

## Wind farm limits are for the birds

County supervisors take a middle-of-the-road approach to cut deaths

By Matt Carter,  
STAFF WRITER

OAKLAND — Alameda County will impose new restrictions on wind farms to reduce bird deaths in the Altamont Pass, including a winter shutdown of electricity-generating windmills.

The restrictions, approved Thursday by the Alameda County Board of Supervisors, go beyond a plan put forward by wind farm operators to reduce bird deaths. But they also fall short of measures proposed by environmental groups and the California attorney general.

Wind turbines in the Altamont Pass kill an estimated 881 to 1,300 birds of prey each year. The birds, many of which are federally protected, can die when they fly into the machines' spinning blades or are electrocuted on power lines.

Citing studies by the California Energy Commission, environmental groups say the number of bird deaths could be cut by 50 percent if 350 of the most lethal wind turbines were dismantled and the remaining machines idled from mid-November through February.

Wind farm operators — who have questioned the county's legal right to impose new conditions — put forward a plan to reduce bird deaths by 35 percent within three years. The industry plan relied on shutting down half of the 5,000 wind turbines in the Altamont Pass during the

winter and dismantling or relocating about 100 problem machines.

California Attorney General Bill Lockyer weighed in on the issue Wednesday, telling the board in a letter that the "ongoing harm to protected bird species ... is serious and unacceptable."

The industry proposal to tackle the problem "does not do enough to reduce bird mortalities" and is "deficient in a number of respects," the Wednesday letter said.

The attorney general's office said the county should adopt the more restrictive measures advocated by environmental groups, and require an 85 percent reduction in bird deaths within six years.

Companies that operate the wind farms — and unions representing wind farm workers — said those measures would drive them out of business.

"If your goal is to shut down the (wind farms in the) Altamont, then implement the plan put forward in the attorney general's proposal, because that is exactly what it will do," said Nicki Carlsen, a Los Angeles-based attorney representing wind farm operators.

Richard Weibe, an attorney for the Center for Biological Diversity, told the board that wind farm operators could afford not only to take turbines out of operation, but pay \$6.5 million to protect bird habitat.

The center, along with Californians for Renewable Energy and the Golden Gate Audubon Society, appealed a decision by county officials 18 months ago to renew the operating permits governing most of the wind farms in the Altamont without requiring reductions in bird deaths.

Weibe said higher energy prices helped generate an extra \$53 million in revenue for Altamont Pass wind farm operators from 2000 to 2004. To achieve a 50 percent reduction in bird deaths, Weibe said, wind farm operators would lose 14 percent of their revenue.

Carlsen did not dispute those numbers, but said revenues are not the same as profits. She said the conditions environmental groups demanded would "turn the companies upside down." But Carlsen said wind farm operators won't share information about their finances to prove the point.

As a compromise, Alameda County Supervisor Scott Haggerty put forward a motion to impose some, but not all, of the conditions proposed by environmental groups and the state attorney general.

Haggerty's compromise, approved by a 4-0 vote, requires wind farms to shut down completely for two months this winter. Over a five-year period, the duration of the seasonal shut down will increase to 3 1/2 months.

The compromise also requires that the 100 most lethal wind turbines be removed immediately, with a portion of the remaining 250 machines targeted by environmental groups to be scrapped within five years.

Haggerty, who represents the area between Livermore and Tracy where the wind farms operate, could not convince Supervisor Gail Steele to support the motion. Steele abstained, saying she wanted the seasonal shutdown to be longer than two months.

The conditions are now scheduled to be approved at the board's Sept. 22 meeting, as part of a renewal of the wind farm's operating permits.

Haggerty's compromise also killed an "opt out" loophole intended to allow companies to delay taking steps to reduce bird kills if they would be too expensive. It left in place an industry timetable for modernizing wind farms in the Altamont Pass within 13 years by "repowering" them with larger, more efficient wind turbines.

A 1998 study on repowering predicted that all 5,000 wind turbines in the Altamont Pass could be replaced by fewer than 900 machines capable of generating the same amount of electricity. Wind farm operators and environmentalists hope repowering will reduce bird deaths, but the concept remains unproven.

One company, Altamont Power LLC, replaced 169 broken-down windmills at one wind farm with 31 new machines that came on line in December. But future repowering projects in Alameda County will have to wait for an extensive environmental impact report to be completed. With that in mind, the county expects wind farm operators to modernize 10 percent of their windmills within four years, 35 percent within eight years and 85 percent within a decade.

James Walker, a wind industry pioneer who sits on the Board of Directors of enXco, said it will cost nearly \$800 million to modernize all of the wind farms in the Altamont. Before companies make that kind of investment, he said, "it's really important to have a stable regulatory environment."

The new requirements adopted by the county, although more stringent than wind farm operators had hoped for, were "a big step forward," Walker said, because they provide some certainty.

"It wasn't a 'split the baby' kind of thing — they pushed the envelope," in placing new requirements on wind farms, Walker said.

The Center for Biological Diversity has sued wind turbine operators, claiming state and federal wildlife officials have given them an unfair competitive advantage by failing to enforce laws protecting birds.

Weibe, an attorney for the center, said if the county renews wind farmers' operating permits Sept. 22 with the conditions approved Thursday, the permits could be subject to a legal challenge under the state's Environmental Quality Act.