



Q&A about the U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines

On March 23, 2012 the U.S. Fish & Wildlife Service issued final guidelines on land-based wind energy. The following provides background information about the guidelines and their development, as well as the tools being developed to support responsible wind energy development.

Q: Will these guidelines represent progress for wildlife?

Yes, for several reasons:

- **Consistent framework:** The guidelines will provide a framework for wind energy companies that will help determine which levels of studies to undertake and best practices to consider while developing and operating a wind project.
- **Broad wildlife scope:** The scope of the guidelines encompasses bat species, non-migratory birds, and species of habitat fragmentation concern that are not currently protected under the Endangered Species Act (ESA) and other wildlife law.
- **Effective implementation:** The goal for the guidelines is to effectively enhance wildlife protection by providing a robust incentive for adherence. The next step will be to immediately enable agency officials, companies, and relevant stakeholders to apply the guidelines and work through issues in the field.

Q: How did the Service develop the guidelines?

A: The guidelines are the result of a multi-year effort led by the Fish and Wildlife Service in consultation with conservation, state and federal agency, tribal, and wind industry representatives¹ convened under the Federal Advisory Committee Act. The Committee (FAC) was convened in 2007, as stated in its [charter](#), “to provide advice and recommendations to the Secretary of the Interior on developing effective measures to avoid or minimize impacts to wildlife and their habitats related to land-based wind energy facilities.”

In addition to receiving recommendations from the FAC, the Service engaged in a consultative process that involved two revisions of the draft guidelines and extensive public comment. The Service considered comments of national conservation organizations and wind energy industry companies not participating in the FAC. The guidelines appear likely to include most of the consensus recommendations from the FAC.

¹ The list of FAC members, the FAC Charter, and additional information about the FAC is available online at http://www.fws.gov/habitatconservation/windpower/wind_turbine_advisory_committee_information.html

Q: What benefits do voluntary guidelines provide over mandatory guidelines?

A: Voluntary guidelines encompass **more species** than would mandatory regulations and, in this case, provide conservation benefits for many bat species (only a few of which are protected under the ESA), non-migratory birds such as prairie chicken and sage grouse, and species not listed as federally threatened or endangered that are nonetheless of conservation concern. These species would not be covered under mandatory regulations, since such regulations can only apply to those species over which the Service has jurisdiction under the ESA, Bald and Golden Eagle Protection Act, and other federal laws.

Q: What are the next steps regarding the guidelines?

A: The focus now turns to implementation as state and federal wildlife agency officials, wind energy companies, scientists, conservationists, and public stakeholders work through these guidelines. Just as they were in the development of the guidelines, a firm reliance on the science and a commitment to a dialogue will be key to their implementation and to the resolution of issues as they arise.

Q: Why and how will wind developers adhere to these voluntary guidelines?

A: Wind developers have a business interest in seeing their projects succeed as smoothly as possible. The guidelines help developers anticipate, avoid, and minimize conflict with protected wildlife and the resulting costs and delays to project development. Adhering to this criteria, in the form of consensus guidelines that are scientifically-robust and endorsed by conservationists and state and federal regulators, provides wind developers with needed certainty. That's why nearly two dozen of the largest wind energy companies committed in a letter to adhering to the guidelines as developed by the Advisory Committee. Finally, wind developers have indicated that in their effort to minimizing overall project risk, the legal assurances that comes along with adherence – prosecutorial discretion from the Service if accidental harm does occur to species of concern – is an important incentive.

As parties now move on to implementation, National Wildlife Federation is prepared to guide the development of additional priority research and tools, advocate for needed transparency in adherence, secure adequate budgets for the Service field offices, and evaluate opportunities to verify and support adherence to the guidelines through a certification process. NWF supports lead agencies applying the guidelines in a mandatory fashion where a federal nexus exists, and encourages states and localities to utilize these guidelines where appropriate in the development of their mandatory requirements to attain needed approvals for wind projects.

Q: In addition to the guidelines, what is being done to promote responsible wind energy?

A: Government agencies, conservation organizations, wind developers, and unique collaborative are preparing various tools to be used in conjunction with these guidelines. Some examples:

- The American Wind Wildlife Institute (AWWI) in conjunction with The Nature Conservancy (TNC) has developed a *Landscape Assessment Tool (LAT)* that spatially depicts distribution of various species, potential wind resource levels, and nearly 500 other landscape scale features useful for siting wind projects.
- The Western Governors Association has developed wildlife mapping tools for wildlife corridors, crucial habitat, and renewable energy zones.
- AWWI is also building a *Research Information System (RIS)* to collect and organize existing wind-wildlife data surveys from various wind projects. A prototype of this database is in development with completion expected by the end of 2012.
- State, Federal, and private research programs to identify priority questions and catalyze wind-wildlife research that will have immediate and practical impacts.
- The *Comprehensive Guide to Studying Wind Energy/Wildlife Interactions*² was developed in 2011 by the National Wind Coordinating Collaborative. The Guide reviews generally agreed-upon and scientifically appropriate methods, metrics, and protocols for use in siting studies.

Theoretically, these tools and others can dovetail with the tiered, risk-based approach outlined in the guidelines. For example, when scoping out possible wind project sites, a developer can use the LAT to define a particular geographical area and call up all the data layers for that area (such as distribution of species and whether land is under public or private ownership). If the LAT's preliminary screening indicates that the defined area is within the range of an endangered species, then the developer can decide whether to avoid the site or undertake further studies to determine the level of presence, if any, of that species at the particular site they are considering, as defined in the later tiers of the guidelines.

² The *Comprehensive Guide to Studying Wind Energy/Wildlife Interactions* is available on the National Wind Coordinating Collaborative website at www.nationalwind.org.