

**Testimony of Congressman Alan B. Mollohan  
before the  
House Fisheries, Wildlife and Oceans Subcommittee  
on the  
Impacts of Wind Turbines on Birds and Bats  
May 1, 2007**

Madam Chairwoman, I want to commend the subcommittee for holding what I believe is the first congressional hearing on the impacts of wind turbines on wildlife, and I am grateful for the opportunity to appear before you.

Wind-energy developers have targeted the mountain ridges of my state of West Virginia, and for a number of years I've expressed my deep concern about their projects. Among the reasons for my concern are the environmental impacts of these massive projects, including their impacts on the natural beauty of my state, and their impacts on wildlife. In the past, West Virginia's natural resources were exploited without regard to the long-term environmental consequences, and I think it's imperative that this not be allowed to happen again.

For anyone who's ever seen an industrial wind-energy project on mountain ridges, it isn't at all surprising that they raise serious environmental concerns. For example, the Mountaineer project, which is in my district, consists of 44 turbines, each of which is about 340-feet high - in other words, 50 feet higher than the tip of the Capitol

dome - and those turbines are spread out over 4,000 acres of mountain ridges.

This hearing could not be more timely. With last year's extension of the federal tax subsidy for wind-energy production, and with the concern over global warming, more attention is being paid to wind energy now than ever before.

But at the same time, there is mounting evidence that in at least some regions of the country - including the mid-Atlantic region - and in some circumstances, wind turbines have a devastating impact on wildlife. It is especially troubling that the reasons for this impact are largely unknown, and so real solutions to these problems simply are not in sight. Compounding these problems is the fact that critical information on the bird and bat populations, such as information on their size and migratory pathways, simply does not now exist.

In short, there is little reason to believe that the wind-energy projects that are being built in environmentally sensitive areas will be any less deadly to wildlife than those built in the past. The cumulative impact of all of these projects on wildlife has to be of concern to Congress for at least two reasons.

First, all wind-energy projects - those that are destructive of wildlife, as well as those that are not - are federally subsidized through the Production Tax Credit. Almost certainly those projects would not exist but for that subsidy, and so Congress has a real responsibility to address this issue.

Second, the federal wildlife protection laws are intended to prevent this kind of harm from occurring, and so it's also important for Congress to closely examine whether wind-energy developers are complying with those statutes, and whether any changes in the law are warranted.

To that end, I'd like to devote the remainder of my statement to what's occurred in West Virginia regarding the construction and operation of wind-energy projects. Because it's clear that West Virginia is an environmentally sensitive area, one would think that both developers and the state permitting agency - which is the West Virginia Public Service Commission - would adopt a cautious approach to large, new projects. Unfortunately, that is not the case.

Currently there is one wind-energy project operating in the state, the 44-turbine Mountaineer project that I referred to earlier. It was the Mountaineer project that, according to studies conducted in 2003 and 2004, killed

thousands of bats during the study periods, resulting in estimates of mortality that, according to the Fish and Wildlife Service, "are among the highest ever reported in the world."

The Public Service Commission has approved the construction of three additional, much larger projects in the state - most recently, in August of last year, a 124-turbine project. Two weeks ago the Commission began hearings on yet another proposed project.

If these four projects are built as proposed, the number of turbines on the mountain ridges of West Virginia would jump by well more than 10-fold, to 584 turbines. If those data weren't sobering enough, the Fish and Wildlife Service stated recently that it is reviewing six more wind-energy projects that have been proposed for the state.

The facts relating to the project that was approved last August, the "Beech Ridge" wind-energy project, are particularly disturbing. That project was approved even though the developer's own environmental consultant predicted that the project would kill nearly 7,000 bats annually, and thus would result in the same or greater mortality than had been recorded at the Mountaineer project.

Moreover, after carefully reviewing the plans for the Beech Ridge project, the Fish and Wildlife Service determined that before beginning construction, the developer should conduct specific, multi-year studies on the impacts that the project would have on birds and bats. But the developer rejected the agency's conclusions and instead conducted studies that were far more limited.

Even though the Public Service Commission decides applications under a "public interest" standard, the Commission held that the limited studies conducted by the applicant were sufficient - thereby holding, in effect, that it was entirely permissible for the developer to disregard the determinations that the Fish and Wildlife Service had made.

Overall, there are at least two lessons to be learned here.

First, wind-energy developers are not going to voluntarily take all the steps that are reasonably necessary for the protection of wildlife. These developers are for-profit corporations that, like any other, are answerable to their shareholders. Their basic imperative will always be to get turbines up and running, and thereby generating some amount of electricity and - more importantly for their owners - major tax credits. In the

same vein, after the 2003 and 2004 studies on bat mortality at the Mountaineer site, the project owner refused to allow further studies there, and it has likewise refused to alter its operations in a way that could reduce bat mortality.

Second, the state permitting agencies cannot be counted upon to implement the federal wildlife protection laws. It is noteworthy that in disregarding the determinations that the Fish and Wildlife Service had made on the proposed Beech Ridge project, the Public Service Commission relied heavily on the point that those determinations were made under guidelines that are voluntary and interim in nature.

In sum, if the federal wildlife laws are to be fully implemented with regard to wind-energy projects, the job must be done by the Fish and Wildlife Service. The action of the Service in issuing guidelines on wind-turbine impacts on wildlife was certainly appropriate, because it is far better to avoid harm to wildlife in the first place rather than address it after the fact.

But one point that needs to be looked at is the effect of the voluntary nature of the guidelines when combined with the fact that no wind-energy company has yet been prosecuted for violating the federal wildlife laws. One question that is raised is whether these circumstances are

tending to create a situation in which the wind-energy companies are enjoying a de facto exemption from the wildlife protection laws.

More broadly, the problem of the impacts of wind turbines on wildlife needs to be confronted squarely and honestly. One basic question that needs to be answered is, if developers are allowed to carry out their plans to build thousands of turbines on Appalachian mountain ridges, what are the specific impacts on wildlife, and on our ecosystem, that will result?

It is simply a matter of sound public policy that we know the answer to this question before that construction takes place. Once we have that information, we will be in a position to make informed decisions on where wind-energy projects should be built, and under what terms and conditions.

This hearing is an important first step in this process, and I look forward to your continuing efforts. I would be glad to answer any questions that you may have.