



## California Wind Energy Association

April 18, 2013

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State Director, California State Office  
Bureau of Land Management  
2800 Cottage Way  
Sacramento, CA 95825

Karen Douglas  
Commissioner  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

Re: Docket No. 09-RENEW EO-01 - March 28, 2013, DRECP Streamlining Concepts Letter

Dear Director Kenna and Commissioner Douglas:

CalWEA appreciates your invitation to provide feedback on the March 28, 2013, DRECP letter to stakeholders describing streamlining concepts (“Concepts Letter”). We want to share our thoughts with you regarding section 2 of the Concepts Letter, entitled “Flexibility for Renewable Energy Development outside Development Focus Areas.”

In that section of the Concepts Letter, it is made clear that, absent a plan amendment, renewable energy development outside of Development Focus Areas (“DFAs”) will not, under any circumstances, receive the efficiencies and other permitting benefits that will be available to projects sited within DFAs. The Concepts Letter also makes clear that renewable energy development on some BLM land that is neither within DFAs nor designated as off-limits to development will be considered “DRECP Variance Lands,” subject to the same rules BLM applies to variance areas identified in the Solar Programmatic Environmental Impact Statement (“Solar PEIS”). This restrictive approach to permitting outside of DFAs is unnecessary and would drastically limit wind energy development in the DRECP.

While the Concepts Letter appears to be aimed at addressing this issue, the solution it proposes on public lands (approximately 75% of the DRECP area)—“DRECP Variance Area” permitting—misses the mark. Without the benefits of permit streamlining, wind energy developers will be placed at a distinct competitive disadvantage that will likely discourage wind energy development in the DRECP.

Implementing the DRECP Variance Area concept on BLM land, with no possibility of obtaining permit streamlining, could severely hamper wind energy development without actually aiding in achievement of the DRECP’s goals. As we outlined in our January 2013 comment letter, the DFAs identified thus far bear little, if any, relationship to the specific environmental impacts of wind energy development. As a result, restricting access to permit streamlining based on whether a wind energy project is within or outside of DFAs is not tied to the project’s expected environmental impacts, and refusing to provide permit streamlining on that basis is similarly arbitrary. Nor does application of the Solar PEIS variance concept to wind energy projects make sense; that process details requirements specific to the impacts of solar energy development, such as detailed requirements for consideration of solar-specific impacts

to desert tortoise.<sup>1</sup> The PEIS variance process also includes onerous requirements related to greater sage grouse, which is not proposed as a covered species under the DRECP.<sup>2</sup> Wind energy development has a much smaller terrestrial footprint than solar energy development, and its environmental impacts differ from those of solar energy development. However, more empirical data are needed to programmatically assess the impacts of wind energy development on both avian and terrestrial wildlife (as well as military operations).<sup>3</sup> The DRECP's evaluation requirements for wind energy projects outside of DFAs should recognize these distinctions and information gaps, rather than attempting to shoehorn wind energy development into a process that was not designed with wind energy development in mind.

Given the differing impacts of wind and solar energy development, the lack of scientific information on wind energy's avian and terrestrial impacts and avoidance mechanisms, and thus the difficulty of identifying feasible wind energy DFAs prior to DRECP approval, a unique approach to extra-DFA wind energy permitting is necessary. We propose the following:

- Wind Evaluation Areas: The Plan must allow for wind energy development in very substantial areas outside of DFAs and public land reserve design areas while it addresses information gaps. We have previously referred to these areas as "Wind Evaluation Areas." To support a reasonable 12,500-MW planning goal for wind in 2040, it is necessary to identify approximately 3.5 million acres for exploration in the highest quality wind resource areas, while capping total impacts based on expectations for the 12,500 MW planning goal (e.g., roughly 25,000 acres of total direct, permanent ground disturbance, and eagle impacts to be determined).

To alleviate concerns that Wind Evaluation Areas (those outside of DFAs and reserve areas) could be opened to development more broadly, these areas could be explicitly limited to wind energy development, or to renewable energy development that has a certain limited acreage impact per megawatt. (Indeed, CalWEA would support a Plan that includes wind evaluation areas *in lieu of* wind-DFAs, which, as conceived to date, are likely to prove largely unsuitable for development and insufficient to reach a reasonable planning goal.)

- Research Plan: The Plan must include a commitment to perform, over a period of approximately five years, the studies necessary to fill the information gaps relating to wind energy impacts.

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<sup>1</sup> Final Solar Energy Development Programmatic Environmental Impact Statement (Solar PEIS). (July 2012.) Accessed at <http://solareis.anl.gov/documents/fpeis/> 8 April 2013.

<sup>2</sup> Letter to Stakeholders and Covered Species Working Group Members on March 25, 2013: Draft Proposed Covered Species List. Desert Renewable Energy Conservation Plan. Accessed 8 April 2013 at [http://www.drecp.org/documents/docs/2013-03-25\\_Message\\_and\\_proposed\\_covered\\_spps\\_list.pdf](http://www.drecp.org/documents/docs/2013-03-25_Message_and_proposed_covered_spps_list.pdf)

<sup>3</sup> CalWEA discussed the current lack of scientific knowledge regarding the golden eagle population in the DRECP area in comments filed with the DRECP on January 23, 2013. Similarly, a recent review of the peer-reviewed scientific literature for information on the known and potential effects of utility-scale wind energy development and operation on terrestrial and marine non-flying wildlife found that very little has been published on the topic, and concludes that more empirical data are currently needed to fully assess the impact of wind energy development on such wildlife. See Lovich, J.E. and J.R. Edden. Assessing the state of knowledge of utility-scale wind energy development and operation on non-volant terrestrial and marine wildlife. *Applied Energy* 103:52–60. (2013)

- Interim Development and Research: During the study period, the Plan must allow wind developers to evaluate potential project sites, enabling site-specific studies that will effectively screen for avian, terrestrial, military, and other conflicts while also completing the wind resource verification required to ensure project feasibility. Projects that move forward will support, in monetary and other direct ways, the studies that are carefully designed to fill the information gaps.
- Streamlining: Once a proposed project in a Wind Evaluation Area has studied potential conflicts and environmental impacts and provided evidence to the permitting agencies that impacts would be acceptable, that project should receive the benefits of permit streamlining, including access to fee-based mitigation, priority application processing, eligibility for eagle take permits, “no surprises” assurances, and eligibility for any reduced royalty payments. To determine whether impacts are acceptable, permitting agencies could compare the impacts of the proposed project to the impacts deemed “minimal” or “moderate” on a Plan-wide basis within DFAs. Based on that determination, a corresponding level of mitigation could be required.
- Refinement: Once the information gaps are filled, Wind Evaluation Areas can be refined based on the learning that has occurred.

For the wind energy industry, as we have continuously stated, maintaining substantial Wind Evaluation Areas (even in lieu of DFAs) will be very important in promoting cost-effective achievement of California’s clean-energy goals utilizing in-state resources.

Sincerely,



Ashley R. Richmond  
Director of Siting Policy



Nancy Rader  
Executive Director

cc: California Energy Commission Dockets Office (docket@energy.ca.gov)