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Expanding Wind Power While Killing Fewer Migratory Birds Is Biden's Quandary

White House wants to boost renewable energy and restore criminal penalties for accidental killing of migratory birds



Wind-turbine operators are encouraged to take migratory birds, including these American white pelicans, into consideration when building and operating facilities. PHOTO: ANDY NEWMAN/ASSOCIATED PRESS

By Katy Stech Ferek June 5, 2021 5:30 am ET

President Biden has taken steps to restore criminal penalties for accidental killing of migratory birds, a move that if adopted as expected later this year would add pressure to wind power developers who are working to fulfill his mandate to [boost wind-farm developments as sources of clean energy](#).

Wind turbines—some with 200-foot blades spinning up to 180 mph—are estimated to kill between 140,000 and 500,000 birds a year through accidental collisions, according to the U.S. Fish and Wildlife Service.

The wide variation in the estimate reflects the difficulty in tracking bird deaths, but whatever the toll, it is expected to rise as more wind turbines are built. Wildlife researchers in 2013 estimated that the Energy Department's 2008 wind-power target would push bird deaths to about 1.4 million annually. That figure hasn't been updated to reflect the Biden administration's plans to expand offshore wind farms.

Wind turbines are far from the biggest hazard to birds; nearly 600 million birds die each year from crashing into windows, [based on a median estimate by Fish and Wildlife](#).

Even so, the Biden administration's push for more wind turbines has some wind-energy advocates viewing with concern another of Mr. Biden's initiatives—to resume enforcement of the 1918 Migratory Bird Treaty Act for [accidents that lead to bird deaths](#).

That law stipulated criminal penalties for accidental killings of more than 1,000 migratory-bird species such as hawks, Canada geese and ducks. The Interior Department under former President [Donald Trump took steps to remove those penalties](#), but the Biden administration has moved to reinstate them, saying penalties are needed to protect declining bird populations.

The law led to penalties for two wind farms. In 2013, a [Duke Energy](#) Corp. subsidiary agreed to spend \$600,000 a year on a compliance plan, on top of \$1 million in penalties, aimed at preventing bird deaths at several wind-turbine projects in Wyoming, where 14 golden eagles and 149 other protected birds had been killed.

Also in Wyoming, a PacifiCorp subsidiary was fined \$2.5 million for bird deaths in 2014.

Those fines have dropped off entirely after wind developers began following 2012 voluntary federal guidelines that lay out best practices for preventing bird collisions, said Tom Vinson, vice president of federal regulatory affairs, for the American Clean Power Association.

“Any type of development activity, it’s going to have some level of impact,” Mr. Vinson said. “So the question becomes, ‘Are you doing everything you can to limit the impact?’”

Still, the threat of hefty fines creates uncertainty for energy companies whose executives assure investors that their facilities are operating lawfully, according to Erik Milito, president of the National Ocean Industries Association, a trade group that represents offshore energy companies.

“That’s an unacceptable position for companies to be in,” Mr. Milito said.

Wildlife groups support the restoration of criminal penalties, saying they provide a powerful incentive for wind-turbine operators to take birds into consideration as they build and operate their facilities.

Without the protections, “you’re going on the goodwill of industry, and while we have a lot of friends in the renewables industry and we trust their intentions, we know they are businesses,” said Jim Murphy, director of legal advocacy for the National Wildlife Federation.

Both the National Wildlife Federation and the Audubon Society also support the expansion of wind power, however, on grounds that greenhouse gas emissions and climate change pose a far bigger threat to birds than turbines.

Garry George, director of the Audubon Society’s clean energy initiative, said his group is working with industry to improve wind farm designs and technology to reduce bird collisions.

“We don’t have the exact technologies now, but we are going to get there,” Mr. George said.

The Biden administration has begun rule making to reverse the Trump era policy. It is taking public comments until June 7 and could finalize the policy by fall.

Officials contend that the twin objectives of expanding wind power and saving birds aren’t mutually exclusive. An Interior Department spokesperson said officials will work to ensure that wind farms have wildlife protections, as they did with the

recently approved \$2.8 billion Vineyard Wind project off the coast of Massachusetts to consider bird-deterrent devices.

Wind-turbine companies use several methods to deter bird deaths, including noisy devices that birds want to avoid, as well as locating the turbines in areas away from common flight paths.

One promising new technology dubbed IdentiFlight involves sky-scanning robots that use artificial intelligence and alert the company to stop the blades from spinning as birds approach.



Duke Energy began installing sky-scanning IdentiFlight robots at a Wyoming wind farm in 2015. A study said the technology has helped reduce bird deaths. PHOTO: IDENTIFLIGHT

Duke Energy installed the IdentiFlight technology in 2015, after the bird-death fine, at a 110-turbine wind farm in Wyoming. Independent researchers determined it reduced eagle deaths by 82%.

The system can stop a wind turbine's spin in as little as 15 seconds, said Tim Hayes, Duke Energy's environmental development director for commercial renewable sites.



The robots worked so well that they have replaced human bird-watchers with binoculars. The company, which operates 22 wind farms, said it is preparing to install the technology in Oklahoma and Iowa.

“Overall, the wind industry has a good story to tell,” he said.

Write to Katy Stech Ferek at katherine.stech@wsj.com

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