



Shaping the future for birds

Dan Ashe
Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

February 27, 2014

Dear Director Ashe:

We would like to bring an important matter to your attention. As you may know, ABC and its partner the Black Swamp Bird Observatory (BSBO) were recently successful in halting construction of a poorly-sited 198-foot tall wind turbine at Camp Perry, an Air National Guard (ANG) facility in northern Ohio near the southern shore of Lake Erie. This project was being built in the middle of one of the most important migratory bottlenecks for birds in the United States. It is also adjacent to a wildlife refuge and has the highest density of Bald Eagles in the state of Ohio.

Camp Perry leadership completely ignored the concerns of the U.S. Fish and Wildlife Service and Ohio DNR. Following a letter of intent to sue from Myer, Glitzenstein and Crystal, ABC's public interest law firm, ANG's chief legal counsel agreed that Camp Perry was in violation of the Migratory Bird Treaty Act (MBTA), the Endangered Species Act (ESA), the Bald and Golden Eagle Protection Act (BGEPA), and the National Environmental Protection Act, and immediately withdrew Camp Perry's uncorroborated Finding of No Significant Impact (FONSI). Camp Perry was subsequently told to follow all necessary processes including section 7 consultations with the Service over ESA-related concerns, particularly the threat to Kirtland's Warblers and Piping Plovers, both of which are known to frequent this area.

Now another problematic development is taking place on private land very close to the Camp Perry facility. The Lake Erie Business Park (LEBP) is currently in the process of erecting six giant wind turbines in the same area. It is our understanding that when Ohio DNR attempted to contact LEBP and its owner, James McKinney, they were literally hung up on. It is also our understanding that this wind energy project is being built by the developer, SUREnergy, with no Environmental Assessment (EA) or Environmental Impact Statement (EIS) ever being conducted, and with no consultation whatsoever with any state or federal natural resource agency. ABC and BSBO are concerned that this project represents an even great threat to our public trust resources than the turbine that was planned for Camp Perry, and encourages the Service to look into this project in more detail, and take decisive action as appropriate. Since this site is currently under construction, time is of the essence.

If this poorly-sited facility is being built in the absence of any EA, any permitting process, or any consultation with state or federal wildlife authorities, then it clearly represents another failure of the current voluntary permitting guidelines to protect our public trust resources. Whether on public or private land, our native birds and bats are not owned by the for-profit wind



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Industry; but rather are owned by the American people and held in trust for current and future generations. Therefore, we urge the U.S. Fish and Wildlife Service's Office of Law Enforcement to closely monitor this project and aggressively prosecute any violations of MBTA, ESA or BGEPA.

ABC and its local partner BSBO will be following developments at this site with great interest, and would appreciate being kept informed of any action taken by the USFWS. Thank you for your consideration.

Sincerely,

Michael Hutchins, Ph.D.
National Coordinator, Bird Smart Wind Energy Campaign
Observatory

Kimberly Kaufman
Director, Black Swamp Bird

Cc: T. Melius