



*Bringing back the birds*



Col Andy "Stork" Stephan  
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August 8, 2016

Dear Col. Stephan:

The American Bird Conservancy (ABC) and the Black Swamp Bird Observatory (BSBO) have reviewed the Draft Environmental Assessment (EA) and Biological Opinion (BO) prepared by the Ohio Air National Guard (ANG) and the U.S. Fish and Wildlife Service (FWS), respectively, and have the following comments:

ABC and BSBO appreciate the amount of work that has gone into preparation of the EA and BO. The fact remains that Camp Perry is a disastrous location for the installation of even a single wind turbine given its close proximity to the southern shoreline of Lake Erie—one of the most important confluences of neotropical migratory songbirds, bats and raptors moving to and from the boreal forests of Canada to breed. We support the No Action Alternative, which would prevent the installation of the proposed turbine. Our reasons are these:

(1) The newly released FWS radar study on the south shore of Lake Erie (Horton et al. 2016) clearly shows that vast numbers of birds and bats move through this area in Spring and Fall each year within 5 miles of the lake shore. It also shows that *migrating birds frequently descend to lower altitudes and move within the rotor sweep range of wind turbines, thus increasing the probability of collisions*. The authors conclude: “high numbers of nighttime migrants may be at risk of collision with wind facilities, communication towers and other tall structures located along the shorelines of Lake Erie” (p. 41).

*This new FWS study completely invalidates the draft EA and the ANG-supported studies on which it is based.* The EA’s pre-construction risk assessment is based primarily on daytime and historical daytime visual surveys, which are wholly inadequate to assess risk, especially to nighttime migrants, including endangered Kirtland’s Warblers and other birds of conservation concern. There was some limited radar data collected as part of the EA, simply to monitor bird and bat movements (National Guard Bureau 2016, p. 3-11). However, these data “did not identify species, target altitudes, number of targets and passage rates” (p. 3-11), which make them totally inadequate to assess risk. Horton et al (2016) and Rathbun et al. (2016) discuss the inherent weaknesses of the type of radar study employed by ANG’s consultant in assessing risks in the EA, especially as they greatly underestimate the numbers

of birds and bats flying at lower altitudes—another reason why the Horton et al. (2016) study methodology invalidates the results of the current BO and EA on which it is predicated.

As further evidence that the consultant downplayed the potential impact on birds and bats in the EA, consider the following statement: “Only 3 percent of targets flying at night were detected flying at a height within the rotor swept zone, with the highest numbers observed in this zone during dawn and dusk (41 and 30 percent respectively).” (P. 3-11). This statement is contradicted by a preceding sentence (see above) saying that altitudinal data were not collected (p. 3-11, 2nd paragraph). Horton et al. (2016), whose detailed altitudinal data show migrating birds and bats frequently flying within the rotor swept zone of wind turbines near Lake Erie, also contradict the statement. Elsewhere the EA states that only 24 species of migratory birds could be affected by the project (p. 4-9, Table 4-1), when in fact that number is more accurately in the hundreds.

Hiring paid consultants to collect 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).

There is simply no way that the draft EA accurately represents the potential risk this project poses to federally protected birds and bats over its 25-year lifespan. Moreover, if this project is approved, what is to stop the ANG from building additional wind turbines at this location? What is to stop other developers from building turbines close to Lake Erie? It is deeply troubling that the FWS—an agency that is charged with the protection of our nation’s wildlife-- issued a BO concluding that the project would have “no effect”, especially since that conclusion is based on inadequate and potentially biased information. It is also troubling that this EA and BO were issued *before, rather than after*, the new FWS radar study was released. FWS administrators must have been aware that this study was due to be published soon.

The FWS study and other similar studies in the region (e.g., Rathbun et al. 2016) confirm what ABC and BSBO have been saying all along--that the Great Lakes are not a good place to build wind energy facilities, which are likely to result in large numbers of cumulative migratory bird and bat deaths and potentially violate the Migratory Bird Treaty Act (MBTA), the Endangered Species Act (ESA), and Bald and Golden Eagle Protection Act (BGEPA).

The fact that this project's stated goal is to "provide opportunities for scientific research that could result in improved design and conservation measures for wind turbines near migratory bird routes" (National Guard Bureau, p. 1) is especially worrisome. The cumulative impacts of large scale wind energy development in this major migratory confluence for our ecologically important birds and bats could be enormous. This is especially true since we now know—counter to many paid-consultants' statements – that migrating birds and bats fly within the rotor swept area of wind turbines and thus are at elevated risk of collisions (Horton et al 2016, Rathbun et al. 2016). We already know that wind turbines and their associated infrastructure, notably power lines and towers, are taking a significant toll, with millions of birds and bats lost annually (Smallwood 2013, Loss et al. 2013, Erickson 2015, Loss et al. 2015). Furthermore, we know that, despite many attempts at mitigating for bird kill at wind turbines, the only proven methods are proper siting and curtailment (Arnett and May 2016). That is why, when it comes to wind energy and wildlife, siting is everything. The Camp Perry turbine project violates this precept since it is being sited in one of the world's largest confluences of bird and bat migration. We understand that, in consultation with the FWS and in order to gain project approval, the ANG has promised to curtail operation of the turbine during the entire Spring and Fall migration periods (15 March-31 October) each year, which would reduce significantly the number of fatalities, but which also invalidates the entire purpose of this project (see our comments in number 2, below).

