



ASSOCIATION of
FISH & WILDLIFE
AGENCIES

ENERGY & WILDLIFE POLICY COMMITTEE

Chair: Brad Loveless (KS)

Vice-Chair: Bob Sargent (GA)

March 26, 2024

9:00 am - 12:00 am EST

89th North American Wildlife and Natural Resource Conference

Grand Rapids, MI

Room: See Whova App

Committee Charge: The energy and wildlife policy committee is focused on understanding and ameliorating the effects of energy development and generation in North America and its impacts on fish and wildlife resources and their landscape habitats at the state, province, territory, region, and international levels.

Agenda

9:00 am Call to Order / Approval of Minutes from September 2023 Annual Meeting / Welcome next EWPC Chair
Brad Loveless, KDWPT

Laura Zebehazy (TX) moves, Jasmine Klieber (NV) seconds a vote to approve Calgary meeting minutes. Vote called and approved.

Clay Crowder, Assistant Director of Arizona Game and Fish Department will be EWPC's new chair. Welcome Clay!

9:05 State and Provincial Roundtable
One representative per state agency highlights a couple of legislative and policy initiatives, issues, or success stories. Non-state participants, please introduce self.

OR – dealing with offshore wind and working on solar siting guidelines

CO- currently have 17 GW of wind, all of which have pretty significant overlap with Prairie Chicken; rulemaking for geothermal; becoming big financial assurance for binding wells, big push on oil production and well numbers are coming down by taking temporary shut in wells of the landscape which is very beneficial; orphan well capping

FL – Working with Florida Power and Light, Duke Energy, and DOD on tortoise management with solar facilities trying different fencing (half dome walk overs etc. for panthers and deer); Decommissioned some coastal sites that took away warm water refuge sites for manatees.

GA – developed best practices in concert with state agency, conservation groups, state and local utilities and took advantage of Georgia low impact siting tool posted online lots of information on focal wildlife species and site design gotten some local awards, work in progress; Working with REWI on regional wildlife workshop on June 12 in Atlanta

AZ – In 2022, we reviewed 35 solar projects, 2023 was 65; we are working early and often with developers, stored energy is becoming big, lithium battery mining; always concerned about connectivity for ungulates

KS – no legislation around siting this session; starting to really see a lot of solar – Flint Hills Project – we have worked hard to preserve it and there was a project on the edge of Flint hills and it was voted down by local community, we aren't part of that conversation but we continue to push early and often communication, that company tried to go under the radar and the locals went under the radar. Cheyenne Bottoms (CB) – biggest wetlands in the Midwest, big migratory stopover habitat, a company was going to site nearby the CB; local planning and zoning is working on it and still waiting to hear the decision, the project has become much more open and public, and will hopefully help local permitting authority to make an informed decision.

NV – we are non-regulatory agency, but we do have a program that mandates an energy review program; almost all public lands projects; mass influx of energy proposals ranging from solar (#1) and geothermal, massive transmission lines width and length of the state which cross grouse habitat; 54 project applicants in last 12 months, working on an energy siting tool with TNC similar to GA and components of WAFWA CHAT, transition from species of economic value to T&E species; will be publicly available; technical review program; 400-600 projects/year including mining, seeing more lithium exploration and extraction for energy storage; a project in southern Nevada that develops without removing any veg

TX – a bit quiet; legislative session in Jan; wind is overtaking solar and we will overtake CA shortly in total capacity; lots of battery storage; offshore wind have added 4 lease areas in October in gulf; BOEM task force meeting; leases are situated to make it more streamlined especially with LA. Small modular nuclear reactor to be built in TX look like battery storage center; gave renewable energy briefing to commission and was asked for a white paper

NE – implementing setbacks bill likely won't go anywhere. Getting ready to update state wind guidelines (2012) might take out prairie grouse recommendations as might not need to survey, but still have set backs; working on funding whooping crane stopover model for wind/solar siting; Big uptick in carbon pipeline and carbon sequestration; good success with voluntary grassland mitigation; there has been a move to change the regulations to stop conservation easement by country.

ID – not regulatory agency; uptick in energy mineral projects like copper; similar to Nevada we are working on solar PEIS and range-wide sage grouse planning effort; key resources are sage grouse and big game have made concerted efforts to map movement of the big game; our goal is to inform decision makers relative to measures to avoid then minimize then mitigate; implement sage grouse quantification tool; we have a lot of community resistance around renewables; big push to engage early and often, renewable energy is not seen as a multiple use ; Lava Ridge wind project will set the tone on how a lot of renewable energy

OH – pace of wind is slowing down, offshore project in Erie has stopped; solar energy is getting very popular, conflicting with Ag, so lots of education and working with OH EPA because we are non-regulatory; DNR has recommendations put in place.

