



Bringing back the birds



May 17, 2017

Jerome Ford
Assistant Director, Migratory Birds
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS: MB
Falls Church, VA 22041-3803

Dear Assistant Director Ford:

The American Bird Conservancy (ABC) is deeply concerned about massive wind energy development in and around the Great Lakes, both in U.S. and Canadian waters. As you probably know, there are dozens of projects being proposed in this region and the wind industry is making a major push to place turbines in and around Lake Michigan, Erie, Huron, Ontario and up the St. Lawrence Seaway. From the perspective of bird and bat conservation, these are terrible areas—perhaps the worst possible—to site wind turbines and their associated power lines and towers. The cumulative impact on bird and bat populations could be catastrophic.

The U.S. Fish and Wildlife Service (FWS) has recommended that no turbines be placed within three miles of the shore of any Great Lake. However, the wind industry is routinely ignoring this recommendation, such as on the Garden Peninsula in Michigan. Even Camp Perry—an Air National Guard facility in Ohio (on public land)—is proposing to build a commercial scale turbine within 0.6 miles from Lake Erie in defiance of FWS voluntary recommendations, and in an area well documented as one of the most important migratory bird stopover habitats on the continent. The area hosts a number of federally protected species, including Kirtland's Warbler, Piping Plover, and Bald Eagle.

Recently, the FWS has conducted four advanced radar studies on Lakes Superior, Erie, Ontario and Michigan, all of which have drawn similar conclusions (<https://www.fws.gov/radar/factsandfiles/index.html>; <https://www.fws.gov/radar/documents/Avian%20Radar%20Fall%202014%20HR.pdf>). All show vast numbers of birds and bats flying along the Great Lakes shorelines and over the lakes. These studies also show that birds and bats are flying within the rotor-swept areas of wind turbines, thus greatly increasing the risk.

Based on the results of these studies, we believe the FWS should reevaluate its 3-mile recommendation and that the distance be extended to a minimum of at least five miles, a distance already recommended by The Nature Conservancy. This distance would be more consistent with the

precautionary principle, which states that we should avoid harm whenever possible. This principle is “used by policy makers to justify discretionary decisions in situations where there is the possibility of harm from making a certain decision (e.g. taking a particular course of action) when extensive scientific knowledge on the matter is lacking.” The principle implies that there is a social responsibility to protect the public from exposure to harm, when scientific investigation has found a plausible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result.” (Wikipedia 2017).

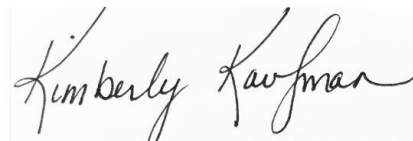
An independent, scientifically valid study—not one conducted by paid consultants to the wind industry—might conclude that, depending on location, there is little or no risk to a project more than 10 miles away from the Lakes or the St. Lawrence Seaway, but that all other projects either in or within five miles of the lakes or Seaway should be avoided. Developers who proceed with their project in defiance of the FWS recommendation would be informed that they will be subject to unannounced inspections and that if any federally protected species are found dead under their turbines they will be prosecuted and possibly shut down. This would have the same or a similar effect to having mandatory guidelines, something that ABC has been advocating for since 2008.

We believe that a five-mile setback is entirely consistent with both the findings of the FWS’s advanced radar studies, as well as existing law under the Endangered Species Act, Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. As a science-based organization, FWS should apply the most recent scientific findings to real world management as necessary. We look forward to hearing from you on this matter.

Sincerely,



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



Kimberly Kaufman
Executive Director
Black Swamp Bird Observatory

ABC is a 501(c) (3) science-based, 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.

BSBO is a 501(c) (3) not-for-profit organization whose mission is to inspire the appreciation, enjoyment and conservation of birds and their habitats in Ohio through research, education and outreach.