



ASSOCIATION of
FISH & WILDLIFE
AGENCIES

ENERGY & WILDLIFE POLICY COMMITTEE

Chair: Clay Crowder (AZ)

Vice-Chair: Bob Sargent (GA)

September 25, 2024

8:00 am - 11:00 am CST

114th AFWA Annual Meeting

Madison, WI

Room: See Whova App

Committee Charge: The energy and wildlife policy committee is focused on understanding and ameliorating the effects of 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.

Agenda

8:00 am Call to Order / Approval of Minutes from March 2024 North American / New Chair
Opening Remarks
Clay Crowder, AZGF

Missouri Moved; USGS seconds and voted to approve

8:05 State and Provincial Roundtable
One representative per state agency highlights a couple of legislative and policy initiatives, issues, or success stories. Non-state participants, please introduce self.

GA – DOE Sec said GA is the tip of the spear; EV manufacturing, battery manufacturing, solar. Data center energy usage is huge so question remains of how to power those centers; community solar projects lobbying for third party construction to get third party construction and power bills are rising

CO – 18 GW wind in review, at least 10 GW solar in SE region alone; wind is not slowing down in CO, 3x wind, 4x solar to get to state goals; renewable energy siting bill that tasks various agencies with providing model codes and review to counties and tasks CPW with building out maps and BMPs. Oil and Gas production fee bill that passed quickly, assesses production fee to oil and gas and 80% of \$ is going to CO DOT with 20% to CPW going to habitat/landscape level habitat conservation—estimated \$20-30M / year; Energy and Carbon Management Commission now includes geothermal, cumulative impacts, etc.

TX – drafting white paper on RNE currently in final stages done by Nov to give briefing to commission with a general update and summarizing white paper update; preparing for lively legislative session Jan-June--battery energy storage systems are on the rise, it has peaked in the last 2 years; first time have 2 solar facilities going through PUC going through ERCOT region; Gulf Wind gave unsolicited lease request to BOEM to generate 2GW energy, 133 turbines, once on land, interconnection, sale to off-takers, or

used to make another form of energy; for data centers 2800 MW of usage. We got a proposed project for a floating offshore turbine

AZ – solar is big, counties are approaching permitting in different ways; recent projects where local groups were not open to, don't want the land use change for solar energy to just go to CA; some discussion for a need to go through leg process; large turbines are being installed; ranchers are looking for alternatives to ranching and RNE is part of that; received BLM funding for a project understanding effects of solar on ungulate and fox movement-funding ~\$250k; FWS and BLM conversations on cumulative impacts from development on and adjacent to BLM lands—there is a capacity aspect and that is driving how quick or slowly that is happening. AZ got DOE funding to put solar panels over existing canals.

- *CO – one of the drivers for the siting bill is that some counties have moratorium others have no standard so this bill would set a minimum for counties.*
- *IA - we are dealing with county-level differences but have 99 counties but Arizona has 7 counties*

MI – trouble with local rule down to the township level (1700 of them); recent legislation passed that if local units of govt show good faith effort to site renewables, it goes to the state; there is a role for DNR for consultative process with respect to wildlife corridors but nowhere are corridors defined so unsure how to engage even though the statute requires consultation. Other sites to find sweet spot of degraded and close to transmission; working on BMPs to help guide solar developers not much new wind

Missouri- 2 major transmission projects; HCP process; guidance document with our SWAP already integrated; no major leg passed through, been pursuing NGO, academia partnership to work towards some public outreach

9:00 Wind Wildlife Working Group + WAFWA Energy Group update
Karen Voltura, CO Parks and Wildlife

We have made a ton of progress; last thing from the survey is to do a 'state research priority/science needs assessment. Still figuring out how to actually do this (another survey?) Have had a lot of new participation new states, regional USFWS, good conversations around mitigation and HCPs. Collaborating with the Bat WG to work towards some state resources especially for states that have never dealt with listed bats before.

WAFWA Energy Group – starting an energy WG under the Habitat Committee- we meet the third Thursday of each month, USGS and BLM are included, focus was to augment the AFWA group to focus in on the western states; dealing with solar mostly connectivity and big game; trying to NOT duplicate effort, working to disseminate information, solar and habitat connectivity are huge topics in the West; uranium mining and geothermal are much bigger deal in the western landscapes so trying to focus on that.

- *Casey: Need for research on renewable energy: when group is looking for those research and science needs, are you going to look at the financial side, how much that is going to cost? That's a really important part of how much it is going to cost to do this research. A: Yeah, we have talked with DOE and certainly considering that aspect. Cost, scale, etc.*

9:15 Solar Wildlife Working Group update
Bob Sargent, GA DNR

PRESENTATION ATTACHED

Solar survey distributed in March 2021 which set priorities for the group.

