



# County of Santa Barbara Planning and Development

John Baker, Director

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September 24, 2007

California Energy Commission  
Dockets Office, MS-4  
Re: Docket No. 06-OII-1  
1516 Ninth Street  
Sacramento, CA 95814-5512

Sent via email and U.S Mail

<b>DOCKET</b> 06-OII-1	
<b>DATE</b>	SEP 24 2007
<b>RECD.</b>	SEP 28 2007

RE: Comments on "Developing Statewide Avian Guidelines" Docket No. 06-OII-1  
(to be presented orally at the Energy Commission Business Meeting 9/26/07)

Chairman Pfannenstiel and Commissioners,

My name is John Day, and I'm a planner with Santa Barbara County Planning and Development Department. Thank you for the opportunity to provide my input today.

Santa Barbara County is currently finalizing the EIR for Lompoc Wind Energy Project, the first major wind project proposed in the County. As the principal planner for this project, I have been following the development of the Guidelines and reading the literature. I've provided some previous comments and questions, and I appreciate how responsive staff has been. First, let me say, I believe that voluntary Guidelines are a very good idea. Ultimately, they should expedite wind resource development and reduce impacts to birds and bats.

However, as currently drafted, the Guidelines may cause confusion in the CEQA process, and my comments will focus on that issue. The reason I'm making these comments at this late stage in the Guidelines development process is that the public comment period for the Lompoc project Draft EIR just ended this month. Comments we received from the Department of Fish and Game, Audubon Society, and the Environmental Defense Center state that the pre-permitting studies done for the project were inadequate, and that to be adequate under CEQA, additional studies must be conducted using the Guidelines protocols. These comments were based on several assumptions that we believe are unjustified.

First, they assume that current science is capable of providing meaningful estimates of post-construction impacts at new project sites, based on pre-permitting studies. Second, they assume that bird and bat interactions with wind farms are understood well enough that pre-permitting studies can effectively reduce impacts by means of project design, siting, and mitigation measures. They conclude that using the Guidelines is therefore essential for CEQA adequacy, based on the promise of reducing impacts to birds and bats.

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In our review of the Guidelines and literature, we have found no evidence that current science can predict bird or bat impacts in a new project area with a reasonable degree of confidence, based on pre-permitting studies. Nor are pre-permitting studies currently able to specify turbine layout and siting to reduce impacts at new sites. There are also no risk models currently available that account for the major risk factors; and the interplay of site-specific risk factors is poorly understood. The studies and models have yet to be tested and validated at a range of sites. The science is just not there yet.

Until the risks to birds and bats are better understood and impact assessment methods are developed and tested, pre-permitting studies cannot be claimed to reduce impacts. And until the studies offer an actual reduction of impacts, not just a future promise of it, there is no solid basis to consider adherence to the Guidelines a CEQA requirement.

The final draft of the Guidelines includes a disclaimer stating that adherence to the Guidelines is not a CEQA requirement. We appreciate that clarification. Yet, the Guidelines still give the reader the idea that they are required for CEQA adequacy. This is because they imply that the recommended pre-permitting studies are currently capable of reducing impacts to birds and bats. On one hand, the document lacks a frank discussion of the limitations of current studies for predicting impacts to birds and bats. Such a discussion should be included in the Introduction, *Status of Wind Energy Research*, and in Chapter 4, *Assessing Impacts*. On the other hand, the document includes many statements that lead the reader to believe that pre-permitting studies currently provide a sound basis for impact assessment, turbine siting, and mitigation measures.

If we are mistaken, and if in fact current state of science does enable well-founded predictions of impacts and recommendations for mitigation measures for new wind farm locations based on pre-permitting studies, then we strongly suggest adding a full explanation of the methods and their scientific basis and validation in the Guidelines or an appendix.

The Lompoc Wind Energy project is the “canary in the coal mine.” It provides a sneak preview of how the Guidelines will be used in practice. The comments we have received on the EIR indicate that that Guidelines are misleading as to their effectiveness in reducing impacts, given the current state of science. In reality, sound predictions of impacts to birds and bats is a goal for the future.

This problem can easily be corrected, and I urge your Commission to defer adoption of the Guidelines until it is addressed.

Sincerely,

  
John Day  
Planner

cc: Doug Anthony, Deputy Director  
Santa Barbara County, Planning & Development