



Shaping the future for birds

Dr. Benjamin Tuggle
Regional Director, Southwest Region
U.S. Fish and Wildlife Service
P.O. Box 1306
Albuquerque, New Mexico 87103-1306

March 27, 2015

Dear Dr. Tuggle:

The American Bird Conservancy (ABC) is writing to express serious concern about the proposed San Roman Wind Energy Project in Cameron County, Texas. The project, being proposed by developer Pioneer Green, will consist of as many as 30-35 500-foot tall turbines. As you know, large, commercial wind energy facilities like San Roman can pose significant [threats](#) to our nation's ecologically important native birds and bats, especially when they are poorly-sited.

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.

The location of this proposed project is highly questionable from the perspective of bird conservation. It is close to the Laguna Atascosa and Lower Rio Grande Valley National Wildlife Refuges, nationally-recognized Important Bird Areas, and adjacent marshlands on the southern end of the Central Flyway. This area is known to be frequented by the highly-endangered Aplomado Falcon, which has been the focus of a long-term, expensive reintroduction program. The presence of this and other species brings up serious Endangered Species Act (ESA) concerns, and the pre-construction risk assessment for this project (Environmental Assessment) must therefore be held to a very high standard. In fact, the presence of ESA-listed species, such as Piping Plover and Aplomado Falcon, may necessitate Environmental Impact Statement-level analysis, as well as Section 7 consultation under the ESA.

There are vast numbers of migratory birds, including both songbirds and raptors, moving through this area as well, which are protected by the Migratory Bird Treaty Act (MBTA). As the Service considers new rules and regulations under the MBTA, including an incidental take permit, and as we approach the 100th year anniversary of the treaty, this should also be taken into consideration. As you know, nighttime migratory songbirds and raptors are at high risk from wind energy development, and the taller the turbines, the greater the risk (see Loss et al., above). Being visited by nearly a million people each year and the site of a major birding festival, this area, along with Padre Island National Seashore, lying just to the East, is also a significant source of tourism revenue for the region.



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ABC supports the development of clean, renewable sources of energy such as wind and solar 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, such as the Aplomado Falcon. ABC supports Bird-Smart Wind Energy, which is described in some detail on our [website](#). In the case of wind energy, careful siting and mitigation is crucial in preventing the unintended impacts to America's native bird and bat species. This risk to birds and bats can be [substantial](#), depending on the [circumstances](#).

ABC would like to be kept informed of the results of any EA or EIS process regarding this project, as well as of any Avian Protection Plan that might be submitted during the pre-construction risk assessment process. Following a recent study conducted by ABC and Mississippi State University on siting in relation to important bird areas, we have new evidence that the FWS' voluntary guidelines for wind energy development are not working to protect our public trust resources. This project may represent another test of whether we can develop wind energy in a way that does not impact federally-protected birds. We will be watching this situation very closely and have been in touch with citizen's groups in the area that are also expressing concern.

If this project is allowed to go ahead, despite its poor siting from a bird conservation prospective, then it should also be accompanied by independent monitoring of bird mortality and regular spot checks by FWS law enforcement to ensure that federal wildlife laws are not being broken. If poorly-sited wind energy facilities, even those on private land, are allowed to be constructed in areas that pose significant risk to federally-protected wildlife, then the consequences for such actions should be great, including prosecution leading to shutdowns, fines and compensatory mitigation. FWS may not be able to prevent this project from being built, but that does not mean that the developer can break federal wildlife protection laws with impunity post-construction.

Sincerely,

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

Cc: D. Ashe, C. Smith, S. Jacobsen, B. Faehner, D. Nelson, T. Rodino, B. Bilhovde, B. Winton, R. Ramke