- ❑ *Products from SWWG: State Mechanisms for Solar Siting Document* [here](#)
- ❑ *NEWLY RELEASED: Solar Beneficial Management Practices Database* [here](#)
 - *Searchable database of all available state solar BMPs; AFWA built database and REWI is hosting and help to develop the user interface.*

9:27 Vote for Solar Communications Framework Resolution

Motion to approve – TX, second from MI, all voted to approve

9:30 Discussion: Guidelines for Mitigating Wildlife Impacts from Large Scale Solar
All

ACP update – Industry completed a discussion draft of the Solar Site Assessment Framework, provided to the state agencies for review. It is nationally focused, hope it can set the standards for industry for responsible development of solar with wildlife in mind. We have been working to develop a negotiation team of SFWA and industry members to work through the discussion draft, as a starting point. We have had one virtual meeting, have a workshop meeting next week and an in-person meeting at end of October. Will have monthly status updates to EWPC and other industry groups to keep everyone in the loop of the progress and milestones for the document. Once we arrive at a joint document, we will discuss next steps, for industry, first step is working with AFWA and next steps are tbd but plan to be an iterative process to get other stakeholder engagement.

State Perspective – collaborative and transparency is really important for us to ensure full committee has the updates. From state, we see this as using a template of WEG to produce a similar product where consideration of SFWA and industry.

CO – WEGs had a lot of involvement with NGOs, but this process is just states. So have you thought of other stakeholders? ACP: eNGO, USFWS, USGS – next steps will be informed by the result of the doc; the doc is focused on process and still discussion the purpose and actual content of the document.

TX – hope that it is a springboard to more regional or state-specific efforts. B/c there are so many differences in the priorities of regions, so this will be framework for other regional efforts to plug into. It is a good learning opportunity to understand other states and the industry perspective and what is possible and not, so I can better serve TX.

AZ – the fact that this is nation-wide we need your feedback to ensure it is representing the needs of the committee.

CO – are there already pinch points? Clay – the industry draft is written with just the industry voice, so incorporating the state voice will be key. TX – the WEGs had a clear federal nexus (MBTA, ESA), its less clear where that fed nex is on solar, yes of course ESA on discrete projects, my concern is how this will be welcomed by industry. How will this be embraced and used in the siting process? If that isn't ironed out and don't know what that commitment is by the time we get to the end, we need to know if it is useable by industry. ACP – the WEGs, to an extent, have grown beyond their initial intent, they are the standard expectation for how a project is developed (e.g. lenders want to see how they followed the WEGs) – that does not exist for solar, and we need an industry standard.

Dan Salas – it seems focused on the development phase; keeping industry and committee engaged in the process is key; is there more of a need of being explicit for going through avoidance/minimization, mitigation through each stage. TX – that is definitely something to consider. Should certainly highlight the mitigation process

OR – really want mitigation hierarchy incorporated; consideration of macro siting decisions and integration of state data b/c that is where SFWA are most effective. Want good focus and emphasis of considerations to be considered for pre-siting phase of process.

9:50 **BREAK**

10:00 Bureau of Land Management Update
 Bradley Jost, Wildlife Biologist

PRESENTATION ATTACHED

Solar PEIS, we are in the protest period for the final PEIS – major changes between draft and final – organized by category and resource instead of project stage and resource and BLM refined project requirement; 15 miles from existing and planned transmission instead of 10; consider lines with capacity of 69kV instead of 100kV; established difference between arid and non-arid regions; big game exclusion criteria include high use corridors, crucial and severe winter range, migration pinch points, parturition areas, stop over and incorporating some SFWA data to define the corridors; avoidance land allocation – non high use portions of migration corridors; will be updated with new data;

Greater Sage Grouse Planning – amend goals of 77RMPs. Final EIS in October 24

Public Lands Rule – ensures BLM protect clean water and wildlife habitat, restore lands and waters, informed decisions, plan has gone final, working on implementation, have internal implementation teams, creating FAC to inform BLM on best ways to implement the plan.

Exclusions on 80/20 on what is available is that what you would expect to see? BLM: not sure, this was very specific so not sure how that would compare. Incorporated as much data as we could, lots of coordination between wildlife and RNE division. Avoidance is not a green light. Exclusion is a red light; we can still exclude projects at a project level and we can incorporate. OR: are there opportunities to host state data prior to a developer wanting to develop a certain area? BLM: Yeah, we'd love to do that and host some data. OR: some states wanted high priority conservation areas included because developer wants to see that, but if BLM isn't ready to incorporate that into the plan, at least having those data could be really important.

