



Energy and Wildlife Policy Committee Report

Chair: Brad Loveless, Kansas Department of Wildlife, Parks and Tourism
Meeting on September 24, 2019
109th Annual Meeting of Association of Fish and Wildlife Agencies
St. Paul, MN

Committee Charge: *The Energy and Wildlife Policy Committee is focused on 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.*

Participants: Brad Loveless (KSDWPT), Gary Frazer (FWS), Cheryl Brooking (Alaska), Brian Boroski (TWS), Mona Khalil (USGS), Mike Houts (KSBS/WAFWA), Mylea Bayless (BCI), Chris Berens (KDWPT), Jessica Wilkinson (TNC), Hilary Clark (Olsson), Jennifer Goff (FLFWC), Laura Zebehazy (TPWD), Robin Cahoon (UTDOW), Iris Caldwell (Univ. IL), Eric Johnson (Energys), Misti Spooner (Duke/APLIC), Terry Riley (NAGP), Joel Merriman (ABC), Steve Holmer (ABC), Erin Lieberman (Invergy), Mike Speerschneider (AWEA), Kelley Myers (FWS), Claire Beck (FWS), Jennifer Cipolletti (ABC), Randy Renner (DU), Ali Donargo (Wildlife Acoustics), Todd Mattson (West, Inc.), Maggie Johnson (AFWA), Zack Bowen (USGS), Kent Fricke (KSDWPT), Davia Palmeri (ODFW), Noreen Walsh (FWS), Mark Humpert, AFWA

The meeting convened at 1:06pm. Committee members were asked to introduce themselves.

Scheduled Discussion Items

Brad Loveless: Are there any changes or additions to the meeting notes? Hearing none, is there a motion to approve the meeting notes. Terry Riley moved to approve the notes, Jennifer Goff seconded. Motion was approved unanimously.

Update on Recovering America's Wildlife Act

Dan Kennedy-I've been on detail with AFWA since July to help with the Recovering America's Wildlife Act. The bill was reintroduced and had 61 original co-sponsors. Currently there are 122 co-sponsors which is more than the last session of Congress. The bill was referred to the House Natural Resources and Budget Committees. We expect a hearing in October. The changes in the bill from last session include a new title that provides \$97.5 M to tribes, a \$100M competitive grants program for innovation and partnerships; requirement that at least 10% be spent on endangered species and a funding source that is not tied to energy development on federal lands and waters. There is also a new requirement that the states submit a report to Congress every five years. We would like all states to develop fact sheets. Tennessee and Colorado created color pamphlets. We encourage states to continue passing resolutions and sending up letters of support. Sean Saville is putting together a business support letter and The Wildlife Society and American Fisheries Society is circulating a scientist's letter.

Mylea Bayless-Why was the revenue source changed?

Dan Kennedy-Mr. Grijalva thought the bill would move faster if there was no tie to oil and gas extraction. There was perceived competition with LWCF and the Park Legacy Fund. The chair of the House Natural Resources Committee asked that the tie to oil and gas be dropped. The national coalition is working to get a Senate bill introduced. There are lots of positive signals.

Steve Holmer-Will we see all three bills?

Brad Loveless-There is lots of momentum, thanks for your work.

Monarch CCAA

Iris Caldwell-I have been working with energy partners the past two years on a CCAA for monarchs using right-aways. This is a voluntary agreement that provides regulatory assurances and incentives conservation without risk. This involves 45 energy and transportation organizations. It is the largest nationwide CCAA with one of the fastest timelines. The final agreement is expected in Nov. 15 and covers 2 million acres.

Brad Loveless-Right-a-aways are low hanging fruits. It is easy to put down pollinator plants for conservation.

Eric Johnson-We are looking to enroll in the CCAA. We want early successional habitat under our powerlines. It's a good fit for the company and conservation.

Terry Riley-Farther west you run into shrub lands. How do you manage shrublands without removing important habitat?

Iris Caldwell-We use best practices to not harm important habitats.

Misti Spooner -Duke Energy has surplus property that is not part of a right-a-way for transmission that can also be habitat.

