



California Wind Energy Association

April 18, 2018

The Honorable Eduardo Garcia
Chair, Assembly Committee on Water, Parks and Wildlife
State Capitol Room 4140
Sacramento, CA 95814

RE: AB 2627 (Kalra) As Amended 4/17/18 – Concerns

Dear Chair Garcia,

The California Wind Energy Association (CalWEA) is an 18-year-old trade association representing wind energy companies focused on the California market, including owners and operators of projects located in California. AB 2627 addresses Section 3513 of the Fish and Game Code. As amended on April 17, the bill would permit an entity to take a migratory nongame bird, as defined, if the take is incidental to otherwise lawful activity and the entity complies with best management practices for avoiding, minimizing, and mitigating take of migratory nongame birds, as specified. As a condition of engaging in that activity, the bill would require an entity to certify to the department that the entity will comply with best management practices.

CalWEA is supportive of the intent of the legislation but has concerns about how some of the specific provisions, as drafted, may affect wind energy projects. Specifically, the prohibition on incidental take could apply to a single bird. We would like it to apply to a substantial number, consistent with CEQA guidelines. We would also like to see clearer statements that take authorization is automatic, assuming compliance with best management practices, and that, as is the case now, there would be no right of private enforcement.

We appreciate the author's willingness to discuss these provisions and look forward to continued engagement in hopes of resolving our concerns.

Sincerely,

Nancy Rader
Executive Director

cc: Members and Assembly Committee on Water, Parks and Wildlife
Assemblymember Ash Kalra