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U.S. House of Representatives
Committee on Resources
Washington, DC 20515

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October 4, 2004

The Honorable Gale Norton
Secretary of the Interior
The Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Norton:

I am heartened by the fact that a number of utilities are seeking to add a significant amount of wind energy capacity to their resource portfolio. I am equally heartened by the growth of wind power on public lands that is projected by the Bureau of Land Management's Draft Programmatic Environmental Impact Statement for Wind Energy Development made available on September 10, 2004. While I believe that wind energy has a bright future, I have strong concerns about guidance that originated in your department that could hamper this progress.

In particular, I am troubled about the U.S. Fish and Wildlife Service's July 2003 "Interim Guidance on Avoiding and Minimizing Wildlife Impacts from Wind Turbines." While the document's purpose is implicit in its title, it is proving to be harmful to the development of appropriately sited and designed wind generation facilities. Despite statements to the contrary by the Service, the "interim" guidance is being interpreted as having the force of regulation. Even though the guidance is characterized as "interim" and "voluntary" these qualifications do nothing to diminish the perception that it was released as a rulemaking with the Service's full blessing. The interim guidance has weight far beyond what is appropriate and it has and will continue to have impacts on individual wind power projects far in excess of what is acceptable given that it is merely a draft document.

The long data collection timelines over multiple sites that are espoused by the Service's guidance negatively affect the industry's utilization of the wind energy Production Tax Credit (PTC), a critical factor in financing new wind power installations. Congress voted September 23rd to reinstate the credit through 2005 as part of the middle class tax cut bill (H.R. 1308). Once signed by the President, H.R. 1308 will retroactively extend the PTC from December 31, 2003 to December 31, 2005 (a period of only 15 months going forward). The PTC provides a 1.5 cent-per-kilowatt-hour tax credit (adjusted annually

for inflation) for electricity generated with wind turbines. It is important to note that the credit extends only to actual production.

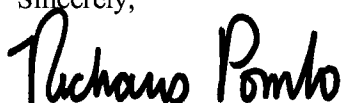
State and local land use regulators are using the Service's draft guidance document to evaluate wind energy projects because it has the look and feel of a formal regulatory standard. In many cases these are individuals with limited exposure to wind energy projects looking for a supportive document. I believe that their perception of the draft guidance would be different if they knew it had no meaningful input from either the proponents or the opponents of wind energy systems. Not taking meaningful public comment may have expedited the department's renewable energy initiative, but it also has permitted the dissemination of a document without public input. I have been advised that wind energy projects have been adversely affected by reviews and assessments based on the use of this flawed document. The draft guidance should not be utilized to assess any projects by anyone until it has been revised in a manner consistent with the congressional policies on preparing regulations and guidance.

I note that you sent instructions to the Service's field offices regarding implementation of the interim guidance on April 26, 2004. I regard such after-the-fact, guidance-on-guidance to be a symptom of what is wrong with the process used by the Service. I ask that you remedy this unfortunate situation by immediately suspending the use of the interim guidance. If you determine that it is appropriate for your department to reissue this wildlife guidance for wind energy projects, I also urge the Department to open the process up to public comment. Only after taking public comments should the draft documents be reissued as guidance of any sort, including "interim guidance."

I applaud your initiative to encourage development of energy resources, including wind power, on public lands. I have witnessed the tremendous value that wind power brings to rural communities and the public in general. The wind energy industry has been the fastest-growing energy industry for more than ten years and is responsible for the creation of thousands of jobs across the nation. Wind energy development has been of tremendous value to rural landowners, creating supplemental income in some cases to the extent of allowing them to remain on their land. The American public deserves to benefit from development on publicly owned lands as well.

I stand ready to work with you on correcting this situation.

Sincerely,

A handwritten signature in black ink that reads "Richard W. Pombo". The signature is written in a cursive, slightly slanted style.

Richard W. Pombo
Chairman
Committee on Resources

WindPac contributions - as tracked by Campaign Money

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Political Candidates Receiving Contributions from AMERICAN WIND ENERGY ASSOCIATION POLITICAL ACTION COMMITTEE (WINDPAC)

Name		Party	State	\$
LINCOLN	BLANCHE LAMBERT	Senate Democrat	AR	500
PASTOR	EDWARD L	House Democrat	AZ	100
MATSUI	ROBERT	House Democrat	CA	500
POMBO	RICHARD	House Republican	CA	1000
WELLER	GERALD C JERRY	House Republican	DC	7000
FOLEY	MARK	House Republican	FL	1000
GRASSLEY	CHARLES E	Senate Republican	IA	2000
LATHAM	TOM	House Republican	IA	500
REHBERG	DENNIS R	House Republican	MT	500
CONRAD	KENT	Senate Democrat	ND	5000
DORGAN	BYRON L	Senate Democrat	ND	3000
BINGAMAN	JEFF	Senate Democrat	NM	1000
REID	HARRY	Senate Democrat	NV	3000
BISHOP	TIMOTHY	House Democrat	NY	500
COLE	TOM JEFFERY	House Republican	OK	500
DOGGETT	LLOYD A MR.	House Democrat	TX	500
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BOUCHER	FREDERICK CARLYLE	House Democrat	VA	500
KIND	RONALD JAMES	House Democrat	WI	1000
Total =				28600
Democrats - \$16,500; Republicans - \$12,100				