UT – session just ended, always something going on, office of energy development is now under natural resource office, which is where DNR is which is great to improve communication; involved in Solar PEIS and encouraging mitigation; fairly successful in mitigation for transmission solar and wind, point to mitigation ratios of 4:1 in management plans especially for sage grouse and big game; industry is coming to us asking what they can do, trying to get ahead bc they know they need to partner with

AR – SolWeb grant from DOE for herps and small mammals, doing some monitoring; lots of solar; if there is land use change (e.g. Walmart construction), need permit but no permitting for solar development.

9:55 Wind Wildlife Working Group update
Karen Voltura, CO Parks and Wildlife

- *Wind Communications Framework- we have done some rollout including webinars and panels at conferences; updated the Wind Siting Consultation Policies document first published in 2019 posted on the AFWA website, can see what other states have for their policys and regs*
- *Doing a lot of bat work, partnering with AFWA's Bat WG; we have a Bat and Wind Forum at 3:00 today to continue the work we are doing that.*
- *Updated the "SFWA Wind Siting Consultation Policies" report, available on the AFWA website, which summarizes the mechanisms that each state fish and wildlife agency has to promote low impact wind siting.*
- *Biggest recommendation remaining from the 2019 survey is getting a better grasp as science and research gaps as well as science priorities. We will likely create and distribute another smaller, more targeted survey to get at this.*
- *Offshore:*
 - o *BOEM process is so wildly different from what many of us are used to, good to figure out how to effectively engage in BOEM who is the big federal player here at early stages; SFWA are most effective for influencing siting, so we need to get in super early b/c lease areas are often already locked in by the time we get involved; in TX no lease areas were bid on; NEPA kicks in at each site at that point, we are too far down; lots over other stakeholders in the offshore space that we don't usually play with; very complex but we need help.*
 - o *Gary: USFWS is also trying to figure things out, and we might be a little ahead in terms of BOEM engagement, so reach out to us.*
 - o *NWF has a robust offshore program and help.*
 - o *We need to provide opportunities for BOEM, USFWS, and the states to meet*
 - o *April 18 - Gulf Task Force meeting open to public, Laura to share*
 - o *Need to call in regional staff from states, BOEM and USFWS because processes have been very disparate - TX is very different from OR as BOEM is learning on the go;*
 - o *** Try to convene a face-to-face meeting with just the science and process people/agencies ***
 - o *Regional Wildlife Science Collaborative focused on east-coast*
 - o *Winter meetings of Atlantic flyways and at every meeting we have sessions about seabirds and BOEM issues; could be a good opportunity to invite those folks to the table.*
 - o *Gary – BOEM is under a lot of demand to get project going, everyone is involved in capacity issues so need to set expectations. Don't expect the train to stop for*
 - o *Brad - We want to engage when and where we can.*

10:10 Solar Wildlife Working Group update
Bob Sargent, GA DNR

- *State BMP database- in progress - 14 states in there so far working on the few others. Ultimately, we will have this available to be a searchable database of all available state-authored BMPs.*

- *Published the “SFWA Solar Siting Consultation Policies” report, available on the AFWA website, which summarizes the mechanisms that each state fish and wildlife agency has to promote low impact solar siting.*
- *Next recommendation from the 2021 Solar Survey to tackle is to look at pre and post construction methods.*
- *Question: Do we have something similar to the wind comms for solar? Yes that is in progress with Industry partners, they will give update shortly.*
- *Question: What about fencing? OR - Interested in collaborating with industry to think about some problem solving; EWAC – on fencing, we [industry] have to deal with NERC and FERC requirements, so there’s only so much we can do to; FERC does not engage in any meaningful way on wildlife, they do on Waterpower but they also regulate waterpower.*

10:20 Update on Guidelines for Mitigating Wildlife Impacts from Large Scale Solar
 Quintana Hayden, American Clean Power & John Anderson, Energy and Wildlife Action Coalition

Last January, hearing need for federal document for solar guidelines, but industry hearing there wasn’t any \$\$ available; Solar site assessment framework – initial parallel is to WEGs but similar to the Communication Framework (Comms) we are developing with AFWA; this site assessment framework is not WEG 2.0 and instead, much more of a ground up approach based on current practices; working within the industry working group as we get on the same page as an industry; structure: background and purpose laying out what this is and is not, section on solar PV background and effects, getting a bit more technical, section on how framework is meant to compliment the comms, and then Development and Site Assessment – site assessment framework following the stages of Comms: preliminary area evaluation, site characteristics and design, and construction. This is a process framework, what is happening at the project, have methods, approaches, and goals for each stage; not a prescription or recipe, much more procedural and talk about how information gained at each state will complement the project as a whole. Hoping to have a complete document soon maybe Late April – May, meant to be broadly applicable, not regional or state specific

Next steps: haven’t had that conversation yet; a few options:

