



705 Olive Street, Suite 614, St. Louis, MO 63101-2208
Telephone (314) 231-4181, facsimile (314) 231-4184
www.greatriverslaw.org

For More Information Contact:
Ken Midkiff, Board of Directors Member
Great Rivers Environmental Law Center
705 Olive Street, Ste. 614
St. Louis, MO 63101
573-442-5570

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Environmental Law Center Objects to Eagle “Take” Permit

The Obama Administration’s Fish and Wildlife Service (USFWS) has proposed to exempt wind turbines from killing eagles for the next 30 years. Since it seems clear that this did not originate with the USFWS – an agency usually protective of endangered species – Great Rivers Environmental Law Center (Great Rivers) sent a letter to the Chair of the White House Council on Environmental Quality with strong objections to adoption of this proposed rule.

Many other conservation and environmental organizations also objected and submitted comments to the USFWS by the July 12, 2012, deadline. Since that time – over a year ago – several of those organizations have been negotiating with the Department of Interior (of which the USFWS is a part) to advocate denying or softening the proposed “30 Year Eagle Take Permit.”

While the current permit also exempts wind turbines from violations stemming from killing eagles, the permit is only for five years and it must be renewed upon expiration. However, the Obama Administration, in this proposed rule, would issue such exemptions from 30 years, a “one size fits all” basis.

Great Rivers – based in St. Louis, and which deals with environmental issues in the basins of the Missouri and Mississippi Rivers – in its letter proposed that such a permit should comply with the provisions of the National Environmental Policy Act in which issuance of a federal permit is considered a “major federal action” and requires that a full assessment – an Environmental Impact Statement – be conducted.

“Killing an endangered species should not be done on this cavalier basis”, stated Ken Midkiff, a member of the Board of Directors of Great Rivers. “We are firmly in support of alternative energy sources, such as wind, but not at the expense of the Golden Eagle and the Bald Eagle. Allowing killing of our national symbol is reprehensible.”

“We hope that the Obama administration will withdraw its 30-year eagle take permit proposal and instead aggressively encourage the wind power industry to reduce the increasing number of eagles, hawks and falcons that are killed by wind turbines,” said Midkiff. “A study published in the Wildlife Society Bulletin found that thousands of these raptors are killed each year and sadly those numbers are steadily increasing as more wind turbines are deployed.”

Midkiff concluded, “We advocate strict adherence to NEPA. If a wind turbine is sited in a location where eagles would be killed, no permit should be issued.”

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Attached is the letter to the White House.

Contact Ken Midkiff - 573-442-5570

Great Rivers is a nonprofit public interest environmental law firm in St. Louis that provides free and reduced-fee legal services to those working to promote preservation of open space, clean energy, clean air and clean water. Its web address is: www.greatriverslaw.org.