AMERICAN BIRD CONSERVANCY

Bringing back the birds

Hon. Kathleen H. Burgess, Secretary
Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

August 29, 2016

Kevin Casutto
Presiding Examiner
Three Empire State Plaza
Albany, NY 12223-1350

Re: Case #15-F-0327

Dear Secretary Burgess and Presiding Examiner Casutto:

The American Bird Conservancy (ABC) is writing to express serious concerns about Charlotte, Virginia-based Apex Clean Energy's proposed Galloo Island Wind Energy Project (WEP) slated to be built in Lake Ontario on Galloo Island in Jefferson County, New York. This large, commercial wind energy facility is to be comprised of 32 585-foot tall turbines. The island is a major stopover point for large numbers of migratory birds and home to other wildlife, including the endangered Indiana bat. Galloo Island is the most westerly of a group of four islands, which include Little Galloo Island, Calf Island and Stoney Island, all important habitat for migratory and breeding birds and bats. Portions of Galloo Island are part of the Lake Ontario Islands Bird Conservation Area.

ABC is a 501(c) (3) not-for-profit membership organization whose mission is to conserve native birds and their habitats throughout the Americas (www.abcbirds.org). ABC acts by safeguarding the rarest species, conserving and restoring habitats, and reducing threats, while building capacity in the bird conservation movement.

ABC supports the development of clean, renewable sources of energy such as wind power, but also believes that it must be done responsibly and with minimal impact on our public trust resources, including native species of birds and bats, and particularly threatened, endangered and other protected species.

ABC is a proponent of Bird Smart Wind Energy, which is described in some detail in Hutchins et al (2016). In the case of wind energy, careful wind generation siting is crucial in preventing the unintended impacts to America's native bird and bat species, and ABC is concerned that the proposed site for this project poses an unacceptably high potential risk to protected wildlife. This risk can be substantial, depending on the circumstances. Millions of birds are being lost annually through collisions with wind turbines and their associated infrastructure, notably power lines and towers (includes electrocutions) (Erickson et al. 2015, Smallwood, 2013, Loss et al. 2013, Loss et al. 2015).

4301 Connecticut Avenue, N.W., Suite 451, Washington, D.C. 20008
Tel: 202-234-7181, Fax: 202-888-7496, info@abcbirds.org, www.abcbirds.org

Wind energy is not “green” if it is poorly placed and killing large numbers of our ecologically important native birds and bats.

The wind energy industry publically claims to be concerned about bird and bat mortality, but continues to try to build large, commercial wind energy facilities in major migratory corridors and sensitive breeding areas for birds and bats in the United States (Casey 2015), thus placing our nation’s ecologically important wildlife at great risk. Lake Ontario appears to be one such place. The proposed Galloo Island Wind Energy Project is poorly placed from the perspective of wildlife conservation and has drawn pointed criticism from the local community (Wolf 2016). Species present include the endangered Indiana bat, and many species protected by the Migratory Bird Treaty Act, including Blue-winged Warbler, Canada Warbler, Golden-winged Warbler, and Wood Thrush, all species of conservation concern.

The ecological services—pest control, pollination, and seed dispersal--that birds and bats provide are worth billions to the Canadian and U.S. economies (Sekercioglu, 2015, Sekercioglu et al. 2016). Bird watching also brings millions of dollars through travel and recreational equipment purchases (Kaufman 2016). Yet, many of North America’s bird species are in precipitous decline, with over a third in need of concerted conservation action (North American Bird Conservation Initiative 2016).

