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**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

Development of Statewide Guidelines for)	Docket No. 06-OII-1
Reducing Wildlife Impacts from Wind)	Developing Statewide Avian
Energy Development)	Guidelines

**COMMENTS OF
OAK CREEK ENERGY SYSTEMS, INC.
ON REVISED STAFF DRAFT GUIDELINES**

Oak Creek Energy Systems, Inc. ("Oak Creek") hereby submits its written comments on the April 2007 revised draft staff report entitled "Statewide Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development" ("Revised Staff Draft"). Oak Creek appreciates the opportunity to participate and provide comments during the further development of the Revised Staff Draft.

I. General Comments

Oak Creek concurs with the comments submitted separately on the Revised Staff Draft by both the California Wind Energy Association ("CalWEA") and the Center for Energy Efficiency and Renewable Technologies ("CEERT"). Oak Creek has had the opportunity to review and comment on both sets of comments, and Oak Creek believes that, while the comments vary somewhat in their content, the principles in each are the same, and the contents of each are complimentary. As such, both sets of comments should be incorporated into the Committee's draft.

II. Specific Comments

Oak Creek would like to emphasize the following critical points:

A. Under the California Environmental Quality Act ("CEQA"), Neither Mitigation Nor Compensation Are Required Unless Effects/Impacts Are Significant

The Guidelines must be edited to reflect the fact that only significant effects/impacts require mitigation or compensation under California law/CEQA. Therefore, the phrase "substantial impact" should be replaced throughout the document with "significant effect" or "significant impact" when used in conjunction with mitigation or compensation. There is no definition of substantial impact in the Revised Staff Draft or California law. Only CEQA and the CEQA Guidelines define and addresses what

constitutes a significant effect on the environment and this should be reflected in the final guidelines.

B. Certain Projects Should Be Eligible for Streamlined Environmental Review Based on Low Bird and Bat Effects/Impacts or Well-Studied Project Areas and Not Based Solely On the Number of Turbines or Size of the Project

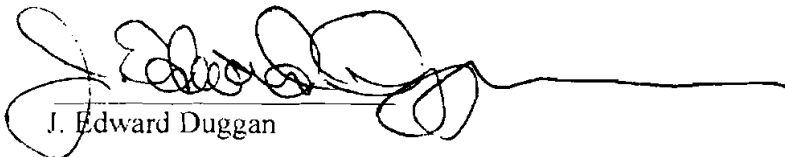
The idea of streamlined review is outlined in both the CalWEA and CEERT comments. The Revised Staff Draft should be edited to reflect the possibility of streamlined bird and bat studies for certain types of projects and low-impact areas. Moreover, the Revised Staff Draft needs to be edited to reflect the very important fact that bird and bat studies should be based the project site and the ecosystem in question, on a project by project basis. The number of turbines that make up a wind project and the size of a wind project may, of course, influence the need for more or less study, but they are not the only indicators.

Therefore, the following lines from the Revised Staff Draft should be edited as follows, and the rest of the document thoroughly edited accordingly (Lines 1329 through 1335):

~~“The number and size of turbines and the extent of the area covered by the project will *may* also influence the need for more or less study. because as the number of turbines increases, the magnitude of the potential impact to bird and bat populations will also increase. Proposed projects that involve developing multiple groups of turbines over large geographical areas or those that cover a heterogeneous mix of habitats and terrain may need additional specialized, multi-year studies.”~~

For these reasons, Oak Creek respectfully requests that the Commission reconsider and further revise its Revised Staff Draft.

Respectfully submitted,



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May 14, 2007

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To: <docket@energy.state.ca.us>
Date: 5/14/2007 4:51 PM
Subject: Oak Creek Energy Comments: Developing Statewide Avian Guidelines - Docket Number 06-OI-1
Attachments: CEC OCES Comments 20070514.pdf

CC: "Misa Ward" <Mward@energy.state.ca.us>
Please find our comments attached.

Thanks,

Michelle

Michelle K. Conway

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