

Wind Power Is Buying Eagle-Kill Indulgences

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April 22, 2025

By **David Wojick, Ph.D.** ~

Every operating wind power facility has a US Fish and Wildlife Service (FWS) permit to kill eagles on an ongoing basis and many do kill eagles. Each permit depends on eagle-kill offset rules which appear to be false. If so then the killing is illegal, a violation of the Bald and Golden Eagle Protection Act.



The offset is called “compensatory mitigation” which means the wind power facility pays the FWS or their agents to have their eagle killing offset by helping others live someplace else. Compensatory mitigation is used in other regulatory systems where it may actually work. For example under the Clean Water Act you can destroy a wetland if you create an equivalent one someplace else.

The problem is that while it is easy to verify wetland offsets, it is impossible in the eagle case. Moreover it is extremely unlikely that these offsets actually work.

The issue is electrocution. By coincidence the spacing of the wires on the standard power pole is just right for electrocuting eagles. These are the poles that line most roads and many streets in America, delivering power to the myriad homes and businesses along the way. Some eagles occasionally die this way.

The wires on these poles can be restructured in a way avoids electrocuting eagles and this is what wind power compensatory mitigation is paying for. The first problem is there is no way to know how many eagles are not being electrocuted. The deeper problem is there are likely many millions of these poles and the fraction being converted must be very small.

Note that this compensatory mitigation practice has been going on since a least 2016. It is discussed in a FWS report titled “Bald and golden eagles: population demographics and estimation of sustainable take in the United States, 2016 update” found here.

<https://www.fws.gov/media/population-demographics-and-estimation-sustainable-take-united-states-2016-update>

Here is the essence:

“When authorized take (killing) exceeds EMU (Eagle Management Unit) take limits, Service policy is that take must be effectively offset by compensatory mitigation such that there is no net increase in mortality. Currently, the only offsetting mitigation measure the Service has enough information to confidently apply in this manner is retrofitting of power lines to reduce eagle electrocutions....”

and

“Offsetting mitigation is mostly an issue affecting take authorization for golden eagles, as EMU take limits are set at zero requiring all authorized take to be offset.”

(Executive Summary)

In short the number of golden eagles saved has to at least equal the number killed. We do not know what that number is because while the FWS gets eagle kill reports from all wind facilities that data is held secret to keep the industry from public scrutiny. There are published third party estimates placing the number in the hundreds per year but it could be higher.

How the FWS has determined the dollar amount of compensatory mitigation also looks to be a secret as I can find nothing on it. The method is called Resource Equivalency Analysis but searching the FWS site for that just yields a calculation spreadsheet.

How the FWS gets from these dollars to the actual saving of the required number of eagle's lives is a mystery. I do not see how such an analysis is even possible let alone verifiable. Where is the derivation and justification for this preposterous program with 160,000 MW of secret wind killing supposedly offset annually and 230,000 MW more in line.

That retrofitting some power poles can effectively offset the ongoing and increasing wind turbine slaughter of eagles seems completely unrealistic. Compensatory mitigation looks like a legal loophole designed to help the wind power industry avoid the Eagle Protection

Act. The wind power facilities are just buying the indulgence of killing eagles year after year, more every year.

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