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September 24, 2007

Ms. Jackalyne Pfannenstiel, Chair  
California Energy Commission  
1516 Ninth Street, MS-31  
Sacramento, CA 95814

Dear Ms. Pfannenstiel:

I am writing to express concerns over the California Energy Commission's (CEC) proposed Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development. Such guidelines will add enormous costs and delays to the development of wind energy projects in the state.

The proposed guidelines call for the same bird and bat studies to be conducted on every prospective wind energy project in California as well as require the Department of Fish and Game (DFG) to approve the study methods. Compliance with these guidelines will increase costs on the permitting of wind energy facilities and further delay construction due to the time spent waiting for DFG study approval.

Additionally, these guidelines impose study requirements that go far beyond what is required under the California Environmental Quality Act (CEQA). The CEQA process takes into account local environmental issues specific to each project that cannot be addressed through a single statewide one-size-fits-all approach as proposed by these guidelines.

California needs wind energy to meet renewable energy goals. Unfortunately, I anticipate these guidelines will be used to make it more difficult to site and construct new wind energy projects in the state. We should be making it easier to site these types of projects, not create new hurdles to their development.

I understand that these guidelines are meant to only be "voluntary" for local governments to use as a tool in sitting future wind energy projects. If this is truly the case, then I would suggest the CEC make it very clear in the final guidelines document that a local government is not legally required to implement the guidelines nor should their failure to utilize the guidelines make them or the project proponents vulnerable to a lawsuit.

Ms. Jackalyne Pfannenstiel, Chair  
September 24, 2007  
Page 2

I respectfully ask you to consider the full impacts of these proposed guidelines and whether they will do more harm than good to this industry. I hope the CEC would delay adopting these proposed guidelines and take additional time to work collaboratively with the wind energy industry and local governments to develop a workable set of guidelines.

Thank you in advance for your consideration of my concerns.

Sincerely,

BOB DUTTON  
31<sup>st</sup> Senate District