GOLDEN GATE AUDUBON SOCIETY

Inspiring people to protect birds for future generations

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February 20, 2007

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 06-OII-1
1516 Ninth Street
Sacramento, CA 95814-5512

Re: Draft California Statewide Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development [Publication No. CEC-700-2006-013-SD]

Dear Commissioners:

I am writing on behalf of Golden Gate Audubon and our roughly 8,000 members and supporters to comment on the Draft Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development ("Guidelines"). We thank the Commission for its leadership in developing these guidelines. Golden Gate Audubon is committed to the conservation of birds, and we acknowledge that clean sources of energy, such as wind energy, are critical to the long-term sustainability of California's bird populations. We also recognize the serious conflicts that can arise between wind energy and wildlife protection when wind facilities are not properly sited and constructed. We applaud the Commission for its efforts to create Draft Guidelines that balance wildlife protection with the development of wind power.

We concur with the comments submitted by Audubon California on this matter and incorporate these by reference. At a minimum, we urge the Commission to incorporate these changes into the Guidelines; however, we offer the following additional comments and urge the Commission in some cases (e.g., regarding pre-permitting studies and micro-siting) to strengthen the Guidelines yet further in an effort to ensure that the Guidelines offer adequate protections for the State's wildlife resources.

1. The Legal Scope of the Guidelines is Appropriate

The draft guidelines appropriately provide a summary of a suite of state and federal laws that apply to wildlife impacts from wind-energy development. We understand that some industry groups have suggested that the guidelines be restricted to California Environmental Quality Act (CEQA) compliance only. We respectfully disagree with this opinion. It is important that the guidelines point wind-energy developers to relevant federal and state regulations and that the guidelines are not limited to CEQA compliance only.

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2. The Scientific Advisory Committee Should Be Maximally Integrated into the Development of Any New Wind Development

The Scientific Advisory Committee (SAC) plays a critical role in the future of wind-energy development in the state—and in ensuring that new wind projects do not have undue impacts on California's wildlife resources. The guidelines correctly state that the purpose of the SAC is to provide "unbiased, technically credible advice…" (Draft, page 6). In order to ensure that the SAC can perform its duties in an unbiased fashion, the guidelines should not recommend inclusion of scientists who are compensated by the applicant.

Basing the development of new wind-energy sites on the best possible science is critical not only to the success of individual projects but also to the viability of the industry in the state. For this reason, we recommend that the Commission develop a list of qualified, objective biologists that are able to serve as SAC members, either at-large or for particular regions and wind-resource areas. These biologists should come from universities, public agencies and organizations without conflicts of interest.

3. The Recommended Pre-Permitting Surveys Are Insufficient

Proper siting of wind turbines is the most critical element in reducing their impacts on bird and bat populations. The U.S. Fish and Wildlife Service guidelines on wind-energy development recommend a minimum of three years of pre-construction surveys in order to account for variations in migratory patterns, population dynamics and other factors.

Moreover, the Guidelines aniticipate that companies will rely wholly on the pre-permitting studies to estimate the impact of the wind development and to determine mitigation actions for the project (Draft, page 54). This underscores yet more the importance of conducting adequate surveys in order to assess potential impacts accurately.

For these reasons, Golden Gate Audubon disagrees that one year of pre-permitting studies, as suggested by the Guidelines, is sufficient and urges the Commission to recommend a minimum of *three* years of pre-permitting surveys. We also ask that the Commission recommend that all projects integrate a scientifically based adaptive management program, so that unforeseen impacts can be addressed over the life of the project (see Draft, page 58).

4. The Recommended Impact Avoidance and Minimization Actions Are Insufficient

The Guidelines correctly recommend that the SAC should be involved in pre-permitting site selection (macro-siting). We believe that it is equally important for the SAC to play a strong role in micro-siting—the layout of turbines within the development area. Expert scientists studying wind-turbine impacts on birds are garnering increasing information about the importance of micro-siting, and as this information increases, micro-siting will

play an ever-more important role in reducing impacts to wildlife. For example, at the Altamont Pass Wind Resource Area, scientific information is being used to remove highest-risk turbines, to relocate existing turbines and to site new repowered turbines. The SAC's involvement in site selection to help reduce bird and bat collision problems is not enough. The Guidelines should recommend that developers consult the SAC on turbine layout and other micro-siting issues before project construction.

The State of California seeks to balance two important goals at this juncture: the protection of the State's wildlife resources and the promotion of clean energy. Acknowledging that the Guidelines are voluntary, we urge the Commission to strengthen the Guidelines in the ways we detail above. We believe that these changes will encourage the industry to develop new wind projects that greatly minimize the impacts of wind energy on birds and bats and thus will help to support the development of truly "green" wind energy in California.

Sincerely,

Elizabeth Murdock
Executive Director