Industry consultants frequently claim that large, commercial wind projects pose little threat to migratory birds as they fly far above the rotor swept areas of the turbines. However, recent radar studies conducted by the U.S. Fish and Wildlife Service (FWS) on Lake Erie and Lake Ontario show this to be patently false. Horton et al (2016) and Rathbun et al. (2016) both found vast numbers of birds and bats moving along the shorelines and over the lakes, and furthermore, that they frequently flew within the rotor swept area of wind turbines, thus placing them at great risk of collision. Moreover, while the FWS currently recommends that no wind turbines be built within three miles of the Great Lakes shorelines, these recent radar studies suggest that setbacks should be extended to 5-10 miles (Miner 2016). Furthermore, these studies essentially invalidate the findings of paid consultants who typically base their conclusions on limited daytime visual observations, while the vast majority of songbird and bat migration occurs at night.

These new FWS studies confirm what ABC and others have been saying all along, that the Great Lakes are not a good place to be building large, commercial wind energy facilities from the perspective of wildlife conservation. Building in this area--one of the world’s greatest confluences of migratory birds and bats--could result in large numbers of migratory bird and bat deaths and potentially be in violation of the Migratory Bird Treaty Act, the Endangered Species Act and Bald and Golden Eagle Protection Act. Developing wind energy in these highly bird-sensitive areas also makes it increasingly difficult for the millions of birdwatchers in this country to support wind energy in general. In short, building a large, commercial wind facility in Lake Ontario could be a legal and public relations nightmare for the state’s elected officials, all of whom have an obligation to protect our nation’s public trust resources.

Wind energy developers are supposed to assess the risks associated with this development to sensitive wildlife, especially birds and bats. However, there is a problem with such studies being conducted by paid consultants to industry. Hiring paid consultants to collect this data preordains the result and is a clear violation of scientific integrity practices:

"Scientists with conflicts of interest are viewed as being at least partially integrity-compromised, and, even with complete and open disclosure, are regarded, at least to an extent, as of suspect scientific credibility" (Rowe and Alexander 2012).

It is therefore not surprising that independent researchers have found a very poor correlation between pre-construction risk studies at wind energy facilities and actual number and type of birds killed post-construction (Ferrer et al, 2011). We note that paid consultants would not be in business very long if their findings and testimony did not support the goals of their employers. This conflict of interest calls into question the validity of any studies they conduct.

Transparency of bird and bat kill data has been a continuing and serious problem with wind energy development in the United States (Associated Press 2015, Jackson 2016). If this project is eventually built despite local and national opposition, then all post-construction bird and bat fatality data should be collected by independent, third party experts using standardized methods and reported directly to regulatory agencies. These data should also be made available to the public and concerned conservation organizations. These are public trust resources being taken and the public has a right to know. A plan for compensating the public for any loss of federally protected species should be worked out before any construction takes place, and should include setting aside or rehabilitating additional lands outside the project area for bird and bat conservation purposes. If and when data show that large numbers of birds and bats are taken by the project when it begins operation, especially federally protected species, then the option of total shut down and dismantlement of the turbines must be considered – and that should be made clear at the outset.

The developer will also claim that they know how to mitigate for bird kill at wind energy facilities, but the only proven mitigation methods to date are proper siting and curtailment (Arnett and May 2016). Curtailment of the wind turbines is not a popular solution for wind energy companies, as it cuts into their profit margins.

ABC is also concerned about media reports that the NY Department of Environmental Conservation closely and improperly collaborated with the developer to ensure that this project would go forward, a declaration by a former DEC biologist and member of the Jefferson County Planning Board (Wolf 2016). We sincerely hope that this is not the case, as it could open up the DEC, the state, and developer to legal action.

The Galloo Island WEP is another example of the wind industry's disregard for our nation's wildlife. ABC recently identified 10 of the worst sited wind energy projects in the United States for birds

(https://abcbirds.org/article/10-of-the-worst-sited-wind-energy-projects-for-birds-identified/) and is currently in the process of expanding that list. Serious consideration is being given to including the proposed Galloo Island WEP.

Thank you for your consideration.

