STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

In the matter of:	)	Docket: 06-OII-1
	)	
Developing Statewide	)	ORDER INSTITUTING
Avian Guidelines	)	INFORMATIONAL
	)	PROCEEDING
	)	Order No. 06-0524-9

I. AUTHORITY AND PURPOSE

Pursuant to Public Resources Code sections 25210, 25441, 25216.3(a) and 25740 and Title 20, California Code of Regulations, section 1222(b), the California Energy Commission hereby adopts this order instituting an informational (OII) proceeding as proposed by the Renewables Committee, consisting of Commissioner John L. Geesman, Presiding and Vice-Chair Jackalyne Pfannenstiel. The California Energy Commission, working with the California Department of Fish and Game and various interested stakeholders and members of the public, will develop statewide guidelines to help reduce the impacts of wind energy development on birds and bats. These voluntary guidelines, designed to be used by local government, such as cities and counties, will include pre-and post-construction monitoring protocols and suggested mitigation strategies. The Energy Commission will develop these guidelines using the best available science and a collaborative approach. The goal of the proceeding is to encourage the development of wind energy in the state while minimizing impacts to avian wildlife.

California's Renewable Portfolio Standard (RPS) is the primary vehicle to increase its use of renewable resources to diversify the state's electricity system and reduce its growing dependence on natural gas. California has substantial wind resources likely to play an important role in meeting the state's RPS goals. The Energy Commission's *2005 Energy Report* concluded that taking advantage of California's substantial wind resource requires that two related issues be addressed: repowering the state's aging wind facilities and reducing the number of bird deaths associated with operation of wind turbines.[1] California has an important opportunity to more carefully site new turbines, thereby reducing and avoiding bird deaths from wind turbines.[2] In recognition of this opportunity the *2005 Energy Report* recommends development of "statewide protocols for studying avian mortality to address site specific impacts in each individual wind resource area."[3]

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[1] California Energy Commission, *2005 Integrated Energy Policy Report (2005 Energy Report)*, November 2005, CEC-100-2005-007CMF, p. 108.
[2] Ibid, p. 121.
[3] Ibid, p. 121.

Although voluntary guidelines for surveys and mitigation measures exist, industry and local agencies do not implement them consistently. On January 10-11, 2006, 63 wind developers, government officials, researchers, and non-governmental organization representatives met in Los Angeles to share the best current data on wind energy impacts to birds and bats in California and discuss statewide guidelines for the study, siting and operation of wind power facilities to prevent and minimize such impacts. Participants attending the Audubon California and American Wind Energy Association sponsored forum expressed general support for the efforts of the Energy Commission and Department of Fish & Game to develop such guidelines.

II. DELEGATION OF AUTHORITY TO RENEWABLES COMMITTEE

The Energy Commission, in adopting this order, authorizes the Renewables Committee to preside over the proceeding pursuant to Public Resources Code section 25211. The Committee shall issue notices for all hearings and workshops and may adopt additional procedures it deems necessary for the reasonable conduct of the proceeding. Based on the information received during the proceedings, the Committee report may provide recommendations for consideration by the Commission and other agencies.

III. PUBLIC PARTICIPATION

The Commission encourages public participation in this proceeding. The Committee has scheduled the first workshop as follows:

FRIDAY, June 9, 2006
Beginning at 10:00 a.m.
First Floor Hearing Room A
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814
(Wheelchair Accessible)

The Committee is authorized to hold additional workshops and hearings to gather the information needed to prepare its report. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of this proceeding. Petitions to intervene are **not** necessary. Any person may file written comments on the subject of the proceeding. Written comments must be received at the following address:

Docket Number 06-OII-1
Docket Unit
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814

The Executive Director shall ensure that this Order and notices of hearings and workshops are distributed to all interested persons and that drafts of any recommendations are made available sufficiently in advance of adoption by the Commission to allow timely participation. Margret Kim, the Public Advisor, is available to facilitate the participation of any person in this proceeding. She may be reached by calling (916) 654-4489 or toll-free in California at (800) 822-6228 or via e-mail at [pao@energy.state.ca.us]. Technical questions about the proceeding should be addressed to Rick York at (916) 654-3945 or via e-mail at [ryork@energy.state.ca.us].

Date : May 24, 2006

STATE ENERGY RESOURCES
CONSERVATION AND
DEVELOPMENT COMMISSION

Jackalyne Pfannenstiel

JACKALYNE PFANNENSTIEL
Vice Chair