Brad Loveless-Some states have been very active with their Department of Transportation, others have been less active. You should work with you sister agencies to help prevent a monarch listing.

State Roundtable

Robin Cahoon-The big issue in Utah is habitat connectivity and wildlife migration corridors.

Laura Zebehazy-The legislature passed a bill that will require developers to decommission wind turbines. We are doing research on solar impacts to birds and partnering with the Department of Defense on renewable projects. We require that industry have financial resources to decommission. Solar development continues to ramp up statewide, wind developers are exploring east of I-35.

Davia Palmeri-In Oregon, the energy facility siting council has thresholds for the size of wind and solar installations. If a facility falls below the threshold, they go through county permitting whereas larger projects are reviewed by the state where the Oregon Department of Fish and Wildlife can make recommendations. For smaller projects it's at the discretion of the county. A bill passed that increased

the thresholds for high value farmland from 100 to 120 acres. For wildlife habitat the threshold was changed from 320 to 1029 acres. Solar companies that were pushing this have asked some counties to consider Oregon Department of Fish and Wildlife recommendations.

Brad Loveless-What are the lessons learned from the quick passage of legislation? Was there a perception that ODFW slowed projects?

Davia Palmeri-Energy companies could not accept habitat mitigation and T&E species.

Chris Berens-Since March we have reviewed eighteen new wind projects, four are on line, and five have begun construction. Wind generation is moving towards the central part of the state where there is transmission. As the developments move east, there is greater opposition. Energy companies are trying to get information before they go to planning commissions.

Steve Holmer-Is there a new agreement on powerlines in Texas?

Laura Zebehazy-Yes, this will be finalized and coverage will include the entire state.

Wind-Wildlife Survey

Jessica Wilkinson-A working group was established in March to develop a state wind-wildlife survey to identify wildlife concerns and opportunities related to wind development. The full results were shared with the committee. A total of 39 states responded, representing about 93% of the total MW of wind capacity. Answers in the survey were anonymized.

Chris Berens-Jessica put a lot of time into the survey. The high response rate to the survey shows there is interest in this topic.

Brad Loveless-I appreciate the time states put into the survey. There are several main takeaways for me. There is a need for training and there is a lack of familiarity with the Wind Energy Guidelines. It would be a big deal to revise these.

Gary Frazer-Yes, it would be difficult and complicated to revise the guidelines. We want the guidelines to be useful to industry and partners. I would like to have some staff level discussions about how we can improve the WEGs. We would be willing to work with this committee. It would be good to make the WEGs better.

Chris Berens-There were lots of comments in the survey that were also valuable.

Abby Arnold-A federal advisory committee met over the course of 3 or 4 years to create the guidelines. AFWA was at the table. The parties wanted to learn from the WEGs. AWWI was created on the heels of the advisory committee and a lot has been learned since then. I would like to know what the state questions are, maybe they can be answered. The WEGs are not on the shelf.

Brad Loveless-There may be a need to answer some of the questions raised by the states.

Erin Lieberman-The WEGs are a framework and there is room for interpretation. There is a need for education and understanding. We need to identify resources for training. The WEGs are not intended to be too prescriptive. There was a webinar several months ago for states. We can offer to do that again.

Jessica Wilkinson-There was a loss of support for the WEGs. Some states might want more specificity. There are concerns about how they were applied. We need to incorporate new science.

Chris Berens-Maybe there was a perception that the WEGs are more designed for federal agencies and not states.

Brad Loveless-Many states feel like they are powerless and maybe this contributed to thoughts on the WEGs.

Abby Arnold-States were well represented in the development of the WEGs.

Michael Speerschneider-The WEGs provide guidelines.

Mylea Bayless-This committee has done webinars.

Abby Arnold-Other trainings have been proposed. There was a lot of training initially. The biggest challenge is resources to conduct training.

Steve Holmer-The survey was informative. The WEGs are getting more use than we thought. The states are indicating that regulation may be needed so the WEGs have more teeth.

Brad Loveless-There can be push back on new regulation when there is a drive for more renewables.

Chris Berens-We want to share the survey results. What is the best format?

