

Wind energy company pleads guilty to killing at least 150 eagles

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Turbine blades owned by ESI Energy hacked many birds to death, a violation of the Migratory Bird Treaty Act



NextEra Energy subsidiary ESI Energy pleaded guilty Tuesday, April 6, 2022, to three counts of violating the Migratory Bird Treaty Act during a court appearance in Cheyenne, Wyoming. Photograph: Spenser Heaps/AP

An American wind energy company that pleaded guilty to federal criminal charges after at least 150 eagles were killed, most hacked by turbine blades, has agreed to spend as much as \$27m on efforts to prevent more deaths.

ESI Energy, a subsidiary of NextEra Energy, one of the largest US providers of renewable energy, entered a plea agreement for violations of the Migratory Bird Treaty Act (MBTA), the US Justice Department said.

It is illegal to kill or harm eagles under federal law.

Most of those killed were golden eagles, the national symbol of Afghanistan, Mexico, Egypt, Germany and Scotland, although some were bald eagles, the national symbol of the United States, according to court documents.

The bald eagle, a majestic bird once threatened by the use of the insecticide DDT to help control disease during the second world war, has recovered enough that the species was removed from the national endangered and threatened list in 2007.

The golden eagle, a dark brown bird with gold-colored feathers on the back of the head and neck, has not recovered so well, coming under pressure

including from windfarms, collisions with vehicles, habitat destruction and illegal shootings.



Nearly half of bald eagles tested across US show signs of chronic lead exposure

The comeback of both species in the United States has also been slowed recently by lead poisoning from ingesting hunters' bullets left in wildlife remains that they scavenge.

The US Fish and Wildlife Service on Thursday said there are an estimated 316,700 individual bald eagles throughout the United States, excluding Alaska and Hawaii, and an estimated 40,000 golden eagles, primarily in western states.

“ESI further acknowledged that at least 150 bald and golden eagles have died in total since 2012, across 50 of its 154 wind energy facilities,” said a statement from the justice department.

It noted “136 of those deaths have been affirmatively determined to be attributable to the eagle being struck by a wind turbine blade”.

The company's US wind generation facilities are located in Wyoming, New Mexico, Arizona, California, Illinois, North Dakota, Michigan and other states.

As part of the plea agreement, the company was sentenced on Tuesday in Cheyenne, Wyoming, to pay more than \$8m in fines and restitution. It also agreed to apply for permits allowing “unavoidable take” of eagles at its

facilities. And, the company agreed to pay \$29,623 each time an eagle is killed or injured in the future.

Finally, the company agreed to pay up to \$27m for measures meant to keep future deaths at a minimum. That includes shutting down turbines at times when eagles are more likely to be present, according to media.

The justice department referred Reuters' questions about the case to the US Fish and Wildlife Service, and an FWS spokesperson on Thursday declined to comment on the case.

NextEra President and CEO Rebecca Kujawa said that as the world moves to shift its energy dependence to renewable sources, turning more to solar panels, wind turbines and other alternatives, collisions with birds are unavoidable accidents.

“The reality is building any structure, driving any vehicle, or flying any airplane carries with it a possibility that accidental eagle and other bird collisions may occur as a result of that activity,” Kujawa said in a statement.

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