

US Department of the Interior

Wind Turbine Guidelines Advisory Committee

Consensus of Members Present at April 23, 2008 Session Groundrules

1. PURPOSE

The Committee charter describing the scope of the committee states:

“The Committee will provide advice and recommendations to the Secretary of the Interior (Secretary) on developing effective measures to avoid or minimize impacts to wildlife and their habitats related to land-based wind energy facilities.”

More specifically, the duties of the Committee are to provide advice and recommendations to the Secretary on:

- a. the Service’s interim guidelines on how to avoid and minimize wildlife impacts from land-based wind energy facilities;
- b. balancing potential impacts to wildlife with the cost of acquiring the information necessary to assess those impacts prior to selecting sites and designing facilities;
- c. the scientific tools and procedures best able to assess pre-development risk or benefits provided to wildlife, measure post-development mortality, assess behavioral modification, and provide compensatory mitigation for unavoidable impacts; and,
- d. a process for coordinating state, tribal, local, and national review and evaluation of the impacts to wildlife from wind energy facilities to standardize approaches and requirements, and achieve compliance with Tribal, State and Federal laws and international treaties.

2. AUTHORITY

The Secretary has determined that the establishment of the Committee is in the public interest. The Committee is subject to the Federal Advisory Committee Act (FACA) as outlined in its Charter approved by the Secretary.

3. PARTICIPATION

- a. The Wind Turbine Guidelines Advisory Committee. The Secretary will appoint committee members (Members) who can effectively represent the balance of viewpoints that would be substantially affected by the issues. [See attached list]
- b. Membership. Each Member must make a good faith effort to attend each full Federal Advisory Committee meeting (FACA meeting). The Member may be

47 accompanied by such other individuals as that Member believes is appropriate.
48 Alternate members may be selected and appointed by the Secretary. Alternates
49 will attend FACA meetings as a member of the Committee only in the absence of
50 the primary member. The Secretary may remove a Member of the Committee.

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52 c. Chairperson/Designated Federal Official (DFO). The Chief of the Division of
53 Habitat and Resource Conservation, Fisheries and Habitat Conservation, shall
54 serve as Chairperson of the Committee and as the DFO. The role of the
55 Chairperson is to establish the Committee priorities. The role of the DFO is to
56 open and close FACA meetings, approve agendas and certify meeting summaries
57 in consultation with the Committee, and other duties identified in the Federal
58 Advisory Committee Act. The Chairperson/DFO represents the Director, U.S.
59 Fish and Wildlife Service, on the Wind Turbine FACA Committee and is the
60 government's agent for all matters related to the Committee's activities.

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62 d. Constituents Interests. Committee Members are expected to ensure that all
63 significant issues and concerns are fully and clearly articulated during the FACA
64 meetings, and that the agreement developed by the Committee is acceptable to the
65 constituency that the Committee Member represents.

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67 4. MEETINGS

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69 a. Open Meetings. FACA meetings will be announced in the *Federal Register* prior
70 to the meeting and, consistent with FACA requirements; will be open to the
71 public. The public will be given opportunities at designated times during each
72 meeting to make comments, raise questions, or submit materials for the record. If
73 a committee member believes that a member of the public can provide valuable
74 information to the committee, he/she can request that the DFO provide time
75 outside of the official public comments period for that person to speak.

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77 b. Communication. Members are encouraged to communicate their opinions, ideas
78 and concerns openly in order to foster a dialogue that will lead to the best possible
79 decisions.

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81 c. Video or Audio Recordings. The Members respectfully request that the
82 Committee be notified of any audio or video recording of Wind Turbine Advisory
83 Committee discussions.

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85 d. Minutes. The Chairperson will approve the meeting summary prepared by the
86 facilitator for each FACA meeting. The minutes will include a record of the
87 persons present, including committee members and members of the public who
88 make written or oral presentations, and a description of the matters discussed and
89 conclusions reached, including copies of all reports and other documents received,
90 issued, or approved by the Committee at the FACA meeting. Draft meeting
91 summaries, prepared by the facilitator, will be circulated to Members for
92 accuracy. Final meeting summaries will be made available to the public by

93 request. Committee information will also be accessible through the U.S. Fish and
94 Wildlife Service Website.

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96 e. Agenda. Preliminary FACA meeting agendas will be developed by the
97 Chairman/DFO in consultation with the Members.

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99 f. Caucus. Any Member may request a break at any time subject to the DFO's
100 approval. Members will be asked for an estimate of the time needed for the
101 caucus.

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104 5. DECISIONMAKING

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106 a. Consensus. The Committee will operate by consensus of all Members present.
107 Consensus is defined as "each Committee member can live with a decision by the
108 Committee". If a Member has a major objection, the Member should make a
109 serious effort to propose a reasonable alternative to the decision. All Members
110 should remain at the table during deliberations to hear the full discussions in order
111 to make informed judgments when decision making occurs. If a member or their
112 alternate is not present when consensus is reached, the Facilitator will contact the
113 absent Member(s) within a few business days to determine if s/he is part of the
114 consensus agreement. If the absent Member can not live with the agreement, the
115 Facilitator will report by electronic mail the concerns to the full Committee. At
116 the end of the process, in the event that consensus is not reached, a summary of
117 the issue(s) will be prepared by the facilitator, in consultation with the Members,
118 and forwarded as part of the full set of recommendations to the Secretary.

