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Board hears plan to spare birds

LIVERMORE: Settlement to reduce number of avian deaths from Altamont Pass turbines goes to supervisors

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A settlement expected to reduce the number of birds killed by Altamont Pass windmills will be considered by Alameda County supervisors today. At least one environmental group, however, has major concerns about the deal.

The proposed settlement stems from a lawsuit filed against the county in October by the Golden Gate Audubon Society, Californians for Renewable Energy and four other local Audubon chapters. The suit challenged the county's decision to renew permits for Altamont Pass wind turbines that kill hundreds of migrating birds each year.

According to a study released in 2004 by the California Energy Commission, an estimated 1,700 to 4,700 birds die each year by flying into whirring turbine blades or being electrocuted by transmission lines that thread through the 50,000-acre Altamont Wind Resource Area. Those deaths include protected species.

The lawsuit alleged the supervisors violated state law by failing to conduct environmental studies of the turbines' effects on wildlife.

All the plaintiffs in the case have signed off on the proposed settlement, and only the supervisors' endorsement is needed for final approval.

Elizabeth Murdock, Golden Gate Audubon's executive director, said the settlement would force the wind industry to commit to a 50 percent reduction in raptor mortality by November 2009, along with removing the turbines deadliest for the birds and continuing winter shutdowns of the turbines.

Murdock said one of the most important aspects of the proposed agreement is that if the wind companies fail to achieve the mortality-reduction goal within three years, an adaptive management plan will kick in that would force the companies to take further action to get to those levels.

She said the agreement also commits the wind industry to taking part in a long-term conservation planning process to minimize ongoing bird deaths.

Jeff Miller from the Center for Biological Diversity said the proposed settlement is fatally flawed.

Miller said the baseline number of deaths for the four bird species the agreement covers is much too high. The settlement assumes there are 1,300 golden eagles, red-tailed hawks, American kestrels and burrowing owl deaths in the area each year. Miller said the settlement should assume a mortality number of 863 for such species, so, decreasing those deaths to 650 a year is not a dramatic reduction.

"This settlement is a disaster," said Miller, who said the 1,300 figure is from a story he is familiar with, and it includes deaths of other species as well, not just the number of eagle, hawk, kestrel and owl deaths.

Miller said the proposed settlement could undo some of the steps the county has made to reduce bird deaths at the Altamont Pass turbines, such as eliminating the scheduled increase in the seasonal shutdown period from two months to 2 1/2 months in 2007-08. He is asking the county to not approve the settlement and instead retain the existing mitigation measures that are part of the wind companies' current permits.

Murdock said she understands the concern but believes the settlement is a step in the right direction.

"Unfortunately, there is no silver bullet to solve the problems of bird kills at the Altamont," Murdock said. "This gives us something that will reduce the deaths immediately, and the commitment from the wind industry to continue to work on the problem."