(2) We cannot support – and no one should support – the stated purpose of this project – to "evaluate design and conservation measures associated with the operation of wind turbines near migratory bird routes." First, the EA provides no specific details of study design or goals, thus making it impossible to comment on whether or not the proposed study would accomplish any of its stated goals. That being said, whatever the details, this will be a severely constrained study with limited utility at best. The mitigation measures being undertaken to seek the project's approval—complete curtailment during the entire Spring and Fall migratory seasons (15 March-31 October)—will not allow researchers to determine the actual number and types of birds and bats killed during the period of highest risk. *Therefore, the study itself will have no value in assessing the efficacy of different types of mitigation measures during the periods of highest risk.*

We also point out that, if the primary purpose of this project is an experimental study to observe the number and types of birds killed under different mitigation regimes, then this project *is not eligible for an incidental take permit (ITP) under the ESA or the BGEPA*. It would also likely violate the MBTA, although there is no ITP available through the MBTA at this time. *Given its stated purpose, any deaths due to this "experimental" project are, in fact, "purposeful" as opposed to "incidental."* Has this study been reviewed by an Animal Care and Use Committee to determine its potential impacts on protected species or to assess the humane treatment of the experimental "subjects", i.e., birds and bats that will be injured or killed by the project?

(3) Given that the proposed project and study are unlikely to reach any of its stated goals, one can only conclude that the reasons for this project are not those stated in the EA. We might assume, for example, that one of the ultimate purposes of this project and study is to open up the southern

shoreline of Lake Erie to extensive wind energy development, which could be disastrous for our native migratory birds and bats. It would also negatively affect the local economy, which is at least partially dependent on income from bird-watchers who attend the Biggest Week in American Birding, an event that generates some \$40 million annually for local businesses (Kaufman 2016). Another plausible reason for this ill-conceived exercise is to complete a project for which monies have been allocated and \$200,000 in taxpayers' money has already been inappropriately and prematurely spent building a foundation for this turbine *before* a draft EA was completed, and a BO issued.

The wind industry and its proponents understand that proper siting away from major migratory routes, key breeding areas, and other sensitive habitats for birds and bats is the best way to reduce or avoid fatalities. Yet, the industry continues to site large commercial wind energy facilities in areas where huge concentrations of birds and bats are located at some time of the year. Now it appears to be doing so with the full support of the Department of Defense (DOD) and the FWS, both of which are obligated legally (and morally) to protect our irreplaceable wildlife. In fact, the DOD has a long history of support for wildlife conservation on its base facilities. This project is inconsistent with that meritorious record. We also note *that total curtailment of any future large, commercial wind energy facilities for seven months out of the year is unlikely to be economically profitable or acceptable to the wind energy industry or its investors, thus also rendering this so-called "test case" irrelevant to its stated goals.*

The FWS initially expressed "serious concerns" about this project because of its risk to federally-protected birds and bats (Knapp 2007), but now, without explanation, has issued a BO that the project will have "no effects" (FWS 2016a). The EA also noted that the U.S. House of Representatives passed a defense appropriations bill in 2006-2008 that funded the costs of this wind turbine, long before the FWS adopted its voluntary Land-based Wind Energy Guidelines (p. 1). In addition, as mentioned, the National Guard spent \$200,000 building a base for the turbine before the draft EA and BO were complete. ABC and BSBO have accordingly issued a FOIA request to Ohio's Division of Wildlife, FWS, and the Ohio Air National Guard to understand how these decisions were made. Of particular relevance are the possible pressures put on federal agencies by elected government officials to expend the monies awarded and to push wind energy development in the region, regardless of its impact on our nation's irreplaceable and ecologically important wildlife. We recently received a response from FWS's Region 3 FOIA Coordinator stating that 68 pages of material were being withheld due to "privacy concerns" (Rose 2016). We have appealed this decision (Hutchins 2016) and are awaiting a response. We have also received a response from Ohio DNR (Rowan 2016) and may appeal that decision as well. ABC, BSBO and the American public deserve to have a better understanding of how this situation transpired.

(4) Risks to Bald Eagles—a federally protected species—are inappropriately downplayed in the EA. Although it acknowledges that "Ottawa County has the highest nesting density of bald eagles in Ohio" (p. 4-10), the EA states, "Placement of the proposed wind turbine will not affect any bald eagle nesting habitat." As a result of a recent FOIA request, however, and previous correspondence between the ANG and FWS, ABC and BSBO are aware that approximately 60 known Bald Eagle nests exist within 10

miles of the proposed turbine (see attached map, Knapp 2013) – a fact never even mentioned in the EA. In addition, the EA states that the proposed development site lacks suitable habitat for Bald Eagles, yet a Bald Eagle nest resides in the neighboring woodlot of Camp Perry, and has been active there since 1995. In short, the EA reflects not science but the delivery by a paid consultant of a preordained result.

