

DOCKET**06-OII-1**DATE FEB 19 2007RECD. FEB 20 2007

February 19, 2007

Dear Energy Commissioner's

Please enter my letter into the official record for comments on the Statewide Guidelines for reducing impacts to Birds and Bats from Wind Energy Development - draft guidelines.

I have reviewed the "Statewide Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development". To the moderate conservationist the guidelines appear to expose all the dangers that the Wind Power industry has produced for Raptors, Bats and songbirds in an unregulated business environment.

After review I find it difficult to criticize the commissions efforts to establish a Guideline document to adequately identify, avoid, minimize and manage the impacts to all Raptor / Owl species, Bats and the yet to be identify victim song birds by the Wind Energy industry sighting procedures. I think the commission and the staff did a fine job of describing item-by-item effective measures how to reduce Wind Power death to Birds and Bats. However I do want to strongly comment that while this document is positioned to be "Voluntary" the wording is entirely too weak and permissive for any level of enforcement of voluntary compliance.

Using words such as " should, could, and may" offer no mandate for true compliance. These words suggest a soft compliance method. Voluntary or a soft compliance method, maybe a submission to the Wind Power industry, allowing longer-term damage to our avian species. In particular the commission draft fails to prepare for the potential stonewalling efforts by Wind Power industry via it's well funded trade organizations to perform as they have in the past without fault or penalty.

Because of this perceived weakness I strongly support the Scientific Advisory Committee as a state board to advise and manage the developers permitting process. I also recommend that this body have policing enforcement powers if Guidelines are not implemented. The siting procedure is most important, the industry needs to be compliant to a higher standard or the industry is going to do it's own thing in site selection and at be at odds with the State of California.

I reference for your consideration the Texas Corporation - Maxxam Pacific Lumber Corporation fighting the California State Forestry Commission's on voluntary self-regulation and best timber/logging practices in Northern California forest. Local economy's failed, ecosystems collapsed, all parties dragged the commission into court, and best science was ignored for quick profits. It was an industry at war with itself. Why you ask? Because it lacked respect for voluntary guidelines, regulation and stewardship of the resource.

The current Draft Guidelines offer a very short pre siting and post site study period. I strongly recommend a three-year period pre-site permitting management scheme. I strongly recommend an additional three-year audit study of real time deaths once turbine operations begin.

During the Alameda County February public hearing in Livermore, Cal. It was suggested that Wind Power is going to be a tool against Global Warming. Defeating Global Warming Is a key priority for our nation. But I ask the State of California Energy Commission:

Do you want to wake one morning, knowing you helped defeat Global Warming, but there are no birds left?

This is an opportunity to build an industry which respect's this state Energy Commission requirements. The Wind Power industry must, not should or could, but perform with The California State Energy Commission guidelines. I ask the Energy Commission representing the people of this state and its natural environment, to add a level of compliance of an enforcement and penalty as firm regulation, to be placed on the Wind Power industry. Consider amending this Draft to enable enforcement for non-compliance to the guidelines.

Sincerely

Richard S. Cimino

1281 Ridgewood Road

Pleasanton, Cal. 94566