



DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov
Habitat Conservation Branch
1416 9th Street, Room 1260
Sacramento, California 95814



February 8, 2008

Department of Fish and Game
Gordon Leppig
601 Locust Street
Redding, CA 96001

DOCKET
06-011-1
DATE FEB 08 2008
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RE: Department Implementation of California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development

Dear Gordon Leppig:

Enclosed is a copy of the California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development (Guidelines), approved by the California Energy Commission (Energy Commission) on September 26, 2007. The Department and the Energy Commission developed these voluntary Guidelines to provide recommendations for methods to assess bird and bat activity at proposed wind energy sites, to design pre-permitting and operations monitoring plans, and develop impact avoidance, minimization, and mitigation measures. An electronic version of these Guidelines can be downloaded from the Energy Commission's website at: www.energy.ca.gov/renewables/06-OII-1.

For a quick overview of the Guidelines, skim the Step-by Step implementation guide on pages 5 - 19. This section highlights the recommended process for successfully gathering information useful to the permitting process and takes a "how to" approach with the steps arranged in the order they are likely to occur during project permitting. Each step corresponds to a chapter that provides additional details and background information.

The Department should use the Guidelines when working with wind energy project applicants and lead agencies on proposed projects. They are general in nature and intended to be applicable statewide, not just to a particular region or county. The study methods described in the Guidelines are suggestions for local permitting agencies and project applicants to use at their discretion. To ensure that the best study design for each specific site is achieved, existing regional information and local studies should be used in conjunction with selected protocols and study methods described in the Guidelines. The intent is to have the Department's scientific staff, project applicants, local agencies, and public stakeholders working together to ensure that data collected from pre-project studies, and used for impact analysis, identifying mitigation, and developing post-project monitoring are adequate to protect the environment.

The siting of wind energy projects in California typically requires a permit from a local land use authority, and the Department's involvement with most projects will be as a responsible agency through the California Environmental Quality Act (CEQA) review

process. While the *Guidelines* highlight multiple points of consultation between the project applicant and the Department, it is expected that this coordination will occur primarily at three stages of project development including: 1) pre-project consultation regarding appropriate site specific study design, 2) during the administrative or public comment portion of the CEQA process, and 3) during the initial post-project monitoring period for a given project.

The *Guidelines* recommend that project applicants contact the Department as early as possible regarding proposed projects, and Department staff are encouraged to respond as promptly as possible to requests for guidance and consultation. It is also the Department's intent that staff reviews of wind energy projects meet the CEQA process timeline requirements. If the Department does not intend to comment on a specific project, Regional staff should inform lead agencies as soon as possible.

Some wind energy projects may also "take" state listed T&E species, both avian and/or terrestrial. In this case, the project will also require a CESA Incidental Take Permit, and Department involvement in the CEQA process is critical to ensure that the local agency CEQA document adequately addresses impacts to listed species. Tight integration and resolution of CESA and any other responsible agency permitting issues during the CEQA review process will ensure expedited project approvals.

The Habitat Conservation Branch (HCB) is developing a template letter that will assist in expediting responses to initial requests for consultation. Please direct disputes regarding the proper application or interpretation of the *Guidelines* to the Environmental Review Program Manager at HCB at (916) 653-4875.

For projects that were initiated before release of the final *Guidelines*, the applicant's proposed study methods for assessing project impacts to birds and bats may differ from those described in the *Guidelines*. The study design for those projects need not necessarily reflect the entire *Guidelines'* recommendations, but the applicant should clearly demonstrate why their study design is/was adequate to address wildlife impacts at the specific project location.

The Department and the Energy Commission are offering workshops and regional training sessions to Department staff to provide direction and training on the technical issues surrounding bird and bat impacts and on use of the *Guidelines*. The first of these is a one-day workshop on March 4, 2008, at the Department's Office of Training and Development (OTD) in Sacramento. To register please go to the OTD website. Training opportunities for counties and other interested parties will be developed following the March 4th workshop.

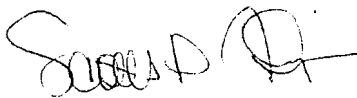
The *Guidelines* are the result of a 16-month collaborative effort involving eight public workshops held in Sacramento, Bakersfield, Riverside, and Livermore, and comments

on three draft versions of the *Guidelines*. More than 80 interested parties including representatives from the wind industry, resource agencies, environmental groups, non-governmental organizations, utilities, county planning departments, elected officials, universities and research institutes participated in these public events and/or submitted written comments on the *Guidelines*. If you are interested in reading more about the development process, please see the Energy Commission's website, which provides summaries of workshops, transcripts of hearings, comment letters, drafts of the *Guidelines*, and information on how to request hard copies of the *Guidelines*.

The Department will work with the Energy Commission to update the *Guidelines* as new research findings and user feedback indicate that revisions are needed. We hope you will provide input critical to ensure smooth implementation of the *Guidelines* and to our continuing efforts to revise and improve the document. When properly located and designed, wind energy development has the potential to reduce the loss of valuable trust resources by replacing more destructive forms of energy development.

If you have questions or comments regarding the *Guidelines* or training, please contact Cristen Langner at clangner@dfg.ca.gov or (916) 651-1278.

Sincerely,



Scott Flint
Acting Branch Chief
Habitat Conservation Branch

cc: Department of Fish and Game
John McCamman
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