Thousands of Golden Eagles have been killed by wind turbines in the United States, including over 2,000 at the infamous Altamont Wind Resource Area in California (Smallwood and Thelander 2008). There is no reason to believe that Bald Eagles would not be at elevated risk if this project gets built. Bald Eagle populations have been less impacted by wind energy development than Golden Eagles thus far because wind energy companies have not yet concentrated their activities in areas used heavily by Bald Eagles. Bald Eagles are tied to water, and once turbines start going up near freshwater lakes and large river systems, and offshore and onshore in marine coastal areas, mortality will inevitably increase. Extensive wind energy development near the Great Lakes could be devastating to Bald Eagles and a wide variety of migratory raptors and songbirds that gather and move in vast concentrations along the shoreline and over the lakes on their way to breed in the boreal forests of Canada (Horton et al. 2016). That is why FWS has recommended that wind energy development occur a minimum of three miles away from the Great Lake's shorelines. The Nature Conservancy has recommended five miles. Based on recent FWS radar studies, those minimums should probably be extended to 5-10 miles.

A Bald Eagle was recently killed by a 60-foot wind turbine on the Eastern Neck National Wildlife Refuge in Maryland (FWS 2016b), and ABC and BSBO do not believe that the American public, especially the large and active birding community in this region, will view deaths of our national symbol positively. If FWS allows this project to be built in violation of its own recommendations, then this project will become a flagship example of the failure of its voluntary Land-based Wind Energy Guidelines to protect our nation's wildlife from poorly sited renewable energy development.

(5) EAs are supposed to contain alternatives for public consideration. This EA contains only two: build the turbine or do not build the turbine. Given the substantial risk to the region's birds and bats, at least one other alternative approach should have been considered, namely the use of distributed solar on the base's already existing infrastructure to meet the renewable energy goals of the ANG. This feasible alternative is preferable to even one large 'experimental' wind turbine. The failure to consider this alternative further calls into question why this ill-conceived project continues to be pursued.

(6) 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 turbine is eventually built, 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. Especially since this project is on public land, these data should also be made available to the public and concerned conservation organizations. These are public trust resources that are going to be

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 turbine must be considered – and that should be made clear at the outset.

(7) We have issue with numerous statements and figures cited in the EA and on which the BO was predicated. For example, there seems to have been an attempt to over-estimate the contribution that this turbine will make to power the ANG Camp Perry facility. Without the mitigation curtailment in full effect, the figures come out to around 2,000 hours of operation instead of almost 6,000 hours as reported in the EA. The closest figures for other turbines in the area (Bowling Green) indicate a powering capacity of only 24% and 8% respectively during the Summer months, Mitigation shutdowns will most likely be additive, as they are slated to occur during times of high winds. Last, but not least, the EA ignores that SR-2, a public highway, is within the zone of catastrophic failure, which could present a serious public safety concern.

In summary:

(1) ABC and BSBO oppose this project. We will continue to work to see that it is never built, especially if its purpose is to promote the proliferation of wind energy development in the sensitive Great lakes region. The costs in terms of loss of federally protected wildlife are considerably higher than the potential benefits, which are minimal at best, and better attained through alternative approaches.

(2) The EA's science assessing risk to federally protected birds and bats is not only weak on its own, but also totally invalidated by the recent FWS study of migratory bird movements along the southern shore of Lake Erie (Horton et al 2016). The FWS should not have issued a "no effect" BO based on this inadequate and likely biased information.

(3) The EA should have considered the alternative of distributed solar as an option for meeting ANG's renewable energy needs, given the risk to our nation's federally protected migratory birds and bats posed by the project.

(4) The project's stated goal of studying the impact of wind turbines on birds and bats in a migratory corridor cannot be met by shutting down the turbine for seven months out of the year, i.e., during the time of greatest risk. While we understand that this was necessary to gain FWS approval, it also prevents generalization of the results to any other proposed project in the region. This effectively invalidates all of the justifications for this "experimental" project.

(5) Given the potential impact of this and any future wind energy projects in this region—one of the world’s greatest confluences of migratory birds and bats, including many federally protected species--this and other proposed wind energy projects will require a full blown Environmental Impact Statement (EIS), not an EA. It should be noted that this project is in violation of FWS’s current recommendation that no wind turbines be built within three miles of the Great Lakes’ shorelines.

(6) FWS should extend its recommendation against building any wind turbines within three miles of the Great Lakes to at least five miles, if not farther, based on the recent FWS radar studies, and should not issue any BOs of “no effect” in this no-development zone.

(7) Simply going through the motions of checking off the boxes and completing an EA should not be sufficient to obtain a positive BO and approval to begin construction. The FWS and others need to take a hard look at wind energy projects and ascertain whether their costs exceed their benefits. It is our opinion that the costs of the Camp Perry Wind Turbine Project clearly exceed its benefits, and that it should not be built. The southern shoreline of Lake Erie is simply too critical a region for our nation’s ecologically important migratory birds and bats for extensive wind energy development to occur. The Camp Perry Project will set a dangerous precedent for the entire region.

Respectfully submitted,



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