

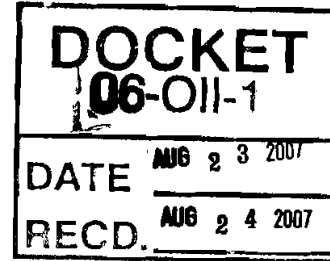
**Docket Optical System - August 2007 Comments**

**From:** "Carl Zichella"  
**To:**  
**Date:** 8/23/2007 5:16 PM  
**Subject:** August 2007 Comments

Please consider with the other comments submitted.

August 23, 2007

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



Dear Commissioners:

I am writing on behalf of the Sierra Club's more than 200,000 California members in support of the *California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development, Committee Draft Report, July, 2007*. We strongly urge the Commission to adopt these guidelines at the September 26, 2007 Commission meeting. The guidelines as drafted represent more than a year and a half of intensive negotiation, drafting, and redrafting. They contain numerous well-considered compromises to balance the welfare of wildlife affected by wind development with the imperative to quickly, efficiently and responsibly bring new wind energy development projects on line to help California diversify its energy mix and combat global warming. We appreciate the dedication and effort of your staff as well as those of our colleagues in the wind energy industry for bringing these guidelines to the place they are now. While we acknowledge that uncertainty remains and the guidelines will need adjustment and fine tuning to address these uncertainties – especially as they pertain to bats – we believe it is time to act, especially as many testified at the recent workshop, delaying the guidelines further may cause licensing and development delays for generators that are in no one's interest.

With regard to bat provisions, we have worked with staff and some wind industry colleagues to identify both what should be recommended in the guidelines and what is needed to inform future management and monitoring needs. While we support the guidelines as written, we also believe we could support a compromise position worked out with the CEC and DFG staff, the wind energy companies and environmental organizations. While silence on bat monitoring in the guidelines is unacceptable to us, we believe the lack of information about bat migration and behavior requires that we have guidelines that provide for information collection and monitoring that is both reasonable and as effective as we can make it. We feel an urgency to help bring these projects on line in an expeditious way. We also do not view the existing guidelines as unreasonable. But we do acknowledge that wind companies, unlike investor-owned utilities, cannot rate base the cost of this work but must absorb it at the margins. Consequently we are willing to continue both a research conversation in a separate context and be somewhat flexible about guideline provisions, provided staff biologists are comfortable that we are moving forward as prudently as we can. We need to do the best we can with the information we have, and then adjust as knowledge is perfected. We have no desire to require ineffective methodologies.

Two other issues need attention: revision procedures and certification.

We believe a regular review process of the guidelines and corresponding revisions would be extremely useful. Three to five year intervals between reviews may be appropriate.

Regarding certification, the guidelines are presently silent on this topic. As we have previously commented, we would like to be able to judge the industry's compliance with the guidelines. The Sierra Club believes that there are and should be significant benefit to the industry for an industry-wide commitment to compliance. Nevertheless, we realize some companies may seek short-cuts. We believe that companies spending significant sums to comply with this document should not be placed at a competitive disadvantage to those who do not. We strongly urge that some way to publicly certify compliance be added to the guidelines. This could be something as simple as a checklist the permitting authority would complete. It needn't be tremendously burdensome. It could however provide a significant incentive for all companies to respect and comply with the guidelines.

We thank you for the opportunity to comment on what has become an excellent project we are proud to have contributed to. We urge you to act swiftly to adopt them at your next meeting including the minor changes suggested above. If a compromise position on bat guidelines is proposed at the meeting we will comment on it at that time.

Sincerely yours,

Carl Zichella  
Regional Staff Director