Process to validate and update state data: there were missteps with communications to use the USGS atlas and state data; MT was not included in USGS but wanted to include some data; general process will use data at SFWA approval and state remains the gatekeeper of should it be used. TRCP spoke generally to what the states wanted and that was the high priority data.

- *ACP: will there be a cadence or schedule for updates? BLM: We don't have a timeline but we do want to have some kind of regular updates. Some data will be vetted at local level as well, perhaps once a year updates?*
- *AZ: our big game migration data were not included, and map is empty even though we did work with USGS, so the timing of when the updates occur, that's super important. Commission sets policy for SFWA and they were very concerned about PEIS and asked to send letter to Sec. Haaland, so the fact that AZ commission is interested is a big deal. Timing and who determines validation and of updates.*

10:10 State Spotlight: Wisconsin
 Stacy Rowe, Wisconsin Department of Natural Resources

Coal was the main source of energy in WI, working to switch it to Renewables

Pollinators- if you plan and it brings in listed species, how do you deal with this. Trying to figure out at state level how to address habitat creation and what happens when its Decommissioned. Working with a university for eDNA on solar site.

10:25 US Fish and Wildlife Service Update
Michael Oetker, Southeast Regional Director, USFWS

PRESENTATION ATTACHED

*Administration is prioritizing renewables
BFF should be finalized next Spring*

10:35 USGS Update
Mona Khalil, USGS

PRESENTATION ATTACHED

10:50 REWI Update
Eric Schaubert, Director of Research, REWI

Abby Arnold is stepping down as Executive Director in December, search for replacement is well underway.

Wind Wildlife Research Meeting, November 12-15 in Corpus Christi TX

Updating AWWIC database to increase usability and quality of data for regulatory agencies to inform permitting decisions, and improve public transparency of AWWIC data.

Solar Program: Southeast solar workshop, now working towards regional research strategies; DOE-funded SolSource Database under development; working with AFWA to house the Solar BMP database.

11:00 Wrap-up and Adjourn

RESOLUTION 2024-03-10

SUPPORTING THE AWFA-ACP-EWAC COMMUNICATIONS FRAMEWORK FOR SOLAR ENERGY PROJECT PROPONENTS AND STATE FISH AND WILDLIFE AGENCIES

WHEREAS, renewable energy is an important tool to minimize the effects of climate change and protect wildlife and ecosystems; and

WHEREAS, solar energy is a critical component of the renewable energy strategy and buildout across North America; and

WHEREAS, the siting, operation, and eventual decommissioning of solar energy projects can potentially pose negative effects to wildlife species and their habitats; and

WHEREAS, state fish and wildlife agencies and the solar energy industry jointly recognize the need to consider the impact of solar energy on wildlife and habitat; and

WHEREAS, the Association of Fish and Wildlife Agencies (Association) recognizes the need to open and maintain lines of communication specifically between state agencies and the solar industry; and

WHEREAS, the American Clean Power Association (ACP) and Energy Wildlife Action Coalition (EWAC), trade organizations for solar energy project proponents in the United States, recognize the need to open and maintain lines of communication specifically between state agencies and the solar industry; and

WHEREAS, the Association and ACP developed and published the Communications Framework for Wind Energy Project Proponents and State Fish and Wildlife Agencies in 2023 to establish a recommended process to encourage early and often communications and serves as an example for solar energy; and

WHEREAS, the Association, ACP, and EWAC assembled a collaborative working group consisting of state agency and industry representatives for the purpose of better understanding the challenges and limitations each faces, as well as to identify common ground shared by each party; and

WHEREAS, the Association, ACP, and EWAC developed a voluntary communications protocol to serve as a guide for early and iterative communications between project proponents and state agencies that establishes expectations for the frequency and style of engagement and the recommended communications triggers; and

NOW THEREFORE BE IT RESOLVED, that the Association endorses and supports the “AFWA-ACP-EWAC Communications Framework for Solar Energy Proponents and State Fish and Wildlife Agencies” and shall provide guidance to its member agencies in implementing the framework; it shall collaborate with state, provincial, territorial, tribal, federal, private, and international entities in sharing information across sectors and disciplines; and it shall continually evaluate the efficacy of and need for the framework, as well as assess opportunities for improving the framework.

Approved by the Energy & Wildlife Policy Committee.