Eagles in the United States are protected by three main federal laws: the Endangered Species Act (ESA), the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). Recent documents published by the USFWS suggest practices and management steps to clarify the BGEPA with respect to wind energy development. Language within the act states that it is unlawful to “take” eagles of either species. This term, as defined in this legislation, means “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” In other words, any action that could potentially cause injury or death, or interfere with the bird’s normal behavior (breeding, feeding or migration) is against the law. Additionally, eagle nests are protected and it is illegal to damage, destroy, or move an eagle nest, even if it is inactive and birds are not using it.

In recent years, increasing renewable energy demand and administrative goals in the U.S. has spurred incredible growth in wind energy development. Since aspects of wind energy projects have an increased potential to harm or kill wildlife, the USFWS has recognized the need to develop guidelines for avoiding and minimizing this risk to eagles. In February of 2011, the Service released draft wind energy guidelines simultaneously with a draft eagle conservation plan guidance document that includes suggestions for avoiding and minimizing harm to eagles in the era of renewable energy development. These documents contain complex information that HawkWatch International (HWI) is well suited to navigate.

Wind energy development has the potential to harm eagles in direct and indirect ways. Direct effects are those including blade strikes, barotrauma (incidences of wind-wake turbulence caused by rotors), loss of habitat and displacement from home range or migration corridor. Essentially, these effects are those that can have immediate, measurable consequences for birds—both physically and behaviorally. Indirect effects are delayed effects on the population, and include landscape change through invasive species, habitat fragmentation, alterations of fire regimes, increased predation pressures, loss of prey base and decreased productivity of birds. These effects are harder to quantify, but can be damaging to eagle populations.

At HawkWatch International, we support the need for different sources of energy. However, we must be careful to minimize potential impacts these projects can have on wildlife.

At HawkWatch International, we support the need for different sources of energy in an era of decreasing non-renewable energy resources, increasing energy demand, and climate change. We recognize that diversifying our energy portfolio by adding renewable resources such as wind power will help reduce the threat of climate change and ease our dependency on fossil fuels. However, in developing these resources, we must be careful to take the necessary steps to minimize potential impacts these projects can have on wildlife. HWI is uniquely qualified to help energy companies with their MBTA and BGEPA compliance issues. In addition to our history of excellent raptor scientific research, we have close working relationships with the USFWS and other agencies. We are well positioned to fully understand and implement their guidance with wind energy development, working closely with agencies and wind energy companies alike.

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