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June 6, 2007

The Honorable Nick Rahall
1324 Longworth HOB
Washington, DC 20515

The Honorable Don Young
1329 Longworth HOB
Washington, DC 20515

Dear Chairman Rahall and Representative Young:

As governors who believe that promoting greater development of renewable energy resources is critical to the United States' future both in terms of addressing national energy security and global climate change, we are writing to express our strong opposition to Subtitle D of H.R. 2337. The Governors certainly recognize the environmental concerns associated with siting wind farms. However, this legislation, which would establish an unprecedented Federal siting requirement for wind power facilities, would be severely detrimental to wind energy development, endanger our energy security, increase greenhouse gas emissions and raise energy prices.

Almost one-half of the states currently have enacted renewable portfolio standard (RPS) requirements and many others are considering RPS programs or promoting renewable energy development through alternative means. Wind energy represents the country's most cost-effective and widely available renewable electricity resource, and the United States has led the world in deployment of new wind energy projects in the last two years.

Unfortunately, the tremendous progress the states have made would be placed in jeopardy if your proposal is enacted. For example, the "Standards and Requirements" section would establish an elaborate bureaucratic process for the Secretary of the Interior to develop federal regulations governing the construction and operation of wind projects. A new Wind Turbine Guidelines Advisory Committee would be created under the Federal Advisory Committee Act. This Committee is to make recommendations to the Secretary within two years. Within one year, the Fish and Wildlife Service and U.S. Geological Survey are to survey all onshore and offshore lands and prepare maps and other information on bird and bat densities, locations, detailed migration patterns, and effects of weather and topography and other variables on migration, and overlay such information on all types of sensitive environmental areas and wind resource information. Once these two studies are done, within 180 days the Secretary is to finalize regulations establishing standards for wind

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projects including preconstruction surveys, construction and operating requirements, post-construction monitoring, etc. These regulations would apply to new wind projects and some provisions, including wind machine operating requirements, would be retroactively applied to existing wind projects.


These provisions would effectively halt all new wind energy development while new regulations are written (a process that will take a minimum of two and one-half years) and "preconstruction surveys are undertaken. Realistically, these processes would result in freezing wind power development in the United States for years to come. Utilities, which have an obligation to provide power to customers, would be leery of counting on wind resources given the regulatory uncertainty created by your proposal.

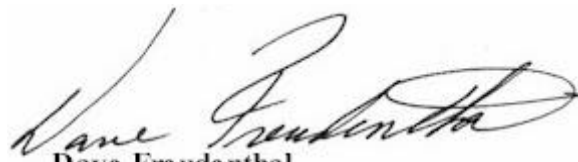
States and local governments have traditionally regulated the siting of all electric generation facilities on private and state lands. We take this responsibility seriously, including the protection of avian species from the potential impact of any generation technology. In addition, as Subtitle D explicitly recognizes, there are already a number of existing Federal aviation protection laws that apply to wind energy facilities.

In 2006, WGA adopted the report, *Clean Energy, a Strong Economy and a Healthy Environment*. This report established a series of recommendations to ensure that states take appropriate steps to coordinate regulatory reviews on multi-state renewable energy projects, and to ensure that project planning be done in close concert with energy offices, state siting authorities, fish and wildlife agencies, and public utility commissions. The states are committed to ensuring state actions are consistent with energy policy and consistently coordinated between agencies. Further, the report specifies continuing support for research on turbine design and wind farm layout features that will reduce wind-farm risk to birds and bats.

States have extensive regulatory and environmental authority over the siting of wind energy projects and also the statutory responsibility for ensuring reliable retail electricity supply. We strongly urge you to delete Subtitle D of H.R. 2337. This provision duplicates and pre-empts important state responsibilities, and would impede vitally important state efforts to reduce greenhouse gas emissions, diversify our energy sources, and provide low-cost energy for consumers.

Sincerely,


M. Michael Rounds
Governor of South Dakota
Chairman


Dave Freudenthal
Governor of Wyoming
Vice Chairman