California Wind Energy Association

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David Harlow, Director
Desert Renewable Energy Conservation Plan
California Energy Commission
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Via email to: dharlow@energy.state.ca.us

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, California 95814-5512
Via email to: docket@energy.state.ca.us

RE: Environmental NGO Letter on Golden Eagles

Dear David:

The California Wind Energy Association (CalWEA) is writing in response to a letter submitted September 20th, 2013, by several environmental non-governmental organizations (eNGOs) involved in the DRECP ("eNGO letter") concerning recently published scientific studies of golden eagles. We offer another perspective and reference critical additional information not contained in the letter from Defenders of Wildlife, Center for Biological Diversity, Sierra Club, Natural Resources Defense Council, and Audubon California.

Long-Term Golden Eagle Population Trends

First, we agree with the eNGOs that the DRECP should incorporate all information available on the current status of golden eagles as it develops the conservation strategy. However, the eNGO letter neglected to acknowledge an important peer-reviewed, long-term study that was recently published showing stable golden eagle populations throughout North America, whose lead author was Brian Millsap, National Raptor Coordinator for USFWS.[1] This study examined population data throughout the range of golden eagles over the past four decades (1968-2010) and found that the population has, in general, remained stable and in fact slightly increased overall. The study concludes, "Our results clarify that golden eagles are not declining widely in the western United States."

[1] Millsap, B. A., Zimmerman, G. S., Sauer, J. R., Nielson, R. M., Otto, M., Bjerre, E. and Murphy, R. (2013), Golden eagle population trends in the western United States: 1968–2010. The Journal of Wildlife Management, 77: 1436–1448. doi: 10.1002/jwmg.588

We note further that golden eagle populations are likely to benefit from AB 711 (Rendon), prohibiting the use of non-lead ammunition for the taking of all wildlife in California. Lead poisoning has been cited as a leading cause of golden eagle fatalities.

Baseline Golden Eagle Fatalities

Secondly, the eNGO letter points to a recent study documenting 27 golden eagle fatalities at California wind energy facilities outside of the unique Altamont Pass region between 1997 and June 2012 (less than two per year on average). The letter suggests that this is an underestimate, given that "all but one of these fatalities was discovered through incidental observation and not surveys directed at documenting fatalities." This assertion overlooks the alternate possibility that most eagle fatalities are, in fact, detected and reported. As the Pagel et al. paper notes, most fatality reports come from incidental observations. Eagles are large-bodied birds, whose carcasses are not readily scavenged and, as a result, persist a long time in the environment. Given ongoing operations and maintenance activity that occurs at wind farms and understanding that many companies have incidental reporting procedures in place for their staff to use post-cessation of formal mortality monitoring, it is highly likely that carcasses are, indeed, being found and reported. Moreover, most wind capacity operating today was built in the past four years and as a result have benefited from improved siting practices and monitoring protocols.

CalWEA acknowledges the fact that no wind farm currently operates with the benefit of an incidental take permit, owing to the fact that it was not legally possible to obtain such a permit until the 2009 Eagle Permit Rule was issued, and it has not been practically possible until the issuance of the initial draft Eagle Conservation Plan Guidance in 2011. The USFWS recently released what is effectively the first draft NEPA Environmental Assessment evaluating an eagle conservation plan and issuance of a programmatic take permit for a wind energy facility, and we expect more applications will be forthcoming. However, as you know, CalWEA has consistently called upon the DRECP to include a programmatic framework for eagle conservation and take authorization as an integral part of the Plan to facilitate such applications. Moreover, we have called for the framework to include provisions enabling existing wind projects to apply for take authorization on a going-forward basis, which would address the eNGOs' concern about the lack of standardized monitoring at these facilities and provide conservation benefits to eagles.

The wind industry does more to study, monitor, and mitigate for the avian impacts associated with project development and operation than any other sources of avian mortality (which have far greater impacts). And while it is unfortunate that eagles occasionally collide with turbines at some wind farms, this is not a common occurrence and the wind industry is taking significant strides to work with its conservation partners to reduce these impacts further. Eagle fatalities only occur at a very small number of facilities across the country. In fact, collision with turbines at modern wind farms is responsible for less than 2 percent of all reported human-caused golden eagle fatalities, with vastly greater amounts attributed to power lines, vehicle strikes, lead poisoning, drowning in stock tanks, illegal shootings, etc.

CalWEA welcomes the opportunity to engage in thoughtful dialog on golden eagles in the DRECP as the wind industry remains actively engaged with both the regulatory and conservation communities to find ways of reducing the relatively very limited environmental impacts associated with wind projects.

Sincerely,

Ashley Richmond
Director of Siting Policy

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