



California Program Office

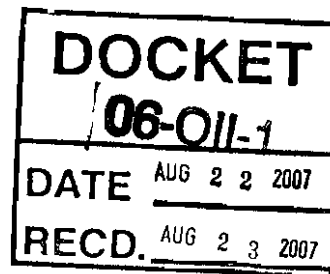
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August 22, 2007

Sent via electronic mail and regular mail

The Honorable Jackalyne Pfannensteil, Chair
The Honorable John L. Geesman, Commissioner
California Energy Commission
Dockets Office, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512



Re: Docket No. 06-OII-1
California Wind Energy Guidelines Committee Draft Report (July 2007)
CEC-700-2007-008-CTD

Dear Commissioners:

On behalf of Defenders of Wildlife (Defenders) and our more than 200,000 members and supporters in California, I am writing to support the *California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development, Committee Draft Report*, dated July 2007 ("guidelines"). We strongly support the efforts of the California Energy Commission (CEC) to develop statewide guidelines for the siting of wind energy projects. We believe that these guidelines are well written, science-based and necessary to help expand the development of renewable energy sources while addressing impacts to wildlife. Thus, we urge the CEC to move forward quickly and adopt these guidelines at the September 26, 2007, board meeting.

While we strongly support the guidelines, we want to take this opportunity to identify a few issues and provide additional comment on some concerns raised by some within the wind energy industry during the most recent public workshop. First, we support and incorporate by reference the issues raised by California Audubon in its August 22, 2007, letter to the CEC.

Second, we strongly support the Department of Fish and Game (DFG) having an active role in the review of wind project siting applications and in the development of these guidelines. Some in the wind energy industry have raised concerns about the role of DFG in reviewing wind energy siting applications. DFG is charged with the public trust responsibility of protecting and conserving biodiversity within California. Their trustee authority under the California Environmental Quality Act (CEQA) further enhances this role. We do not agree with those who argue that DFG's lack of resources is a reason to reduce their role or responsibility in reviewing applications or providing input into such issues as the adequacy of project survey methods. Indeed, DFG's public trust responsibilities and their numerous statutory responsibilities require their active role and engagement in these guidelines and in reviewing applications. We do not support adding any language to the guidelines that would reduce or minimize DFG's role.

Third, we support the guidelines recommendations for pre- and post-permitting requirements for addressing impacts to bats. The wind industry raised concerns that the pre-permitting requirements for projects as they pertain to bats are overly burdensome. The draft guidelines currently require at least a year of acoustical monitoring for bats prior to permitting. This one-year of pre-permitting monitoring is actually a change from the prior recommendation of two-years of pre-permitting monitoring. While Defenders' prefers greater monitoring, we support the one-year pre-project monitoring recommendation as a way of reducing any burdens on the industry. We believe this recommendation is not burdensome and instead is essential given the lack of information about bats in California. This monitoring will provide important site-specific information as well as contribute to a larger and better understanding of bat movement and impacts in California. We believe that Ted Weller's August 15, 2007, comments to the CEC provides a strong explanation for the importance of this type of pre-project monitoring. Thus, we urge the CEC to retain this recommendation.

Further, we believe that the standardized approach proposed by the guidelines addresses one of the key issues raised by the bat scientists – the need for standardization in order to provide better analysis and understanding of impact across the landscape. However, we do understand the concerns raised by the industry regarding the density requirement for acoustical detectors. Again, we believe that Ted Weller's August 15, 2007, letter provides a sound recommendation for addressing this issue by offering up the option of locating detectors on meteorological towers used during pre-project wind screening.

Finally, we note that these guidelines are just that – guidelines. Thus, the CEC can change them if new information becomes known. Therefore, given the concerns raised by the industry regarding the bat monitoring requirements and the lack of full understanding of bat movement and impacts, it would be appropriate for the CEC to note in its guidelines that the CEC *should* change these guidelines if there is new information generated as the CEC and DFG implement these guidelines over the next couple of years.

We thank you for the opportunity to provide these comments. If you have any questions, please do not hesitate to contact me at (916) 313-5800 ex. 109. Again, we commend the Commission for its pro-active, open and visionary leadership on this important energy and wildlife issue.

Sincerely,



Kim Delfino
California Program Director