

(i) standards that will avoid or minimize impacts on birds and bats from the construction and operation of wind-energy generating facilities;

(ii) a tiered system of standards that vary with the size of the wind-energy generating facility and the associated generating capacity;

(iii) additional assessments of avian and bat populations and behavior that may be needed before issuance of a certificate of public convenience and necessity beyond those needed for other types of generating facilities, if any;

(iv) additional monitoring studies of avian and bat populations and behavior during and after construction of a facility; and

(v) mitigation appropriate to address any impact on avian and bat populations above a threshold level to be included in the certificate of public convenience and necessity for a wind-powered electricity generating facility.

(4) In conducting its study, the technical advisory group shall consider guidelines for siting, operation, and avoidance and mitigation of avian impacts under development by the United States Fish and Wildlife Service and by other states.

(5) The Power Plant Research Program of the Department of Natural Resources shall assist the technical advisory group in its study and the development of recommendations.

(6) On or before June 1, 2005, the technical advisory group shall report its recommendations to the Commission.

(7) (i) On or before July 1, 2006, the Commission shall adopt regulations for wind-powered electricity generating facility siting taking into consideration the recommendations of the technical advisory group.

(ii) The regulations may not apply to any wind-powered electricity generating facility for which an application for a certificate of public convenience and necessity has been submitted to the Commission before the effective date of the regulations.

(b) The General Assembly strongly encourages:

(1) the Public Service Commission to exempt from siting, operational, and monitoring requirements wind-energy generating facilities that involve only small turbines for residential, agricultural, and small business use, including facilities installed for net-energy metering;

(2) developers of commercial wind-energy generating facilities that involve more than 10 turbines to:

(i) conduct at least 1 year of site evaluation, using state-of-the-art techniques, both for the potential for direct mortality of avian species and for impacts from fragmentation and loss of forest and other affected habitat; and