

PacifiCorp Energy pleads guilty in bird deaths (Update)

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Wind farm operator PacifiCorp Energy will pay \$2.5 million in fines after pleading guilty Friday to charges related to the deaths of protected birds in Wyoming.

The subsidiary of Portland, Oregon-based PacifiCorp pleaded guilty in federal court in Wyoming to two counts of violating the federal Migratory Bird Treaty Act under a plea deal with prosecutors.

The U.S. Justice Department said the charges stemmed from the discovery of more than 370 dead birds at the company's Seven Mile Hill and Glenrock/Rolling Hills wind projects in Carbon and Converse counties from 2009 until now. Authorities counted 38 dead golden eagles and 336 other dead protected birds, including hawks, blackbirds, larks, wrens and sparrows.

It's the second prosecution of a wind energy company for harming or killing protected birds. Duke Energy pleaded guilty last year to killing eagles and other birds at two Wyoming wind farms.

An Associated Press investigation last year documented how the Obama administration, which has championed pollution-free wind power, was failing to enforce protections for birds at wind energy facilities nationwide, including at PacifiCorp facilities in Wyoming.

At the time, PacifiCorp told the AP that the company was never fined or prosecuted because the wind turbines might not be to blame.

Federal prosecutors alleged PacifiCorp Energy failed to make all reasonable efforts to avoid birds dying by colliding with wind turbines despite prior guidance from the U.S. Fish and Wildlife Service. However, in a statement Friday, prosecutors noted the company has cooperated with the wildlife service's investigation and has already implemented measures aimed at minimizing bird deaths.

Under the deal, PacifiCorp Energy must implement a plan to reduce bird deaths at its four Wyoming sites, and its progress will be monitored for the next five years.

"We are committed to enhancing protections to wildlife that minimize and mitigate impacts," said Mark Tallman, PacifiCorp's vice president for renewable resources.

Michael Hutchins of the American Bird Conservancy said he hoped the deal sends a warning that "poorly sited wind projects known to pose a threat to birds will finally be held accountable."

Of the \$2.5 million in fines, \$400,000 will go to the North American Wetlands Conservation Fund, \$200,000 will be paid to Wyoming, and \$1.9 million will go to the National Fish and Wildlife Foundation to pay for projects aimed at preserving golden eagles and studying ways to minimize harm to the birds from wind farms.

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