

CALIFORNIA ENERGY COMMISSION1516 Ninth Street
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Children's website: www.energyquest.ca.gov
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DOCKET	
06-011-1	
DATE	APR 05 2007
RECD.	APR 09 2007



In the matter of:) Docket No. 06-011-1
)
 Development of Statewide Guidelines for)
 Reducing Wildlife Impacts from Wind Energy) **NOTICE OF COMMITTEE WORKSHOP**
 Development)
)

The California Energy Commission (Energy Commission) Renewables Committee will conduct a workshop for public comment on the revised draft *California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development (Guidelines)*. Commissioner John L. Geesman is the Presiding Member and Chairman Jackalyne Pfannenstiel is the Associate Member. The workshop will be held:

MONDAY, APRIL 16, 2007
 9 a.m.
CALIFORNIA ENERGY COMMISSION
 1516 Ninth Street
 First Floor, Hearing Room A
 Sacramento, California
 (Wheelchair Accessible)

Note: Audio from this meeting will be broadcast over the Internet.
 For details, please go to: www.energy.ca.gov/webcast/

To participate in the meeting by phone, please call **1-800-619-6567**
 Passcode: **(Avian)** Call Leader: **(John Mathias)**

Purpose

The *Guidelines* provides information to help reduce impacts to birds and bats from new development or repowering of wind energy projects in California. The *Guidelines* includes recommendations on preliminary screening of proposed wind energy project sites; pre-permitting study design and methods; assessing direct, indirect, and cumulative impacts to birds and bats in accordance with state and federal laws; developing impact avoidance and minimization measures; establishing appropriate compensatory mitigation; and post-construction operations monitoring, analysis, and reporting methods.

Background

On December 22, 2006, Energy Commission and California Department of Fish and Game (CDFG) staff published the initial version of the draft *Guidelines*. Following publication of the draft *Guidelines*, Energy Commission and CDFG staff held a workshop on January 17-18, 2007, to seek public comment, and the Renewables Committee held a workshop on February 5, 2007, to seek additional public comment on the document. Energy Commission and CDFG staff considered workshop comments and written comments in developing the revised draft *Guidelines*. Attachment A summarizes the major changes between the version of the document released on December 22, 2006 and the version now being released. The revised draft *Guidelines* is available at [www.energy.ca.gov/renewables/06-011-1/documents].

Public Comments

The Renewables Committee encourages interested parties to present their views either in writing in advance of the workshop, orally at the workshop, or through written comments after the workshop. Written comments on the revised draft *Guidelines* must be submitted by 5:00 p.m. on April 23, 2007. The most useful comments are those that reference a page number and line of the *Guidelines* and provide recommended revisions. Please include the docket number 06-OII-1 and indicate "Developing Statewide Avian Guidelines" in the subject line or first paragraph of your comments. Please hand deliver or mail an original plus 10 paper copies to:

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

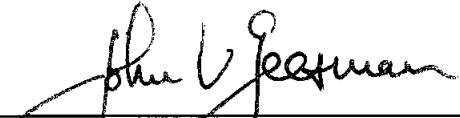
The Energy Commission encourages comments by e-mail. Please include your name or organization in the name of the file. Those submitting comments by electronic mail should provide them in either Microsoft Word format or as a Portable Document (PDF) to [docket@energy.state.ca.us]. One paper copy must also be sent to the Energy Commission's Docket Unit.

Public Participation

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission activities. If you want information on how to participate in this forum, please contact the Public Adviser's Office at (916) 654-4489 or toll free at (800) 822-6228, by FAX at (916) 654-4493, or by e-mail at [pao@energy.state.ca.us]. If you have a disability and require assistance to participate, please contact Lou Quiroz at (916) 654-5146 at least five days in advance.

Additional Information

Please direct all news media inquiries to Claudia Chandler, Assistant Executive Director, at (916) 654-4989 or by email at [mediaoffice@energy.state.ca.us]. If you have questions on the technical subject matter of this forum, please contact Rick York, Senior Biologist at [ryork@energy.state.ca.us].



