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Formal Comments Submitted to Legislative Wind Task Force (Casper, WY)

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Audubon Wyoming strongly supports properly-sited wind power as a new energy source and the benefits provided to the Wyoming economy. However, we are also acutely aware that it will come with its own impacts. To minimize these, wind power facilities, as well as production and transmission facilities must be planned, sited and operated in concert with other actions needed to minimize and mitigate their impacts on birds and other wildlife populations.

Wind power facilities impact birds from direct collisions with turbines and related facilities, such as power lines. Wind power facilities, production and transmission facilities can each degrade or destroy habitat, causing disturbance and displacement, and disrupting important ecological links. These impacts can be avoided or significantly reduced, however, with proper siting, operation and mitigation.

What role has Audubon played? Audubon was one of the architects of the now frequently referenced Sage-Grouse Core Area Plan and associated core area map ([Figure 1](#)).

- Identified where numbers were highest on seasonal grounds (to increase conservation success), took into account sound scientific information (published in *Studies in Avian Biology*), and was realistic about the present demands already on the landscape.
- By managing development on approx. 20% of WY, protect world's 50% sage-grouse
- Growth of regional support – with Montana adopting the Core approach and WAFWA is considering adopting core strategy across the bird's entire range.

Reasons for concern: There is scientific literature which suggests real reasons for concern.

- the impacts of noise, vertical structures, fragmentation, and traffic
- ... all indicating sage-grouse will not respond favorably to wind development

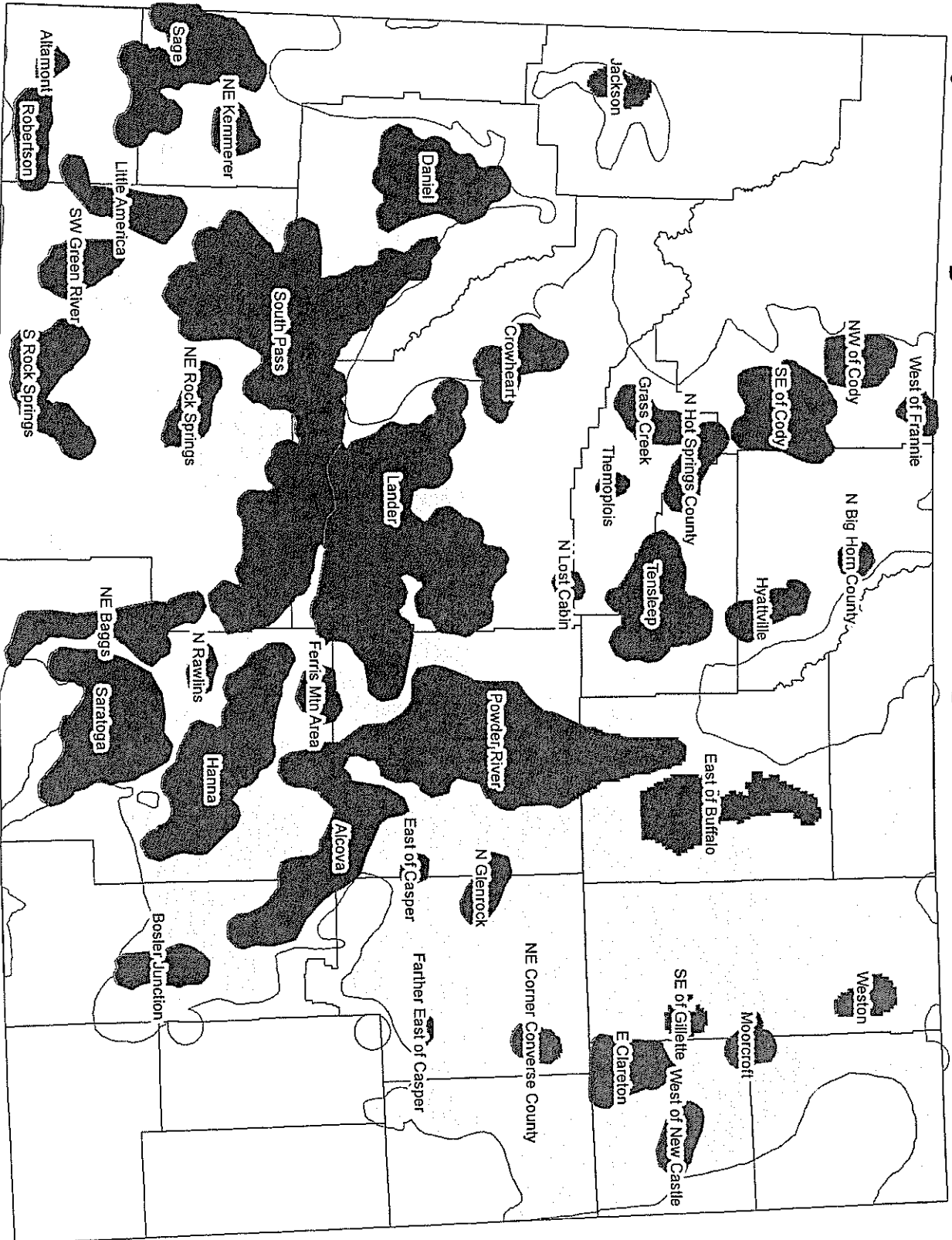
We have to work with the best information that we have right now and Audubon strongly encourages pursuing protection of core areas as a means to avoid listing this iconic western bird. The U.S. Fish & Wildlife Service has determined that if this plan is enacted with care and consistency, it can mitigate the damage already done to the point that it makes an ESA listing unnecessary ([Attachment 1](#)).