Brad Loveless-It is important that individual states are not identifiable when we share the results.

Mylea Bayless-The results were insightful. I agree they should be shared widely.

Brad Loveless-Are there any pitfalls to sharing widely?

Davia Palmeri-We should think about how we interpret the results and what the primary message is. We don't want people to be defensive or misinterpret. Many people will want an executive summary.

Laura Zebehazy-Did the incidental take report go the AFWA Executive Committee?

Mark Humpert-It was shared at the Business Committee meeting.

Kelley Myer-I'm trying to coordinate with the states. I'm glad the committee is doing this, it is a long time coming. We are trying to do the same in the Midwest. The FWS is working under a different authority. The FWS can help coordinate with the industry. The Midwest Landscape Initiative can help.

Abby Arnold-More information should be shared. We should decide with whom.

Brad Loveless-The comments in the survey were very interesting. Can we share without identification?

Jessica Wilkinson-The comments provide a lot of context.

Michael Speerschneider-Is there a way to share comments aggregated by region?

Brad Loveless-We could aggregate based on the amount of wind resources.

Michael Speerschneider-Is there a routine way to respond to the results. The comments are the gold. It's worth having a discussion about how do this.

Brad Loveless-That is a good point. Education was identified as need. We should provide resources that are already out there.

Chris Berens-Project reviewer turnover is high. Webinars or training could help when there is turnover.

Brad Loveless-There is agreement that there be an executive summary, a compilation of comments and identification of resources that are available.

Chris Berens-We should advance strategies to ensure that developers consult with agencies as early as possible in the planning process.

Brad Loveless-What are the risks to developers?

Michael Speerschneider-There is the practicality of consultation when there are many sites. Ninety percent of sites that are examined are never developed. We have to deal with competition and changing information. There is little value in providing information on sites too early in the process. In the early stages of the process there is less granularity.

Erin Lieberman-One of the more interesting findings is that we don't have the information. Site specific information is very general. We need the agencies to provide the information. We may remedy that concern by sharing information.

Brad Loveless-The assumption may be that they will come with information at the end.

Mike Houts-Developers can be given information about sensitive species so they can avoid the hotspots.

Brad Loveless-That is the kind of information industry needs, there is common interest.

Michael Speerschneider-There is certain basic information like wetlands we can use.

Mike Houts-Course information can be useful in the early stages.

Brad Loveless-Industry could challenge each other to do better. The same could apply for states. States could coach each other.

Steve Holmer-I'm encouraged by the conversation. States can provide information.

Laura Zebehazy-The CHAT sort of does this already. In Texas we have to be sensitive because landowners don't want to reduce their value to industry.

Laura Zebehazy-They don't want to lose a tax break.

Chris Berens-We had the opposite problem in Kansas. Some landowners were opposed to wind, there is variation between companies. Different company staff gave different answers.

Brad Loveless-Some developers have been active a long time. There is variation in the staff companies put on the ground. It's complicated.

Brad Loveless-This has been a terrific conversation. We will get notes out and will present a summary to Directors and seek their approval to keep this going.

Abby Arnold-What are the next steps?

Brad Loveless-We will take the survey to directors and will continue the discussion about how to deliver the products.

Mark Humpert-The wind-wildlife working group will develop a new charter, incorporating what we heard in this meeting.

Abby Arnold-Will others be able to engage?

Brad Loveless-That is our intent.

Michael Speerschneider-My members may appreciate an update.

Brad-We will put the summary on the AFWA website and make it public as soon as we can.

Update from American Wind Wildlife Institute

Abby Arnold-AWWI has 42 partners and friends, including AFWA. We have a national research plan that guides priorities. Brad serves on the AWWI Board. There is a paper coming out in Ecology. The AWWIC database includes post construction project data on 25% of installed wind power. We now have statistical power. We will start looking at some broader questions. The analysis is showing consistency with data from 5 years ago for birds. There are billions of bird fatalities, wind is a modest part of that. Bird mortality attributed to wind is 0.007%.

Brad Loveless-You are talking about direct take. Other species are being impacted by indirect factors.

