



August 2, 2011

Attn: Wind Energy Guidelines Comments

Dear Sir/Madam:

Allegheny Highlands Alliance is hereby submitting our second comments concerning the U. S. Fish and Wildlife Service Land Based Wind Energy Guidelines. In addition, AHA expresses its support for and endorsement of the comments submitted to the service concurrently on behalf of The American Bird Conservancy as well as the comments from Public Interest attorney Eric Glitzenstein (Meyer, Glitzenstein & Crystal, Washington, D.C.), who said that the wind power industry views were too strongly weighted on the committee, possibly violating the Federal Advisory Committee Act, and that the Interior Department ceded decision-making power to the committee. Mr. Glitzenstein wrote "Given all this, the direction in which the department is heading absolutely places it in a legally tenuous position under FACA. More important, however, it is a direction that will inevitably be disastrous for the many birds, bats, and other wildlife that will be killed and injured by poorly sited wind power projects, since the industry will have little if any incentive to take such impacts into consideration in making siting decisions."

It is puzzling to us why the U.S. Fish and Wildlife Service would consider adopting rules or guidelines for Industrial Wind Energy projects that are anything short of mandatory and based on anything less than objective science. In Maryland, as in other states, Public Service Commission review and submission requirements for environmental impact assessments have been eliminated for land-based wind energy projects that fall below a certain rated capacity threshold in order to "expedite" project development. These rules have been adopted despite the fact that much larger projects, that would normally require environmental scrutiny even under the revised rules, can be "phased" into development through a series of smaller projects that evade such review because the revised rules do not address cumulative impacts.

It seems obvious to even the most casual observer that the wind industry seeks to evade serious environmental scrutiny because they have made the determination, without producing any supporting credible evidence, that their projects serve a greater environmental "good" than any impacts they may cause. Is this the standard by which the U.S. Fish and Wildlife prosecutes violations of the Endangered Species Act? Does the U.S. Fish and Wildlife "overlook" the documented extermination of endangered species protected by Federal Law because the defendant had "good intentions," even though the benefits of those intentions have never been justified? What kind of "environmental benefit" can we expect to achieve, if there has been absolutely no effort to subject that balance to the rigor of objective scientific analysis? Perhaps this is why a Federal District Court in Maryland had to step in and impose an Incidental Take Permit requirement on the developers of the Beech Ridge Project in West Virginia--because the U.S. Fish and Wildlife is not aggressively enforcing the Federal Laws that fall within its basic mission.

To think that the U.S. Fish and Wildlife would consider working with Industrial Wind Energy advocates and developers to craft standards and guidelines intended to protect endangered species represents a horrifying lack of integrity, not to mention the absence of scientific integrity. Please do not reduce the integrity of our most basic

environmental protections to a "sign-off" by the very developers who threaten it--especially where those developers have never been required to prove their assertions regarding the alleged benefits their projects are intended to provide. If the U.S. Fish and Wildlife has reviewed and concurred with such "proof," please make it public so that those of us who have never seen it can be reassured that the rationale for your "negotiated regulations" will be credible and valid.

When dealing with the critical issues we face in revamping our basic energy production practices, we believe that it is absolutely critical to make decisions we KNOW to be right, not just BELIEVE to be right. That "leap of confidence" from "belief" to "knowledge" can only occur when sound scientific practices are applied. Undocumented claims and promises of simple solutions to complex problems should always be critiqued and tested before they are accepted. The age-old adage that "extraordinary claims demand extraordinary proof" is appropriate in such cases and is hardly unreasonable to expect. A truly successful and beneficial solution should be able and eager to withstand the light of critical scientific assessment and reasoned debate. Proper scientific inquiry and assessment requires that a truly defensible scientific evaluation be:

1. Independent – conducted by impartial and qualified researchers who won't benefit from one outcome or another.
2. Comprehensive – addressing qualitatively the technical, economic, and environmental aspects of the proposed strategy.
3. Transparent – presenting all supporting assumptions and data for public scrutiny.
4. Empirical – based on real world evidence, not a chain of assumptions or modeled data.

Any failure to satisfy all of these four fundamental criteria can render an assessment biased, incomplete, or flawed and will ultimately compromise the assessment's conclusions and credibility. As with any truly objective review and evaluation process, the burden of proof rests on the proponents who seek approval or endorsement of their projects, and Federal regulators should conscientiously seek verification of the benefits before endorsing such strategies. This need is especially great for industrial wind energy, about which so little thorough and credible research (relative to the body of political debate on the subject) has been conducted.

We urge you not to subject your review process to the approval or appeasement of the advocates and developers of an unproven development practice. You are responsible for enforcing the laws that have been entrusted to you first and foremost. Developing Industrial Wind Energy projects on sensitive ridgelines where Endangered Species flyways and habitats are known to exist falls very low on that scale of responsibility. If you feel otherwise, you risk validating the need for the Federal Courts to intervene again and again--thereby offsetting any regulatory streamlining benefits that you may feel you are achieving. Please do not abandon your core responsibilities and please demonstrate that your actions are based on credible science and scientific rigor.

AHA appreciates the opportunity to comment upon the Guidelines, and the organization sincerely hopes that the Service will take its perspective into account in finalizing these important rules and safeguards.

Sincerely,

Larry V. Thomas, President
Allegheny Highlands Alliance