Respectfully yours,

Michael Hutchins, Ph.D.
Director, Bird Smart Wind Energy Campaign

Cc. D. Ashe, J. Ford, B. Millsap, W. Weber

References

Arnett, E.B. and May, R.F. 2016. Mitigating wind energy impacts on wildlife: Approaches for multiple taxa. Human-Wildlife Interactions 19: 28-41. http://www.berrymaninstitute.org/files/uploads/pdf/journal/spring2016/MitigatingWindEnergyArnettMay.pdf

Associated Press. 2015. PacifiCorp sues to block release of bird-death data at wind farms. Oregonlive.com: http://www.oregonlive.com/business/index.ssf/2014/11/pacificorp_sues_to_block_relea.html

Casey, M. 2015. 30,000 wind turbines located in sensitive areas for birds. CBSNews.com: http://www.cbsnews.com/news/30000-wind-turbines-located-in-critical-bird-habitats/

Erickson, W.P., Wolfe, M.M., Bay, K.J., Johnson, D.H., and Gehring, J.L. 2014. A comprehensive analysis of small-passerine fatalities from collision with turbines at wind energy facilities. Plos One: http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0107491

Ferrer, M., de Lucas, M., Janss, G.F., Casado, E., Munoz, A.R., Bechard, M.J., and Calaqbuig, C.P. 2011. Weak relationship between risk assessment studies and recorded mortality in wind farms. Journal of Applied Ecology 49: 38-46.

Hutchins, M., Parr, M. and Schroeder, D. 2016. ABC's bird smart wind energy campaign: protecting birds from poorly sited wind energy development. Human Wildlife interactions 10 (1): 71-80.

http://www.berrymaninstitute.org/files/uploads/pdf/journal/spring2016/ABCsBird-SmartHutchinsEtal.pdf

Jackson, T. 2016. Wind farm sues to block bird death data release. Sandusky Register: http://www.sanduskyregister.com/Environment/2016/06/24/Wind-farm-sues-to-block-bird-death-data-release

Kaufman, K. 2016. Economic impact: Why birds and birding matter. Toledo Chamber of Commerce: http://www.toledochamber.com/blog/economic-impact-why-birds-and-birding-matter

Loss, S.R., Will, T., and Marra, P.P. 2013. Estimates of bird collision mortality at wind facilities in the contiguous United States. Biological Conservation 168: 201–209.

Loss, S.R., Will, T., and Marra, P.P. 2015. Refining estimates of bird collision and electrocution mortality at power lines in the United States. PLoS ONE 9(7): e101565. doi:10.1371/journal.pone.0101565.

Minor, J. 2016. Study calls for 16-km turbine setback. The London Free press: http://www.lfpress.com/2016/08/15/study-calls-for-18-km-turbine-setback

North American Bird Conservation Initiative. 2016. State of the Birds, 2016. http://www.stateofthebirds.org/2016/wp-content/uploads/2016/05/SotB_16-04-26-ENGLISH-BEST.pdf

Sekercioglu, C. H. 2006. Increasing awareness of avian ecological function. Trends in Ecology and Evolution 21:464–471.

Sekercioglu, C. H., D. G. Wenny, and C. G. Whelan, editors. 2016. Why birds matter: avian ecological function and ecosystem services. University of Chicago Press, Chicago, Illinois, USA.

Smallwood, S.K. 2013. Comparing bird and bat fatality rate estimates among North American wind-energy projects. Wildlife Society Bulletin 37 (1): 19–33.

Smallwood, K. S. and Thelander, C. G. 2008. Bird mortality in Altamont Pass Wind Resource Area California. J. Wildl. Manage.72: 215–223.

Wolf, M. 2016. Henderson locals express disapproval of Galloo Island wind project during meeting. Watertown Daily Times: http://www.watertowndailytimes.com/news03/henderson-locals-express-disapproval-of-galloo-island-wind-project-during-meeting-20160809

Wolf, M. 2016. Former DEC biologist claims department's bias in wind projects. Watertown Daily Times: http://www.watertowndailytimes.com/news03/former-dec-biologist-claims-departments-bias-in-wind-projects--20160816