

## INSIGHTS

## Interior Department Proposes Guidelines for Protecting Wildlife from Wind Energy Development

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By: [Frank V. Maisano](#)

Fossil fuels are under fire from opponents of hydraulic fracturing in the gas drilling process or, in coal's case, everything from mountaintop mining to mercury emissions. And now with the crisis in Japan, nuclear power is facing new challenges. Of course that leaves renewables such as solar, hydro and wind. Wind power itself has been one of the bright spots in the electricity sector. But recently, many projects have faced significant challenges over financing, viewshed issues and wildlife. Yet despite these woes and a new documentary film making a "[Gasland](#)"-like run through film festivals, wind continues to grow. In early April, a Midwestern public utility terminated agreements with a developer for a 150-MW wind energy project in North Dakota over concerns about mitigating impacts on birds, much to the delight of bird groups that have long been aggressive opponents of wind. The bottom line: everyone wants to make wind energy benefit people and communities without endangering wildlife, but finding that balancing point has proven increasingly sticky. Further complicating things, the U.S. Fish & Wildlife Service, a bureau in the Department of the Interior, in February released a draft of its voluntary guidelines for land-based wind energy project development in an effort to encourage responsible selection of projects. A stakeholder committee spent three years developing the recommendations in a public, collaborative federal advisory committee process, which also included representatives of states, tribes and leading wildlife conservation groups such as Defenders of Wildlife, the National Audubon Society and Bat Conservation International. It resulted in consensus recommendations on wind turbine siting that wind energy developers broadly supported. However, the FWS guidance deviates significantly from the consensus recommendations. The guidance could delay construction of projects by up to three years. As well, it may require operating projects to retroactively conduct post-construction wildlife studies for a minimum of two and as much as five years, adding unforeseen costs to the operating budgets of these facilities. The FWS also would require "adaptive management," which could include operational changes such as shutting off turbines at certain times of the year. Those changes would add further unquantifiable costs to projects that are already permitted and operating. It could even request a wildlife-based sound impacts analysis without any peer-reviewed scientific evidence that sound related to the construction and operation of wind farms has the potential to impact wildlife. In other words, it would create many opportunities for opponents that are looking for any reason to stall, slow, delay or kill much-

needed projects. The wind energy industry has a long history of being proactive on wildlife issues, funding millions of dollars of research and mitigation, including establishing and participating in the American Wind Wildlife Institute, the Bats and Wind Energy Cooperative, the National Wind Coordinating Collaborative and a habitat conservation plan to conserve Indiana bats, as well as others for whooping cranes and lesser prairie chickens. In late April, wind energy companies signed a memorandum of understanding with the FWS to develop habitat conservation plans aimed at reducing the potential impacts of wind farms on migratory birds and bats while providing greater regulatory certainty to energy developers. This may be the first step to addressing the challenge.