JOHN L. GEESMAN
Commissioner and Presiding Member
Renewables Committee



JACKALYNE PFANNENSTIEL
Chairman and Associate Member
Renewables Committee

Attachment

Notice Date: April 5, 2007

Mail Lists: Wind Energy and Avian Mortality Impact Monitoring e-mail list server

Attachment A

Draft California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development (Guidelines)

[Publication No. CEC-700-2007-008-SD / Docket No. 06-OII-1]

Summary of Major Changes to the Draft *Guidelines*

Energy Commission and CDFG staff are grateful to those organizations and individuals who took the time to write thoughtful, constructive comment letters and to attend workshops and offer suggestions for improvements to the draft *Guidelines*. Based on comments received and discussions with the science advisory committee, legal advisors, and others, the draft *Guidelines* has been reorganized and revised as follows:

- “California” replaces “Statewide” in the title, which is now *California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development*.
- To facilitate reviewers in drafting comments, the draft document now has line numbers, which will not appear in the final document.
- The “Step-by-Step Approach to Implementing the Guidelines,” (formerly Chapter 8) was moved to the front of the document and revised to provide better linkage with subsequent chapters. The remainder of the document consists of five chapters that offer expanded details on the background and rationale for the recommended methods described in the step-by-step implementation guide.
- The “Preface” was eliminated and an “Introduction” added. The new “Introduction” expands on information previously in the “Executive Summary” and the “Preface.” The “Introduction” also includes a brief discussion of research and revisions, which was formerly “Appendix G.”
- An “Acknowledgments” section has been added to include the names and affiliations of the many individuals who wrote comment letters, participated in workshops, or otherwise contributed to the *Guidelines*. The authors apologize for any omissions or other errors and ask for your assistance in making corrections.
- In Chapter 1, “Preliminary Site Screening,” Table 1 was modified from a table to a list of questions for the applicant to consider early in site evaluation, with recommended follow up for all affirmative answers to the questions.
- Chapter 2, the section regarding formation of a Science Advisory Committee, was eliminated. Replacing it is a brief discussion in Chapter 3 and a proposal by the Energy Commission, in consultation with CDFG, to establish a statewide

Science Advisory Committee to serve as a resource for lead agencies seeking scientific expertise. Recommendations to consult with the Science Advisory Committee were eliminated, but the recommendations to consult frequently with CDFG, USFWS, and other scientists, as well as appropriate stakeholders such as conservation groups, were retained.

- The new Chapter 2 is now titled "CEQA, Wildlife Protection Laws, and the Permitting Process". It incorporates elements of the old Chapter 6, "Permitting" which is no longer a separate chapter, and most of the old Chapter 4 (formerly "Impact Analysis and Conformance with Laws"). The revised chapter also provides more detail on CDFG's role in the permitting process, including working with project proponents in development of regional conservation plans, Natural Community Conservation Plans, and site-specific mitigation agreements.
- Chapter 3 is still "Pre-Permitting Assessment" but has been extensively revised and now emphasizes bird use counts as the primary tool for assessing diurnal bird use and recommends raptor nest searches as a component of most wind energy projects. The revised chapter clarifies the context for some of the other suggested survey techniques by providing a summary table and examples.
- The new Chapter 4, "Assessing Impacts and Selecting Measures for Mitigation" retains much of the old Chapter 4 discussion of CEQA impacts (direct, indirect, and cumulative) and now incorporates the avoidance, minimization, and compensation measures that used to be in Chapter 5 (formerly "Impact Avoidance, Minimization, and Mitigation").
- Chapter 5, "Operations Monitoring" is similar in content to the old Chapter 7 but includes revisions to reflect comments received and some new information on submitting monitoring reports and on the disposition of tissue samples.
- Appendix H, "Estimating Impacts to Raptors Using Bird Use Count and Fatality Data from Existing Projects", has been added to provide data from studies at existing wind resources areas. This information gives the reader a context for understanding what the *Guidelines* means when referring to high or low levels of bird use or fatalities in steps 3 and 5 of the step-by-step implementation guide and in Chapters 3 and 5.

In reviewing this revised draft, the reader will find that the authors accepted many but not all of the suggestions on revising the *Guidelines*. In some cases, the authors agreed in principal with the suggestion, but determined that it was beyond the scope of the *Guidelines* to accommodate the suggestion. A companion document will accompany release of the next version of the *Guidelines* to discuss why certain suggested changes to this most recent draft were not made.