

Save the Eagles

Turbine permits need to include strict caps on the number of critters killed.

By David Wojick, Ph.D.

The practice of granting every new wind-power project a permit to kill eagles must end. The Trump administration has suspended wind-project permitting until it does a study of the harm these projects cause and what should be done about it. One obvious answer is to cap the killing of eagles.

President Trump's Executive Order (EO) pausing the permitting of wind projects is based on this finding: "In light of various alleged legal deficiencies underlying the [f]ederal [g]overnment's leasing and permitting of onshore and offshore wind projects, the consequences of which may lead to grave harm."

I have seen articles saying that this really only affects projects on federal land, but that is completely wrong. Every proposed wind project on private land must get a permit to kill eagles from the U.S. Fish & Wildlife Service. The FWS permit application website has a clear notice that in compliance with the Executive Order it is issuing no new permits. This means no new project can begin operating even if it is fully built and ready to run. FWS is also not issuing revisions of expiring permits, which means some older projects may have to shut down.

How long this hold on permits lasts remains to be seen. The draft EO said the intervening study was limited to six months, but the final version sets no time limit. Given the broad scope of the study, it might take six months just to gear up.

The Executive Order puts it this way: "The assessment shall consider the environmental impact of onshore and offshore wind projects upon wildlife, including, but not limited to, birds and marine mammals. The assessment shall also consider the economic costs associated with the intermittent generation of electricity and the effect of subsidies on the viability of the wind industry."

When it comes to eagles and onshore wind projects there is a glaring deficiency

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that this study should carefully consider: the killing is unlimited. Every project gets a permit, so the total number of allowed deaths just keeps going up as more projects come

online. Surely this is wrong. There should be a strict limit to the cumulative total number of kills allowed each year. In the regulatory world this is called a cap on killing. We see something like this sort of cap in the issuance of state hunting licenses for large game. It could be called the wind-power bag limit.

The issuance of permits for new wind projects, if any, would be based on the total kills allowed under the existing permits. If this total is less than the cap, permits could be issued in the amount of the difference. These permits might be auctioned off or allocated by lottery, or something else. The cap on

killing needs to be strictly enforced. If a project kills its allotment, it then has to shut down for, say, the rest of the year or however the cap is set.

In contrast, the Biden administration made it much easier to get eagle-killing permits which were then not enforced. It created what is called a general permit, meaning individual projects did not have to submit lengthy project-specific applications. They basically just registered and paid a nominal processing fee. The requirement that reporting of actual kills had to be monitored by an independent third party was also dropped. These ill-conceived policy changes need to be reversed.

In addition, eagle death reports should be made public. People need to know if wind projects in their county or state are killing eagles, how many and where. Then we can make informed decisions about capping these deaths. ■

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