February 1, 2012

Attention: DEA for the West Butte Wind Project
Michael Green
U.S. Fish and Wildlife Service
911 NE 11th Avenue
Portland, OR 97232

Dear Mr. Green:

We thank the U.S. Fish and Wildlife Service (FWS) for this opportunity to comment on the Draft Environmental Assessment (DEA) for the proposed Golden Eagle programmatic take permit for the West Butte Wind Project (WBWP). We at HawkWatch International, a non-profit conservation science organization that specializes in birds of prey and with extensive raptor experience and knowledge wish to offer our input at this juncture in the decision making process. We recognize that diversifying our American energy portfolio by adding renewable resources such as wind power is necessary to help reduce the threat of climate change and reduce our dependency on fossil fuels. We also stress that only through proper consideration of raptors and other wildlife can we reasonably reduce the potential risks that accompany wind, or other forms of development, for birds of prey and the environment in general.

We thank the FWS for their careful assessment of the potential impacts and mitigation measures proposed in this assessment and commend the FWS for carefully considering the precedent this project may set, whether ultimately permitted or not. As a raptor conservation organization, we are concerned about the potential take of eagles and other raptors, but we believe the FWS has done a satisfactory job assessing and offsetting the potential risk associated with this proposed wind project. We also do not find fault with the data review or risk assessment presented by FWS. We therefore do not object to the FWS issuing a programmatic take for the WBWP under the conditions outlined under their preferred alternative. Although we do not challenge the FWS assessment or preferred alternative, please consider our specific comments below during your final decision making.

This is the first programmatic eagle take permit application received by FWS (pg. 4) and deserves the careful consideration given, as the decision reached by FWS here may influence the approach taken by other wind companies faced with eagle issues. We agree that the proposed 45–56 turbine, 104-MW WBWP does pose an unavoidable risk to eagles despite advanced conservation practices being implemented (pg. 7). Therefore, the assessment undertaken by FWS here to understand the potential impacts of permitting take is warranted. We appreciate that not only was this document made available for public review, but was also vetted within the
FWS regionally and nationally (pg. 11). This should help achieve consistency within different FWS office during future permit application reviews. We strongly suggest that this level of internal review should continue for at least the first 3–5 eagle take permit applications received.

We recognize that FWS has little local or regional eagle population data (e.g., see pg. 15) to provide context for the potential impacts of this site, but we also feel that the Service has been adequately liberal in their risk estimates and offsets to ensure that the project will not result in a net increase in local eagle mortality to the best of their ability. For example, the FWS estimates that the site may take up to 3 eagles over 5 years (pg. 20), compared to the project proponent’s estimate of only 1–2 birds over the project’s 20–30 year life span.

We applaud the FWS’s detailed discussion of this particular project’s potential for precedent setting and their treatment of climate change considerations (e.g., see pg. 23–24). Again, we agree that permitting this project with proper mitigation measures in place has the potential to provide a working example for other wind companies and may reduce the risk that companies and proponents will bypass the FWS in siting, development, and operation of their projects. Although this site has the potential to take eagles, the cooperative industry/FWS arrangement established in the proposed permit conditions has the potential to improve future risk assessments and advance our understanding of risk factors. Any realized advancements in knowledge have the potential to further reduce risk to eagles and raptors in the future. In contrast, if FWS makes the permitting of a modest risk site, such as WBWP, too onerous of an undertaking, wind companies may conclude that the legal and financial ramifications of unauthorized take are less burdensome than working with FWS. This could not only result in the potential take of birds, but the loss of research and monitoring opportunities. Unfortunately, our current ability to relate pre-construction raptor activity to post-construction mortalities is weak and research and monitoring at additional sites is sorely needed to advance our understanding in this critical area. Additionally, all human development is accompanied by environmental impacts and it is important to weigh the long-term consequences of continued fossil fuel dependences against the short-term potential take of eagles at this site. It is difficult to predict the effects of climate change on eagles, but increased fire, shrub loss, and coincident declines in jackrabbit prey will likely have wide-ranging impacts.

We also applaud the project proponent for committing to a substantial mitigation and post-construction monitoring package (see pg. 27–32), including retrofitting 11 poles per year, regardless of whether eagle mortality occurs, plus an additional 11 poles for every eagle killed, blade painting, a FWS reviewed 6-month cut-in study, a one-time $20,000 eagle conservation donation upon any documented eagle mortalities, personnel training in fatality searches, eagle nest surveys, attempted telemetry, etc. Although not critical to our assessment of this DEA, we do believe the number of retrofit poles in Table 5 is underestimated. In Table 4, FWS assumes that birds enter the calculation based on projected yearly mortalities (i.e., for Table 5 calculations, mortalities should be 1, 3, 4, 6, and 7, in years 1–5, respectively. This entry of mortalities suggests 275 retrofits by year 5 compared to 132 reported in the table. This could be important to the project proponent in that they need to be aware that the number of retrofits required under the 95% upper limit scenario would be higher than represented here. We are also confused by the seemingly contradictory statements regarding the use of telemetry in item 6 under post-construction monitoring (pg. 32). Please clarify and defend your chosen position.
(i.e., recommend or discourage use of telemetry). At the very least, we advocate that the FWS require the project proponent to work directly with FWS and recognized eagle trapping experts if the marking of eagles is to be pursued.

While we commend the FWS for making the R code behind their risk estimation available within Appendix A of this DEA, we suggest it would be extremely helpful if FWS could make an online tool or module available to industry, consultants, and the general public so that they may insert relevant variables to perform their own risk assessments, tweak parameters, etc. This would allow various stakeholders to assess the model’s relative “sensitivity” to changing parameters such as eagle flight minutes, number of turbines, rotor diameter, etc.

Thank you for your consideration.

Sincerely,

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