

U.S. Fish and Wildlife Service
Wind Turbine Guidelines Advisory Committee
Legal Subcommittee
Conference Call, September 4, 2008

Draft Summary

Participants:

Patrick Traylor	Rob Manes	Jim Eisen
Mike Daulton	Steven Quarles	Rachel London
Susan Goodwin	Ed Lewis, FWS	Don Carr
Kevin Garlick, FWS	Jason Rylander	Mark Sinclair
Gerry Hawkins	Abby Arnold	Elana Kimbrell

- The subcommittee reviewed and discussed two draft documents modeled after an existing concept in PA: sample agreements between a State and FWS, and a developer and FWS. The purpose of the drafts was to start a conversation and sharpen thinking within the subcommittee and with FWS about how national guidance could be voluntarily implemented with incentives for their use.
- The question was raised of how to determine the appropriate level of detail of the subcommittee's presentation to the FAC, and of the FAC's recommendations. It was agreed that all subcommittees will present information to the FAC; the FAC will reach agreement on the appropriate level of detail.
- The subcommittee identified two options for potential recommendations to inform the FAC regarding the draft agreements:
 - FAC consider using ABPP approach; broaden as a contractual agreement akin to a permit under MBTA.
 - ABPP considered as voluntary; understanding that FWS can offer liability protection.
- The two options remain on the table; the subcommittee let a decision rest.
- An update was provided on the status of a draft white legal paper.

ACTION: The draft white paper will be distributed to the subcommittee no later than Friday, September 12, for review. The subcommittee will discuss this draft on the next teleconference.

- The next call is scheduled for **Thursday, September 18th, 3 – 4:30 pm EST.**
Call-in number: 1-877-927-7159; Passcode 7782916