



Shaping the future for birds

Thomas Johnson, Chair
The Ohio Power Siting Board
180 East Broad Street
Columbus, OH 43215

April 4, 2014

Dear Mr. Johnson and Board Members:

American Bird Conservancy (ABC), and the Black Swamp Bird Observatory (BSBO), are writing to express our concern about LEEDCo's proposed Icebreaker offshore wind energy site near the south shore of Lake Erie.

ABC is a 501(c) (3) not-for-profit membership organization whose mission is to conserve native birds and their habitats throughout the Americas. ABC acts by safeguarding the rarest species, conserving and restoring habitats, and reducing threats, while building capacity in the bird conservation movement. BSBO is a non-profit educational and scientific organization focused on the appreciation, enjoyment and conservation of birds in Ohio.

As you may know, the south shore of Lake Erie is a major migration bottleneck for Neotropical migrants flying north from Central and South America to breed in the boreal forests of Canada. Bird movements in such areas, especially during adverse weather events, are more volatile and hence less predictable than they are on nesting or wintering grounds. As a result, there is a high likelihood of major mortality events involving federally protected birds associated with wind turbines in this area.

Regarding the Icebreaker facility in particular, ABC and BSBO consider its location to be of considerable risk to migrating songbirds, in particular, the federally endangered Kirtland's Warbler and Piping Plover; as well as migrating raptors, Bald Eagles, and waterfowl. ABC and BSBO support responsible wind energy development, but only if it is Bird Smart®. Bird smart wind energy development is primarily about appropriate risk assessment during siting and the location of this facility in close proximity to the Lake Erie shoreline and height of the proposed turbines (400 plus feet tall) could be a deadly combination for birds. A recent peer-reviewed study indicated that taller turbines, such as those proposed for Icebreaker, pose more of a danger. In addition, while locating wind energy development offshore may pose less of a risk than onshore development, it is important to note that assessment of bird fatalities post-construction will be difficult since the turbines are to be located over open water. Such assessments are critical for the enforcement of our nation's wildlife laws and for determining post-construction mitigation and compensation.

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.



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Camp Perry leadership 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 (NEPA), 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.

ABC and BSBO have many of the same concerns regarding the Icebreaker facility as we did with Camp Perry. A recent study conducted by the Ohio Department of Natural Resources on open lake diurnal bird activity raises additional concern. This study did not address nocturnal movement which is suspected of being of even greater concern. At the very least, we believe that an Environmental Impact Statement (EIS) should be conducted and permits acquired by LEEDCo, the developer, for the incidental take of protected species under the ESA, MBTA and BGEPA. Because of the presence of endangered Kirtland's Warblers and Piping Plovers, we also believe that a Section 7 consultation under the Endangered Species Act would be required prior to either approval or construction.

With the recent passage of a resolution by the Ohio Senate to create a Bird Ohio Day (SR 287), it is particularly important that any proposed wind energy project along the south shore of Lake Erie and in the lake itself be subjected to careful scrutiny. The resolution recognizes the importance of Ohio as a key stopover for millions of migratory birds and the economic importance of birding to the state. Some 70,000 people visit northwest Ohio each year to view the migration and, in the process, inject \$37 million into the state's economy.

Thank you for the opportunity to comment. ABC and BSBO will be monitoring the situation closely and expect that all federal and state wildlife laws intended to protect our public trust resources will be followed to the letter.

Sincerely,

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

Kimberly Kaufman
Executive Director American Bird
Black Swamp Bird Observatory

Cc: L. Wagner, s. Zody, M. Knapp, K. Dimoff, J. Knights, G. Tori, L. Mitchell, T. Snitchler, M. Kaptur