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ABDUL	RASHID	500	05/19/2004	
ABDUL	RASHID	500	10/23/2003	PA
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BLITTERSDORT	DAVID C	1000	03/17/2004	CHARLOTTE VT 05445
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CONOVER	KAREN E	1000	06/25/2004	SEATTLE WA 98144
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DEWOLFF	ELIZABETH	500	05/14/2003	GLEN ALLEN VA 23059
DEWOLFF	ELIZABETH	500	04/15/2004	GLEN ALLEN VA 23059
EIROWSK	ED	200	06/05/2003	
ENFIELD	SAMUEL	500	03/12/2004	DICKERSON MD 97214
ENFIELD	SAMUEL	500	05/14/2003	DICKERSON MD 20842
GATES	ROBERT A	1000	05/14/2003	TEHACHUPI CA 93561
GOSSELIN	DEAN R	1000	04/15/2004	WEST PALM BEACH FL 33405
GOSSELIN	DEAN	750	02/21/2003	WEST PALM BEACH FL 33405
GRAY	THOMAS	500	03/12/2004	NORWICH VT 05055
GRAY	TOM	250	06/05/2003	NORWICH VT 05055
GRAY	TOM	250	02/21/2003	NORWICH VT 05055
GRUNDTNER	JEROME A	500	08/25/2003	FOREST LAKE MN 55025
HOISETH	CRAIG	1000	06/05/2003	CROOKSTON MN 56716
HOISETH	CRAIG A	1000	03/17/2004	CROOKSTON MN 56716
HOLMES	WILLIAM	250	06/23/2003	PORTLAND OR 97214
JAURICH	GREGORY J	2000	03/27/2003	NORTH OAKS MN 55127
JONDAHL	TERRI	1000	03/17/2004	FLOWERY BRANCH GA 30542
JONDAHL	TERRI	1000	12/12/2003	FLOWERY BRANCH GA 30542
KIRKPATRICK	MARGARET	250	06/05/2003	
LAMM	DAVID S	1500	09/29/2003	OAK PARK CA 91377
OLSEN	DAVID B	500	03/27/2003	VENTURA CA 93001
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POORE	ROBERT Z	1000	06/25/2004	SEATTLE WA 98119
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ROBERTS	ROBY	1000	04/15/2004	PORTLAND OR 97202
ROBERTS	ROBY	1000	06/23/2003	PORTLAND OR 97202
WALKER	RICHARD P	500	05/19/2004	LAKE KIOWA TX 76240
WIND	THOMAS A	1000	05/19/2004	JEFFERSON IA 50129
WIND	THOMAS A	750	03/17/2004	JEFFERSON IA 50129
WIND	THOMAS A	750	06/23/2003	JEFFERSON IA 50129

Total = **35150**

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		AWEA		Wind			
		Board of	AWEA	Industry	Wind	Wind	
Name		Directors	Staff	Sales	Developer	Consultant	
ABDUL	RASHID	X					
ADAMS	WILLIAM W	X					
AHLSTROM	MARK					X	http://www.windustry.com/conference/proceedings/ecodev/buildingb.htm#Mark%20Ahlstrom
AMIS	THOMAS R				X		http://www.bakerbotts.com/attorneys/bio.asp?id=A070491971
BAILEY	BRUCE H	X					AWS Truewind
BERGEY	MICHAEL	X					
BLITTERSDORF	DAVID C	X					
CAPARELLI	DAVID						?
CONOVER	KAREN E					X	http://www.globalenergyconcepts.com/personnel.htm
DEMEO	EDGAR A					X	http://www.eere.energy.gov/windpoweringamerica/pioneers_demeo.html
DEWOLFF	ELIZABETH				X		wife of Theo DeWolff - co-owner of AREC?
EIROWSK	ED						?
ENFIELD	SAMUEL	X			X		Atlantic Renewable Energy Corp. (AREC)
GATES	ROBERT A	X					
GOSELIN	DEAN R	X					
GRAY	THOMAS		X				Communications Director, AWEA
GRUNDTNER	JEROME A	X					
HOISETH	CRAIG			X			http://www.windenergycouncil.org/contact.html ; CEO - LM Glasfiber
HOLMES	WILLIAM						?
JAURICH	GREGORY J						?
JONDAHL	TERRI			X			http://www.cabinc.com/thome.htm ; CEO - CAB Inc.
KIRKPATRICK	MARGARET					X	http://www.stoel.com/asp/resumes/resume.asp?rs_name=MDK169
LAMM	DAVID S			X			http://www.eui-windfarm.com/corporate.Htm
OLSEN	DAVID B						?
POORE	ROBERT Z					X	http://www.globalenergyconcepts.com/personnel.htm
RACKSTRAW	KEVIN	X			X		Clipper Windpower, Inc.
ROBERTS	ROBY	X					
WALKER	RICHARD P	X					
WIND	THOMAS A					X	