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120 b. Subcommittees. Subcommittees may be formed to address specific issues and to
121 make recommendations to the Committee. Subcommittees can consist of
122 Members and/or their designated alternates. At appropriate times, technical
123 experts will be invited to participate in and offer advice to Subcommittees. Before
124 participating in Subcommittee meetings or conference calls, technical experts will
125 be reviewed and agreed on by the Subcommittee Members. Members will make
126 subcommittee recommendations to the FAC. Subcommittees are not authorized to
127 make decisions for the Committee as a whole. All Members will be notified of all
128 Subcommittee meetings. Subcommittees will be asked to provide reports to the
129 Committee through an oral briefing and in writing when possible.

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131 c. Discontinue Committee Discussions. Through a consensus decision, the
132 Committee may discontinue discussions at any time if they do not appear
133 productive. In this event, the Secretary will continue to develop the guidance in
134 the traditional manner.

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139 6. AGREEMENT
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- 141 a. Product. The Committee will report to the Secretary through the Director, U.S.
142 Fish and Wildlife Service, and will function solely as an advisory body. The
143 Committee will provide recommendations and advice to the Department and the
144 Service consistent with the Committee's Charter. The product will include a list
145 of the issues addressed by the Committee, what the Committee learned about the
146 issues, and recommendations that address the issues. The Agreement of the
147 Committee or any written document or other product(s) of the Committee
148 intended for delivery to the Secretary will include a list of names and signatures
149 of all Wind Turbine Advisory Committee Members.
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- 151 b. Use of Product. The Secretary, through the Director of the U.S. Fish and Wildlife
152 Service, anticipates using the Committee's written agreement as the basis of his or
153 her guidance to the maximum extent possible consistent with the Agency's legal
154 obligations.
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- 156 c. Final Guidance. So long as it is consistent with federal law, the Secretary
157 anticipates promulgating final guidance consistent with the Committee's written
158 recommendations, unless new information or comments submitted in response to
159 the Notice of Proposed guidance require changes.
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- 161 d. Support for the Agreement. If a consensus agreement is reached, all Members
162 represented on the Committee agree that once the Committee's final consensus
163 recommendation is submitted to the Secretary, each Member will honor that
164 agreement by taking positions in other forums that are consistent with the
165 agreement.
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167 7. SAFEGUARDS FOR THE PARTIES
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- 169 a. Good Faith. All parties agree to act in a good faith effort to reach agreement in all
170 aspects of these discussions. Specific offers, positions, or statements made during
171 the discussions may not be used by other parties for any purpose outside the
172 discussions or as a basis for future or in support for current litigation. This is
173 intended to support the Wind Turbine Advisory Committee process by
174 encouraging the free and open exchange of ideas, views, and information prior to
175 achieving consensus. Personal attacks and prejudiced statements will not be
176 tolerated.
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- 178 b. Right to Withdraw. Any party may withdraw from the Committee at any time.
179 However, prior to withdrawing the Member will communicate to the Committee
180 the reasons for withdrawal in person, if practical. In the event a Member
181 withdraws, their designated alternate will become the Member.
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- 183 c. Other's Positions. No party will characterize the position of any other party in
184 public statements or in discussions with the press, even if that party withdraws

185 from the Committee. To the extent feasible, parties will refer others to the
186 meeting summaries for information about the Committee’s deliberations.
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188 d. Information.

- 189 (1) All parties agree to share all relevant information to the maximum extent
190 possible. If a party believes it cannot or should not release relevant
191 information (e.g. because of its confidential or proprietary nature), it will
192 provide the substance of the information in some form (such as by aggregating
193 data, by deleting non-relevant confidential information, by providing
194 summaries, or by furnishing it to a neutral consultant to use or abstract) or it
195 will provide a general description of it and the reason for not providing it
196 directly.
197 (2) Parties will provide information called for by this paragraph as much in
198 advance of the FACA meeting at which such information is used as possible.
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200 8. SCHEDULE

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202 FACA meetings will be held approximately four – six times/year, as determined
203 by the Committee. Unless extended by the Secretary through the Director, U.S.
204 Fish and Wildlife Service, the deadline for the discussions is October 26, 2009.
205 The Committee is chartered until October 26, 2009.
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207 9. FACILITATOR(S)

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209 a. Facilitator. The Facilitator will work to ensure that the process runs smoothly.
210 The role of Facilitator usually includes developing draft agendas, facilitating
211 Committee and Subcommittee discussions, working to resolve any impasses that
212 may arise, preparing meetings summaries, assisting in the location and circulation
213 of background materials the Committee develops, and other functions the
214 Committee requests. The Facilitator will take no positions on the issues before the
215 Committee.
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