

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. R14-0681.01 Rebecca Hausmann x2172

HJR14-1021

HOUSE SPONSORSHIP

Szabo,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

HOUSE JOINT RESOLUTION 14-1021

101 CONCERNING PROTECTION OF THE BALD EAGLE IN RELATION TO
102 RENEWABLE ENERGY PRODUCTION.

1 WHEREAS, The Bald Eagle is the national emblem of the United
2 States and a symbol of supreme power, authority, and freedom for all
3 Americans; and

4 WHEREAS, In 1782, Congress chose the Bald Eagle as the
5 emblem of the United States of America because of its long life, great
6 strength, and majestic appearance and because it existed only in North
7 America; and

8 WHEREAS, When Congress adopted the Bald Eagle as the
9 national emblem, there may have been as many as 100,000 nesting eagles

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 in the United States; and

2 WHEREAS, In 1940, Congress passed the "Bald Eagle Protection
3 Act" to protect the declining Bald Eagle population from hunters,
4 harassment by humans, and loss of habitat; and

5 WHEREAS, After World War II, the Bald Eagle population
6 declined even further when the pesticide DDT came into popular use,
7 poisoning the eagles when they consumed contaminated fish; and

8 WHEREAS, By 1963, only 417 nesting pairs of Bald Eagles
9 remained; and

10 WHEREAS, With Bald Eagles on the verge of extinction, they
11 were placed on the Federal List of Endangered and Threatened species in
12 1967; and

13 WHEREAS, On June 28, 2007, after 40 years on the endangered
14 species list, the number of Bald Eagles having grown to 9,789 nesting
15 pairs, the United States Department of Interior took the Bald Eagle off the
16 endangered species list; and

17 WHEREAS, According to the Audubon Society, in the 7 years
18 since Bald Eagles were removed from the endangered species list, the
19 Department of Interior has allowed the killing of hundreds of Bald Eagles
20 and Golden Eagles; and

21 WHEREAS, On December 6, 2013, President Barack Obama
22 announced that the Department of Interior will allow wind energy
23 companies to kill or injure Bald and Golden Eagles for up to 30 years
24 without penalty in order to spur development and investment in green
25 energy; and

26 WHEREAS, Under the current administration's new policy, wind
27 energy companies must estimate the number of Bald Eagles they expect
28 to kill and commit to taking additional measures if they kill or injure more
29 eagles than estimated or if new information suggests that eagle
30 populations are being affected; and

31 WHEREAS, A study by federal biologists in September 2013
32 found that, since 2008, wind farms had killed at least 67 Bald and Golden
33 Eagles, a number that the researchers said was likely underestimated; and

1 WHEREAS, Since Bald Eagles mate for life and both parents care
2 for their young in the nest, it is unknown what effect the death of a single
3 Bald Eagle has on the lives of its offspring and how many additional
4 eagles will die as a result of the death of a parent; and

5 WHEREAS, The "Bald and Golden Eagle Protection Act" also
6 prohibits taking (including molesting, disturbing, or killing) a Bald Eagle
7 egg and imposes a \$5,000 fine for such an act or imprisonment for up to
8 a year or both, and the Secretary of the Interior may also assess a civil
9 penalty of up to \$5,000; and

10 WHEREAS, Wind farms are clusters of turbines as tall as 30-story
11 buildings, with spinning rotors as wide as a passenger jet's wingspan, that
12 can reach speeds of up to 170 miles per hour at the tips, creating
13 tornado-like vortexes; and

14 WHEREAS, Bald Eagles can fly at an altitude of up to 10,000 feet,
15 achieving speeds of about 30 to 35 miles per hour while scanning the
16 ground below for food, and, since they are looking down, they do not
17 notice the industrial turbine blades until it is too late; and

18 WHEREAS, The "Bald and Golden Eagle Protection Act" allows
19 the Secretary of the Interior to issue a permit for taking (including
20 molesting, disturbing, or killing) a Bald Eagle only when the Secretary
21 determines that it is compatible with the preservation of the Bald Eagle;
22 now, therefore,

23 *Be It Resolved by the House of Representatives of the Sixty-ninth*
24 *General Assembly of the State of Colorado, the Senate concurring herein:*

25 That the members of the Colorado General Assembly:

26 (1) Strongly protest the Department of Interior's new rule that, as
27 Audubon Society president David Yarnold says, "basically says you can
28 go operate these wind turbines and kill as many eagles as happen to die"
29 in the name of green energy;

30 (2) Firmly believe that it is only fair that we hold renewable
31 energy companies just as accountable to identical high standards to which
32 we are holding our oil and gas industry;

1 (3) Expect any eagles killed by the wind energy industry, their
2 feathers, and any parts of eagles to be immediately delivered to the
3 National Eagle Repository at the Rocky Mountain Arsenal National
4 Wildlife Refuge in Denver, Colorado, to ensure that American Indians are
5 the only benefactors of the eagles, feathers, and eagle parts in accordance
6 with the federal "Bald and Golden Eagle Protection Act";

7 (4) Call for greater measures to be taken by wind energy
8 companies to protect Bald Eagles from death and injury caused by wind
9 turbines; and

10 (5) Call on Congress to pass legislation to prevent the Department
11 of Interior from allowing large-scale, accidental killing of Bald Eagles by
12 the wind energy industry.

13 *Be It Further Resolved*, That copies of this Joint Resolution be sent
14 to President Barack Obama; Sally Jewell, Secretary of the Interior; and
15 the Colorado Congressional Delegation.