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Flora, Fauna, and FACA: New Guidelines for Minimizing Wildlife Impacts

To many people, “Flora and Fauna” are the Siamese twins who caused a spat between Gomez and Uncle Fester in *The Addams Family* movie. Wind developers, however, know that flora and fauna, or plants and animals, are items on the due diligence checklist. The potential for wind project impacts on flora and fauna has required negotiations with agency personnel, often without clear guidance – until now.

In the *Addams Family*, arguments over Flora and Fauna caused a rift between two brothers. In the wind industry, contention over flora and fauna caused the government to invoke the Federal Advisory Committee Act (FACA) in 2007. Under FACA, the U.S. Secretary of Interior created a Wind Turbine Guidelines Advisory Committee. The Advisory Committee has been drafting new recommended Guidelines for the U.S. Fish and Wildlife Service. The Guidelines are to be submitted this fall to the Secretary of the Interior.

Although the Guidelines are voluntary, the Advisory Committee has explored legal and financial incentives and noted that the Guidelines are “designed to be used by all prospective developers of wind energy projects.” It is now more important than ever to integrate desktop wildlife studies into project prospecting and to schedule pre-construction wildlife surveys that lead to informed turbine siting.



The potential for impacts on flora and fauna varies by project, as do the studies needed to assess those impacts. As currently drafted, the Guidelines outline a tiered approach that is intended to be used as a decision-making framework. Each tier describes progressively more detailed wildlife and habitat investigations. For sites without wildlife or habitat issues, the sequence could end after a desktop study. Sites near critical native habitats or sensitive wildlife, however, would likely involve more advanced studies. Field study methods are designed to document wildlife abundance, enabling impact prediction and minimization. Triggers for pre-construction field studies include resources such as raptor nests, bat roosts, migratory corridors, endangered plants or animals, or grouse courtship areas. Such sensitive resources could also lead to post-construction fatality or habitat impact studies.

The Guidelines will raise the bar for consistent adherence to wildlife survey protocols. In addition to the FACA Guidelines, several states are developing their own. The Colorado Division of Wildlife, for example, recommends raptor nest buffers ranging from 150 feet to 0.5 mile to minimize adverse effects.

Prudent wind developers understand the seasonal nature of data collection to address flora and fauna concerns. Bats and birds will begin migrating soon. Some obscure endangered plants can only be identified during the short window in which they bloom. By timing field surveys to coincide with seasons of activity, and knowing how the new Guidelines relate to specific wildlife concerns, you can obtain the necessary ecological intelligence in advance of project siting and keep due diligence on track. Unlike Gomez and Uncle Fester, you'll avoid the spat over Flora and Fauna.

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