Audubon WY believes restrictions on wind development in WY are minute in scale while the impacts of a listing for such a widespread species would be massive. Restrictions on wind development in the sage-grouse "core area" impacts only 14% of the state's best wind resources (Class 6 and 7).

Where are the best places to capture wind energy? In June 2209, report on Western Renewable Energy Zones released which identified "hubs" - areas of high renewable resource concentrations – in Wyoming these accounted for wind resource areas that are wind power class 5 and above. Result were 3 hubs fully in WY and 1 overlapping CO – all located in southeastern Wyoming ([Figure 2](#)). These Wyoming hubs, which contain 49,104 Giga-watts of wind power, also overlap areas that have existing human development ([Figure 3](#)). We have the ability to do it on our own terms - where the winds are strong and the human footprint is already extensive on the Wyoming landscape.

Audubon Wyoming Vision
Open spaces rich in birds and other wildlife, and citizens who value that richness.

Figure 1. Sage-Grouse Core Breeding Areas Version 2



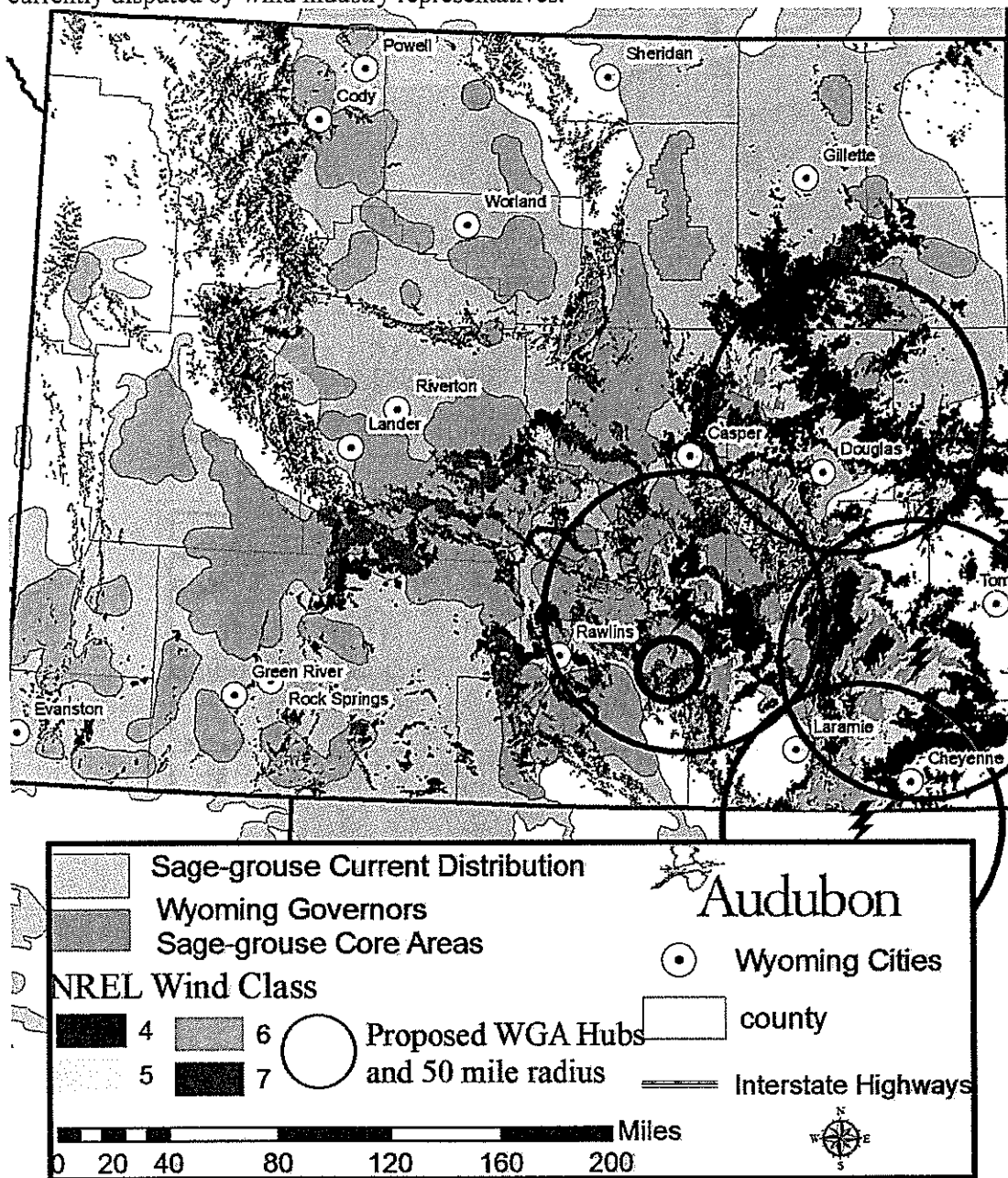
Nyssa Whitford
 Nongame GIS Analyst
 Lander Regional Office
 08.15.08



Core Areas shown were delineated by the Governor's Sage-Grouse Implementation Team during their 03.17.08 meeting in Lander, WY. Updates to the NE core areas from BLM-BFO.

Core Areas 08.07.08
 Counties
 Current Sage-Grouse Distribution

Figure 2. Location of Western Governors' Association's proposed energy hubs in relation to developable wind resources (National Renewable Energy Lab class 4-7) overlapped with the Wyoming Governor's Greater sage-grouse Core Areas. Within these 50 mile wide proposed hubs are 15.3% of Wyoming's and 8.3% of the world's Greater sage-grouse population. The lightning bolts represent proposed locations of electrical hub facilities, while economic recovery of energy extends to boundaries of the circles. The smaller circle within the western hub is an area currently disputed by wind industry representatives.



