

Report of the Living Resources Committee  
of the Wind Energy Regulatory Advisory  
Panel

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•WE RAP Meeting  
•October 29, 2009



## Focal Sections of Code

§ 10.11197.6.

*B.7. Where relevant, an analysis of the beneficial and adverse impacts of the proposed project on natural resources. For wildlife, that analysis shall be based on information on the presence, activity, and migratory behavior of wildlife to be collected at the site for a period of time dictated by the site conditions and biology of the wildlife being studied, not exceeding 12 months;*



## Focal Sections of Code

§ 10.11197.6.

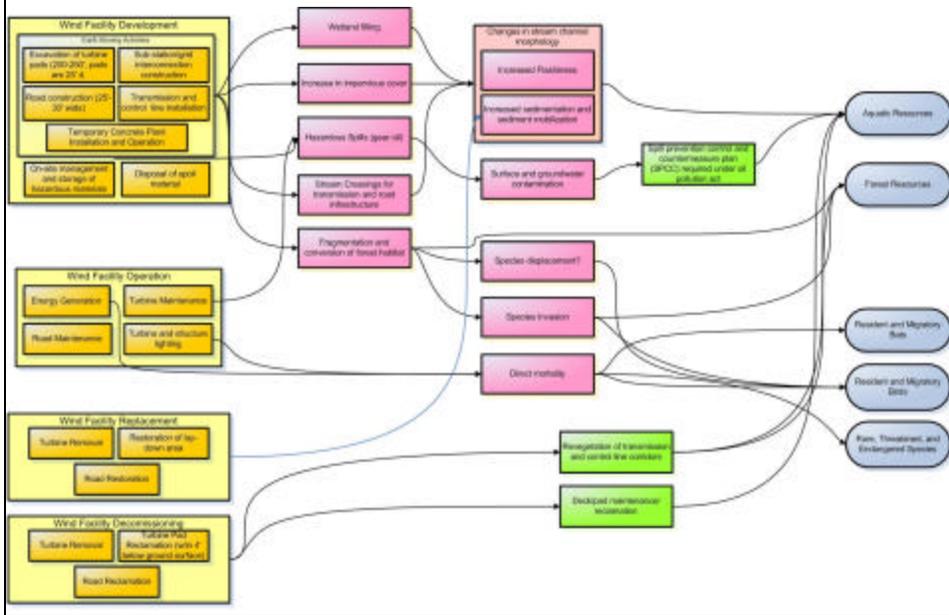
*B.8. If the Department determines that the information collected pursuant to subdivision B 7 indicates that significant adverse impacts to wildlife or historic resources are likely, the submission of a mitigation plan detailing reasonable actions to be taken by the owner or operator to avoid, minimize, or otherwise mitigate such impacts, and to measure the efficacy of those actions;*



## Regulatory Issues

- Pre-Construction Monitoring
- Determination of Significant Impact
- Mitigation
- Post-Construction Monitoring

# Impacts of Wind Energy Development



## Regulatory Issues

- Pre-Construction Monitoring
  - What for?
    - Wildlife, including Heritage Resources and State T&E Species
    - Ecological Cores
    - Birds
    - Bats
  - How?
    - Desktop and Site Surveys



## Regulatory Issues

- Wildlife, including Heritage Resources and State Threatened and Endangered Species
- Ecological Cores
- Birds
- Bats
- Invasives



## Regulatory Issues

- Pre-Construction Monitoring
- Determination of Significant Impact
  - Triggers for Finding of Significant Impact
- Mitigation
  - Options
  - Performance Standards
  - Amendment of Mitigation Plan
- Post-Construction Monitoring

*Minority of the committee have objected that the level of specificity in submitted language is excessive.*



# Caps!

Biological and financial thresholds?

