

U.S. Fish & Wildlife Service
WIND TURBINE GUIDELINES ADVISORY COMMITTEE
Legal Subcommittee

In person and Conference Call Meeting – Friday, April 18, 2008

Draft Summary

Participants:

Patrick Traylor	Steve Quarles	Mike Daulton
Dave Stout	Jeri Lawrence	Kaush Arha (FWS AA)
Ben Jessup	Susan Goodwin	Abby Arnold, Facilitator

- The group confirmed with the FWS Solicitor's office the interest in creating a document that would provide a range of options that would inform the process of developing the guidelines.
- The group agreed that the options would range from regulatory to voluntary, would outline options under current law and regulation and would also identify possible options that might require a change in regulation or law. Participants discussed that the goal would be to ultimately develop an option that would provide an incentive for industry to minimize impact to increase compliance with the federal policy while satisfying federal, state laws, and provide the necessary conservation of wildlife.
- The memo will also address if the industry adopted a set of measures, what would be offered by FWS to industry, if they adopt the measures, voluntarily or otherwise.
 - Examples of the kinds of creative strategies to be explored, and their application to development of wind power, include, for example, General conservation plans and Conservation strategies, ...
- Call participants also noted that once a site is selected there needs to be incentives to industry to minimize impact to wildlife, there is a balance. Some sites should just not develop.
- While on the last call, the group discussed asking the FWS to develop the first draft, at the meeting the participants agreed a better approach would be to convene a meeting of the Subcommittee members and FWS staff who could inform the discussion.

ACTION: Patrick Traylor will draft a brief request to the FWS to set up a work session with Subcommittee members, Interior solicitor's office, and other FAC members who want to participate. Ultimately, the goal of this session (to be organized between April and July FAC meeting) will be to brainstorm a range of options, draft a summary of the options, and prepare it for review and discussion by the full FAC at the meeting. This proposal will be reviewed and discussed next week by the FAC.

ACTION: Steve Quarles will draft a report to the FAC and will deliver the report to the FAC at the April 23-24 meeting on the Committee's activities and recommendation for moving forward.

- Participants discussed some of the discussion occurring in other subcommittees around the "precautionary principle" concept and the precautionary "approach" mentioned in the Interim FWS guidelines and agreed definition of terms will be an important first step in the FAC deliberations.
- As requested by the Legal Subcommittee members on their last call, Dave reported that at the FAC meeting April 23 there would be a presentation on the MBTA, BGEA, and on incidental take under all of the wildlife laws.