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To: "Misa Ward" <Mward@energy.state.ca.us>
Date: 9/7/2007 12:04 PM
Subject: How CEC Guidelines Relate to CEQA

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CC: "Day, John" <Jday@co.santa-barbara.ca.us>, "Drude, Kevin" <Kevin@co.sant...
Misa Ward,
California Energy Commission

Dear Ms. Ward,

The public comment period has ended for the Draft EIR for Lompoc Wind Energy Project. We received about 40 comments. Several of them cite CEC's Draft Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Projects. They contend that the EIR is inadequate under CEQA, because pre-permitting avian studies did not follow the protocol recommended in the draft Guidelines. It is correct that the surveys were less thorough and intensive than recommended. However, the project application was found complete and environmental review began on 6/1/06, before CEC's first public meeting on formulating the Guidelines and some 6 months before the first draft was released. And the Guidelines are not yet finalized.

I need to better understand the intent of the Guidelines and their relation to CEQA. I would appreciate your help in guiding me to resources (documents, people) that can clarify two questions:

- 1) I understood that the Guidelines were framed to provide uniform methods for avian studies. They were intended for voluntary use by the industry and voluntary adoption by permitting agencies. I'm sure the question of voluntary versus mandatory was a big issue for many participants in the workshops and hearings. Are the purpose and intent on the guidelines anywhere more fully fleshed out than on page 3 of the July 17 draft Guidelines? Is there any specific workshop or hearing testimony that would make the Commission's intent clearer?
- 2) Is there anything in the record to indicate the Guidelines must be followed for an EIR to be adequate? Was there testimony by CEC, CDFG, or others about how the Guidelines relate to CEQA? Do you have a staff CEQA expert that I can contact to discuss the Guidelines in a CEQA context?

Thank you very much for your assistance.

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