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California Land Use & Development Law Report

Criminal Penalties for Bird Deaths Caused by Wind Projects

In the first criminal case ever prosecuted under the Migratory Bird Treaty Act, the U.S. Fish and Wildlife Service and Department of Justice filed misdemeanor charges against Duke Energy for more than 163 migratory bird deaths, including golden eagles, at its wind power projects near Casper, Wyoming. On November 22, 2013, the case was resolved by an agreement that requires Duke Energy to pay \$1 million in restitution and implement a comprehensive Migratory Bird Compliance Plan to avoid or minimize further bird mortalities at its projects. For further details on this case, please see our December 2, 2013 [Update](#).

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California Land Use & Development Law Report

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