Abby Arnold-Bats are another issue, we are trying to figure that out. We will be updating our reports. We are looking at minimizing and offsetting impacts. Pilot studies have been completed for eagles/raptors, evaluation studies are in progress including evaluation of IDentiFlight and DTBird for eagles and raptors. You can go to the website to see a list of results. We want to be a resource. We attend conferences and meetings and provide information through portals and webinars. There are opportunities for engagement. We welcome those with technical background to participate on our research committee. We hope to partner with the Midwest Landscape Initiative. We are expanding collaboration with AFWA and are seeking input from state experts and gauging interest on training.

New Energy-related Science Products and Projects

Mona Khalil-USGS has sixteen science centers and 40 coop units. We have a science strategy to understand and map risk, measure impacts and inform solutions. We are examining the impacts of biofuels on pollinators using drones and citizen science. We are developing and avian-impact offset methodology to provide equivalent biological value for birds displaced by development. NABat has produced the first ever status and trend assessments for hoary bats in WA, OR and CO. We are using genomics to determine history and trends of hoary bats collected at wind energy facilities. We are looking at flight behavior to assess mortality at wind and solar facilities. We are studying seabird movement offshore and developing algorithms for processing aerial photos to inform offshore energy development. We are looking at impacts to birds from shale gas extraction in the Appalachians. We are mapping energy development in the sagebrush ecosystem, developing a reclamation guidebook and looking at pronghorn response to wind development and energy development's effects on migration corridors. We are designing and testing novel upstream and downstream fish passage technologies.

Bird Smart Wind Energy Guidelines and Migratory Bird Protection

Joel Merriman-Approximately 140-670K birds are killed by wind turbines each year. This does not include mortality due to habitat loss or fragmentation. We are looking at solutions for conserving birds and habitat while at the same time addressing climate change. There is a wind risk assessment map and bird-smart wind energy principles to minimize impacts.

Steve Holmer-The administration has a new legal interpretation on incidental take that is undergoing legal challenges. A new regulation is would codify Administration Policy. Best practices are being developed.

Davia Palmeri-Does the Migratory Bird Protection Act address cumulative effects?

Steve Holmer-This would require sector by sector rulemaking.

Erin Lieberman-There is no data to show that larger turbines will cause more mortality. There are lots of tradeoffs. Some of your statements are challenging to us.

Joel Merriman-You are right, there is not an extensive data set.

Abby Arnold-The AWWI tech report is a good resource.

Avian Power Line Interaction Committee and Avian Solar

Misti Spooner-AFWA is a member of APLIC so you have a seat at the table. The purpose is to reduce impact to wildlife.

Eric Lieberman-This is a collaborative group with lots of expertise. Our primary role is to provide information through training and workshops. We also provide funds for research and develop strategies to reduce conflicts. We have produced guidance documents.

Brad Loveless-A few years ago AFWA reached out to APLIC and you did a webinar for state biologists. This is a good way to provide specific content.

Misti Spooner-We pass costs onto our customers. If there are threatened and endangered species issues, we will take measures to avoid impacts. The Avian Solar Working Group is supporting research to

better understand how birds interact with solar facilities. This is a collaboration reduce conflicts during the entire life cycle of birds.

Bats & Wind Energy

Mylea Bayless-BatCHAT created a bat priority layer at the state level. We used NABAT data from Colorado to identify bat priorities. It provides a space to start a conversation about bats with those proposing a wind development. We would like to have a webinar with the states to see if this would be a useful addition to CHAT. If there is interest by the states, we would apply for a competitive State Wildlife Grant. The Migratory Tree Bats and Wind Coexistence Group is discussing how to preclude listings. There are two working groups. Joy Page is the contact for this group and Mike Houts is the contact for BatCHAT.

Meeting Adjourned at 5:01pm

Action Items

It was agreed that the Wind Siting Survey Working Group would create and distribute a summary.

Progress and Opportunities

The wind-wildlife survey will lead to new collaborations

Threats and Emerging Issues Identified

None identified.

New Opportunities Identified

None

Submitted by:

Brad Loveless, Chair