

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



Paul Vercruyssen
Center for Energy Efficiency and
Renewable Technologies
1100 11th Street, Suite 311
Sacramento, CA 95814

**Re: Points of Clarification on California Guidelines for Reducing Impacts
to Birds and Bats from Wind Energy Development**

Dear Paul:

Thank you for your October 2, 2007 letter on the September 14, 2007 draft of the *California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development (Guidelines)*. In that letter you requested a "clarifying response" from the Energy Commission and California Department of Fish and Game (CDFG) on the following three points that you felt were not clearly characterized in the *Guidelines*.

1. The first of your suggested revisions would change the language on page 9 (and similar language on page 38) to:

Projects with considerable uncertainty regarding the level of impacts to birds and bats or that have potential for impacts that cannot be sufficiently mitigated will need more study than Category 2 projects to help understand and formulate ways to reduce the number of fatalities.

You note that this revision emphasizes that the level of uncertainty, not the level of bird or bat use, determines pre-permitting study effort, and that this revision makes this section consistent with earlier language in the step-by-step guide. We agree that this revision makes the document clearer and more consistent on this topic. When the time comes for public review and updates on the *Guidelines* we anticipate that all parties would also concur that this is an acceptable change.

2. Page 69 2nd full paragraph, last sentence currently reads: *If multi-year monitoring documents high levels of fatalities, removal of problem turbines or seasonal shutdowns of turbines may be options if other minimization measures are ineffective in reducing fatalities.* You letter stated that this language is unclear about the circumstances warranting turbine removal or seasonal shutdowns, and could be construed to apply beyond the very extreme circumstances for which these measures would ever be considered.

This is a topic that might benefit from further discussion by all parties when it comes time to revise the *Guidelines*, although we think that the document is clear on the point that the option of turbine removal or seasonal shutdowns would indeed apply only to extreme circumstances in which the level of mortalities was

high and unanticipated. On page 15 in the step-by-step guide, the Guidelines state: "*In extreme cases, additional compensatory mitigation may not be adequate for high levels of unanticipated impacts, and project operators may need to consider operational and facility changes such as habitat modification, seasonal changes to cut-in speed, limited and periodic feathering of wind turbines during low-wind nights, seasonal shutdowns, or removal of problem turbines.*" Perhaps this language needs to be expanded to further emphasize that seasonal shutdowns and turbine removals are extreme, last resort remedies.

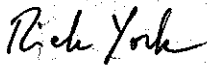
3. Your third suggested revision related to the discussion of long-term monitoring on page 73, which currently reads:

Long-term monitoring on a periodic basis (for example, every five years) for the life of the project should occur if operations monitoring data or other new information suggests that project operation is likely to result in fatalities to birds or bats that were unanticipated and unmitigated during the permitting of the project.

You noted that this statement does not make it clear as to who could or should be responsible for financing the long-term monitoring, and that in many cases such monitoring efforts will provide a broader public benefit that might appropriately be supported by public funding. On this issue we feel that a discussion by all parties would be appropriate before making revisions. Currently the intent in this section is that project-specific monitoring would be the responsibility of the developer because the purpose of such monitoring would be to gather information to develop impact avoidance, minimization, and mitigation measures and to verify whether these measures were effective in reducing fatalities. Before explicitly stating that public funding would be appropriate for such monitoring, we would like input from all stakeholders.

Thank you again for your comments, and for CEERT's many significant contributions throughout the process of *Guidelines* development. If you have questions, please contact me at (916) 654-3945.

Sincerely,



Rick York