Western Governors' Association's Phase I report (June 2009) on Western Renewable Energy Zones:
<http://www.westgov.org/wga/publicat/WREZ09.pdf>



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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JUL 07 2009

Mr. Steve Ferrell
Director, Wyoming Game and Fish Department
5400 Bishop Blvd
Cheyenne, WY 82006

STEVE
Dear Director ~~Ferrell~~:

Thank you for your letter of July 7, 2009, regarding the State of Wyoming's Greater sage-grouse "Core Population Area Strategy" (Strategy) (Executive Order 2008-2). Your letter requests clarification from the U.S. Fish and Wildlife Service (Service) regarding our endorsement of the Strategy. Specifically, you would like our view of whether wind power can be developed in core areas in a way that the Wyoming Game and Fish Department and the State of Wyoming would maintain our endorsement. This letter is responsive to your request and provides an explanation of our concern about wind development in core areas. In summary, constructing wind farms in core areas, even for research purposes, prior to demonstrating it can be done with no impact to sage-grouse, negates the usefulness of the core area concept as a conservation strategy and brings into question whether adequate regulatory mechanisms are in place to protect the species. Both of these factors are critical in the Endangered Species Act (ESA) listing decision currently facing the Service.

Following are some specific reasons why we endorsed the Strategy when asked by the Governor's Office in 2008:

- A. In a general conservation context the Strategy is a science-driven, outcome-based and adaptive approach to the conservation of a species and its habitat. The Service is in the process of adopting a similar approach, currently called Strategic Habitat Conservation (SHC) for much of our conservation work. Therefore, as a general conservation paradigm we support such an approach.
- B. In the context of a potential listing under the ESA, the State's sage-grouse Strategy provides a useful framework to show how the threats to the species are being managed; and if the Strategy is adopted across different land ownerships in the state, could provide an important regulatory mechanism as well. As you know, to preclude listing under ESA, we must be able to show that threats to the species are effectively addressed by science-based conservation measures, and that adequate regulatory mechanisms are in place to ensure those actions occur. In regard to the latter, the actions of the State Board of Land Commissioners to adopt a process that ensures sage-grouse conservation measures are implemented on state land within core areas, and the regulatory authority of the Department of Environmental Quality Industrial Sighting Council (ISC) are noteworthy.

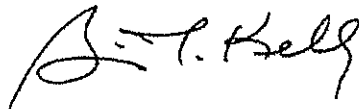
infrastructure, and the fact such development enhanced the spread of invasive species were among the primary threats to the species. In the past 4 years, since our 2005 finding, we have seen no science to change this view, only more science affirming it, while at the same time witnessing a significant increase in this type of potential development.

Regarding your second specific question on development levels outside core areas, the March 25, 2008 letter from the SGIT to the Governor states development should attempt to maintain populations, habitats and essential migration routes outside core areas wherever possible. How low lek persistence or population numbers can decline outside of core areas needs to be consistent with the recommendations of the SGIT. We encourage you to direct your request for specific numbers to the Governor's SGIT (of which the Service is a member) and species experts. Having said this, the Service has been developing, and will continue to develop, means by which we can provide for more strategic conservation of our trust species (e.g., migratory birds) outside of core areas to help meet the intent of item #6 in Executive Order 2008-2. Item #6 as you note, states that incentives to develop outside of core areas are an important component of the Strategy. Some of the flexibility resulting from our efforts we feel will be helpful to the energy industry and other development in the State.

Wyoming has set a national example by signing a Memorandum of Agreement (MOA) between your department, my agency and the Governor's Office to work together to conserve species in a manner that hopefully precludes the need for Federal listing. The approach taken to develop and implement the core area Strategy to date exemplifies the vision shared among us in signing the MOA. However, constructing wind farms in core areas, even for research purposes, prior to demonstrating it can be done with no impact to sage-grouse, negates the usefulness of the core area concept as a conservation strategy and brings into question whether adequate regulatory mechanisms are in place to protect the species.

Please know that my office remains committed to playing our role in helping to implement the sage-grouse core areas strategy as envisioned by the SGIT and the Executive Order and to work within our authorities to collaborate with you and others in helping to develop an environmentally-responsible wind industry and other development in Wyoming.

Sincerely,



Brian T. Kelly
Field Supervisor
Wyoming Field Office

cc: Deputy Chief of Staff, Wyoming Governor's Office (R. Lance)
Chair, Wyoming Sage-grouse Implementation Team (B. Budd)