

**Audubon California - CEERT - Defenders of Wildlife - EnXco, Inc. - FPL Energy  
Horizon Wind Energy - Los Angeles Audubon Society - PPM Energy  
AES SeaWest, Inc. - Sierra Club**

**DOCKET**  
**06-OII-1**

DATE Aug 2 2006

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August 2, 2006

The Honorable Jackalyne Pfannensteil, Chair  
The Honorable John L. Geesman, Commissioner  
The California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

**Re: Process for Developing Statewide Avian Guidelines – Docket No. 06-OII-1**

Dear Commissioners Pfannensteil and Geesman:

We write to thank you for your leadership and commitment to statewide avian guidelines, but also to urge you to provide significantly more opportunity for meaningful public participation in the process to develop those guidelines. All of our companies and organizations participated in the staff workshop on July 28 and were very concerned about the timeline and process proposed at that workshop. We would like to propose a revised timeline and process, supported by all the stakeholders, below. We believe that this expanded and more transparent process will lead to more successful guidelines, better understanding among the different stakeholders and agencies about the various issues, and greater likelihood of wildlife protection and wind power expansion in California.

**1) Additional Workshops Needed**

As currently proposed, the Commission would only hold three workshops, the first of which was already held and provided more of an overview than opportunity for in-depth discussion or presentation of information. At a minimum, each major topic or chapter of the guidelines warrants its own workshop. We would recommend separate workshops on each of the following topics:

- Legal mandates – what do CEQA and wildlife laws require?
- Pre-permitting surveys and sources of data
- Impacts analysis/significance
- Post construction monitoring
- Feasible Mitigation, Adaptive Management, and “Mitigation Fund” concept

- Priority research, mapping and data needs
- Incentives

We realize that adding workshops, as well as more time for review and comment on drafts, requires delaying the final release of guidelines, but believe that full stakeholder and public participation is essential to successful guidelines.

## **2) Meaningful Opportunity to Affect Draft Chapters**

We would strongly prefer workshops on each topic area before staff and consultants begin drafting sections of the guidelines as stakeholders often have more expertise, additional or new ideas and substantial changes are more difficult after a draft has already been written. If that is truly not possible, we urge the Commission to release draft chapters prior to workshops so that the public can fully discuss and help revise chapters. Stakeholders are committed to developing practical, successful guidelines and should play an integral role in the drafting of them or, at the least, have the opportunity to revise and help shape them through workshops where there is a real opportunity for give and take with consultants and staff.

## **3) Integrate Scientific Advisory Committee with Stakeholder Process**

Since most of the workshop/chapter topics involve both scientific issues and policy or practical issues, it would be very helpful if members of the SAC participated regularly in the public workshops. The two processes should be integrated more to achieve the best results.

## **4) Involve Permitting Agencies**

Participation by counties in wind resource areas, as well as wildlife experts and enforcement staff from both the state and federal government, is essential in this process. Securing their involvement will ensure that the guidelines meet practical and legal needs. The process of developing the guidelines will itself be informative for implementing agencies and stakeholders.

To increase the likelihood of local agencies participating, we urge the Commission to hold public workshops in a variety of locations around the state, most importantly in the main wind resource areas, and to provide any financial or other compensation needed to secure the counties' full involvement.

We also urge the Commission to take any steps necessary to ensure full participation by state and federal wildlife agencies so that the guidelines reflect the agencies'

recommendations with respect to fulfilling the requirements of state and federal wildlife protection laws, as well as the California Environmental Quality Act.

Once again, we are very grateful for the Commission's commitment to resolve these issues through the adoption of statewide guidelines, but urge you to slow down and expand the process to ensure that the guidelines eventually adopted are the most successful possible. Our organizations are committed to working with you toward that end as well.

Sincerely,

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