

Docket Optical System - KWEA Comments on Developing Statewide Avian and Bat Guidelines

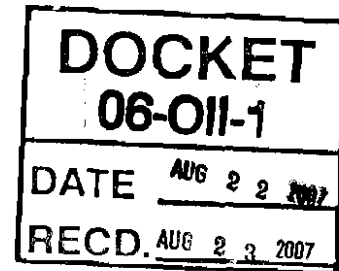
From: Linda Parker
To:
Date: 8/22/2007 8:15 PM
Subject: KWEA Comments on Developing Statewide Avian and Bat Guidelines
Attachments:

To Whom It May Concern,

Please see attached written comments from the Kern Wind Energy Association on the CEC 2007 Draft Report.

If you have any questions, please do not hesitate to contact me.

Linda Parker, Executive Director
Kern Wind Energy Association



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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

Kern Wind Energy Association (KWEA)

ON CEC JULY 2007 COMMITTEE DRAFT

Kern Wind Energy Association hereby submits its written comments on the CEC July 2007 Committee Draft entitled "Statewide Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development" ("Guidelines"). KWEA members include 17 companies involved in wind energy development, maintenance and/or operations in the Tehachapi-Mojave Wind Resource Area.

- I. These proposed Guidelines prescribe particular courses of study and particular methods at every site across California, despite many different circumstances at each site**

The Guidelines essentially prescribe the same bird and bat studies for every prospective wind energy site in California, despite differences among project sites, including terrain, wildlife populations, existing available information, and experience of the lead agency in permitting wind projects. For example, the Guidelines would require bird use counts to be conducted every week for three years at most sites, one year pre-construction and two years of post-construction, and bat acoustical monitoring studies at every site, continually for three years.

KWEA is opposed to these requirements because such uniform, across the board studies are tantamount to state-mandated research projects. Bird use can be more effectively characterized through intensive seasonal sampling; bat acoustical monitoring has not been scientifically shown to accurately estimate collision risk or impacts; and post-construction bat monitoring can be conducted more effectively using carcass searches.

In order to help the wind industry comply with state and federal laws, in particular the California Environmental Quality Act ("CEQA"), the Guidelines should focus on the information that is needed to determine significant impacts specific to each proposed project site and the information that is required for a project's Environmental Impact Report so that the lead agency can make its determination under CEQA as to whether a project should be approved.

Though the Guidelines have been deemed "voluntary," they establish a rigid state-sanctioned approach which lead agencies will be forced to follow; if they wish to deviate from the guidelines, they will be forced to expend significant time and resources to justify the different approach. The Commission should take the time necessary to substantially revise the Guidelines

to enable different approaches appropriate to the circumstances that may exist at each site as determined by the local lead agency.

II. Guidelines Would Hinder Wind Energy Development in the State of California By Significantly Raising Permitting Costs and Delaying the Permitting Process

The requirements discussed above for bird use counts and bat monitoring will significantly raise the cost of permitting wind energy facilities in California. In addition to increased costs, the Guidelines would delay the permitting process because they require extensive consultation with or approval by the California Department of Fish and Game (“CDFG”) on bird and bat study methods. Historically, the CDFG has been understaffed and slow to respond to requests for comment. Increased permitting costs and permitting delays that will not reduce impacts will discourage the development of wind energy in California.

III. Certain Wind Energy Projects Should Be Eligible for Streamlined Environmental Review Under the Guidelines

The wind energy industry in California should be encouraged to develop those projects with lower environmental impacts. For example, CEQA allows for streamlined permitting for re-powered fossil fuel plants. Wind energy re-powers and new projects in areas known to have low environmental impacts should also be eligible for streamlined permitting; however, the Guidelines do not allow for this. Money required by the Guidelines to be spent on re-confirming known bird and bat impacts does not encourage renewable energy development in the State of California.

For these reasons, KWEA respectfully requests that the Commission defer adoption of these Guidelines to enable their substantial revision.

Respectfully submitted,

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August 22, 2007