

Resolution #29
Federation of Western Outdoor Clubs

POWER IN THE WIND; REVISED AND AUGMENTED

Submitted by Trails Club of Oregon

Background. In 2003, FWOC adopted Resolution #29 Power in the Wind, approving the use of wind power as an alternative to fossil fuels to produce electrical energy, but concluding with a statement, “Site-specific environmental constraints must be considered as development of wind power proceeds.”

Since 2003, development of wind energy facilities has exploded. Northwest Power and Conservation Council thinks that 5000 megawatts of wind power could be developed with the existing transmission system. The Bonneville Power Administration (BPA), however, has begun scoping an Environmental Impact Statement (EIS) for a vast expansion of transmission lines. indicating that plans are rapidly expanding.. Many existing projects were sited in important habitat areas or flyways, or spoiled scenic areas, or were located adjacent to wilderness areas. Regulations did not keep pace with development. At all levels of government, guidelines are being developed, but all rely on voluntary compliance, leave gaps in coverage, and fail to evaluate cumulative impacts.

The federal government, under the leadership of the US Fish and Wildlife Service (USFWS) has completed the third draft of nation-wide all-lands guidelines which are being discussed in committee prior to being conveyed to the Secretary of the Interior. USFWS has no statutory authority to enforce siting standards. USFWS has after-the-fact authority under the Migratory Bird Treaty Act (MBTA) to bring an action against violators.

Some states have developed siting guidelines. Washington State Department of Fish and Wildlife Wind Power Guidelines were released in April, 2009.USFWS approves of these guidelines because they have generous mitigation ratios, but, again, they are voluntary.

Oregon lags behind, and has a peculiarly divided system. The state Energy Facility Siting Council (EFSC) has authority state-wide over large projects and has standards in the form of administrative rules, which are legally enforceable. However, these rules are outdated and BPA convened a task force to devise more up-to-date guidelines, which were voluntary, for the limited application to the five counties of the Columbia Plateau. Small projects, under 105 megawatts, fall under the jurisdiction of the counties which issue a conditional use permit under their land use planning powers. Unfortunately, the counties have no expertise and are free to ignore state and federal expert advice. Therefore, developers often choose to go before the county, breaking their projects into small pieces to qualify. There is no over-all impact analysis. Unlike Washington, and unlike Federal projects, Oregon does not have an environmental impact analysis requirement.

None of the voluntary guidelines has a no-build option. An EIS always has a no-build option.

Various tax breaks and subsidies are driving the industry. Use of guidelines is not tied to the tax break or subsidy.

It will be several years before it can be seen whether the hodge-podge of voluntary guidelines and overlapping jurisdictions can do the job of protecting important habitat and scenic treasures. Meanwhile, there does not seem to be plans to tighten the system.

RESOLUTION

The FWOC reaffirms its 2003 Resolution strongly recommending the use of wind power as an alternative to fossil fuels in producing electrical energy, and recommending that site-specific environmental constraints be adopted, including the following:

All states should be urged to develop a statewide process for reviewing and licensing all wind power installations:

Applicants should present data on the possible environmental impacts of these projects on each site involved and make them available to the public.

Impacts should include birds and bats and their flyways and Important Bird Areas (IBAs) should be protected.

The review and licensing process should be integrated into state environmental protection laws and statewide land use planning programs in the form of Administrative Rules, enforceable under state law by the Attorney General and through lawsuits brought by citizens who are given standing as a right.

The cumulative impacts of various comprehensive projects should be evaluated.

All records supporting license applications and determinations, and all monitoring studies should be public.

Licensing agencies should be able to reject applications that would impose too many avoidable impacts or substantial unavoidable impact.

BPA should prepare a programmatic EIS covering all aspects of wind power: turbines, towers, buildings, transmission lines, and roads.

USFWS should be granted statutory authority to enforce guidelines.

Contact: Sydney Herbert, email: psydneyh1@msn.com