- *Do we reconstitute the AFWA/Industry working group and make refinements based on state need?*
- *Do we publish as industry-only document?*
- *Do we bring even more stakeholders in as a non-governmental FACA?*
- *Do we do industry / state then take it to a bigger in a stepwise manner?*
- *State feedback: GA: what about operation and maintenance? From what we heard from the states, was a desire to have that be more dialogue as project-by-project.*
- *TX: will industry even be willing to incorporate state feedback? EWAC- the intent is that this is a draft, not the final product, we want this to work for everyone.*
- *USFWS – have done some great work, you will have to decide if you want this to be an industry product or a joint product; to the extent that you can, incorporate SFWA and eNGO community is coming to federal government not trusting the process and want USFWS to step in, we are just trying to see if there is a way that everyone’s interest can be achieved. Encourage next step to include States and then see how far we have to go.*
- *Brad – can eNGOs be a part of the conversation at the next steps; ACP – next step is the broad goals of the document, having the discussion around what different stakeholders views are for the purpose of the document will be important to see if industry’s purpose of the document meets the same purpose of states and eNGOs and go from there.*
 - *Brad – lets see it, get initial inputs, then ACP can go it alone or identify that there is space to move.*

- *Madelene West, TRCP – facilitated a group on NGOs through; looking for common guidelines with buy in from multiple stakeholders. So lots of debate of who is the convener of the process, we have said it to be the USFWS, if we are moving forward on a product that we all have the same vision for, and we feel that the right people are involved, that is progress. For a year, we are not seeing a lot of progress, but if we can have some daylight and get involved in the process, it could be good. How far do we think we are from having some buy in and think this is something useful.*
- *EWAC – maybe this is a stepwise approach, first get state feedback and then move on other stakeholders. From Calgary, we heard that the states didn't want the overarching best practices. We can't design something that addresses the bad actors we have to manage for the ideal. Plenty of developers doing the right thing and once we can establish something, we can push the needle.*

10:35 **BREAK**

10:45 USGS Update
Mona Khalil, USGS

Slides attached. Lots of links included at the end!

11:00 State Spotlight: Michigan
Dr. Christopher Hoving, Adaptation Specialist, Michigan Dept of Natural Resources
Our legislators completely change siting to the public service commission so siting authority is now similar for fossil fuels and renewables. We did add language on wildlife corridors and sensitive habitats, with threats of ballot initiatives.

Solar and wind on state lands are becoming more controversial.

We are updating our wind guidance, which focus on siting and operations. They will go through second round of external review soon.

11:15 US Fish and Wildlife Service Update
Gary Frazer, USFWS

Multiple habitat species plans – unlisted species as multispecies habitat plans, once they have the certainty of a permit in hand, no impact unless we list the species; section 10 revision, we hope to be publishing soon, within weeks hopefully, have 3 ESA regs to be published;

ESA Compensatory mitigation proposed ruling getting into ORIA by this summer.

11:30 Bureau of Land Management Update
Tracy Stone-Manning, Director of Bureau of Land Management

Update to Western Solar Plan

- *Ability to plan for future, remarkable amount of applications; currently it is out for comment; NREL says we need about 700,000 acres to meet renewable energy goals; and this plan tries to drive development across 8 million acres that are close to transmission; we have also expanded to all 11 western states*

Sage grouse plans

- *Amendments are out for 3rd time; we are taking the science from 2015 and the best of the 2015 and 2019 plans into the current draft that is out now; we recognize need for collaboration*

- *EWAC: there's a good bit of cross-pollination across programs and the Sage Grouse and PEIS are on the same timeline, and they expand beyond disturbed lands. Why did you choose our preferred alternative 3? BLM: This is a draft, we want to hear from you on what alternative and what else you want to see; industry wants more land to choose from and there is a lot of sense in driving development to already degraded land; given the president's plan we are all focused on climate resilience and landscape health*
 - *Question: in the solar peis and other plans, how do you define suitable co-use for energy development? BLM: Consistently think through competing uses, and how to enable competing uses or how to shape them; wind and solar have different grazing lease impact*
 - *GA: from an Eastern standpoint, how is degraded land defined? BLM: We used in part, USGS's work on degraded land, % of land in cheat grass/disturbed habitat , also including already authorized uses for transmission lines, oil and gas etc, a combination of data collected and satellite images, lands with no real potential for restoration, little value, lands where restoration cost much higher,*
 - *Question: Ho do existing energy corridors interplay with solar peis? BLM: Defined corridors are already accounted for*
 - *Question: Vision around adaptive management around solar peis? BLM: As we map more migrations, movements and habitats, and if it is big enough, we will amend the plan; in the interim, overarching directive in peis gives on the ground the space they need to do protective work*
 - *Nevada - Make something where there wasn't before in opposition to land use plans, seeing transmission corridors being put where they were originally not allowed. BLM: This is good to know, please reach out to the state BLM directors and communicate your concerns. I assume you are talking about Green Link North Transmission line, we are to kick off an amendment process for resource management plans, so please be involved in that. More pressure on public lands as private lands develop, and becoming more valuable for wildlife and conservation resources. We have the public lands rule which should be released in the spring, and we are managing for landscape health and conservation to deliver on multiple uses.*
 - *11:50 Farewell Brad!*
 - *12:00 Wrap-up and Adjourn*