kills at Altamont and contain no commitment to off-site mitigation,” said Jeff Miller, spokesperson for CBD. “The industry plans fail to measure up to the California Energy Commission recommendations of a 50% reduction in raptor killings over the next 3 years and an 85% reduction over the 3 years after that,” added Miller.

“The County Supervisors should grant our appeal and impose the CEC recommendations,” said Miller. “We whole-heartedly support responsible wind power, but the industry’s continued operation of these obsolete killer turbines without substantial reduction in mortality and without mitigation for the bird kills that will continue to occur can’t be justified.”

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.

The CEC’s August 2004 report is available at www.energy.ca.gov/pier/reports/500-04-052.html