



Granite Wind, LLC

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January 31, 2013

Dave Harlow, Director
California Energy Commission
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Sacramento, CA 95814-5512
via email to: docket@energy.state.ca.us



SUBJECT: Comments on DRECP Description and Comparative Evaluation of Draft DRECP Alternatives Published December 17, 2012
Docket No. 09-RENEW EO-01

Granite Wind, LLC (Granite Wind), a wholly owned subsidiary of RES America Developments Inc. (RES Americas), appreciates the opportunity to present our comments to the *Description and Comparative Evaluation of Draft DRECP Alternatives* published December 17, 2012.

BACKGROUND

Granite Wind has been developing the Granite Mountain Wind Energy Project (Project) since October 2003. The Project is located approximately 14 miles east of Victorville in the Granite Mountains on 2,086 acres of public lands administered by the Bureau of Land Management (BLM) Barstow Field Office and 670 acres of privately owned land under San Bernardino County land use jurisdiction. Granite Wind's Type II Right of Way (ROW) (CACA-44975) application was approved by the BLM in October 2003. The initial ROW allowed Granite Wind to initiate both wind resources and environmental studies for the Project. In April 2007, Granite Wind submitted a Type III ROW (CACA-48254) and Conditional Use Permit Application with San Bernardino County, which kicked off the NEPA/CEQA review for the Project. And finally, in late 2011 the Type II ROW was converted to a Type I ROW (CACA-53218).

Granite Wind executed both a Power Purchase Agreement (PPA) with Southern California Edison (SCE) in June 2007 along with a Large Generator Interconnection Agreement (LGIA) in November 2010. The BLM and San Bernardino County began work on a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) in April 2007. The Project was assigned Fast-Track Project status from the Department of Interior in 2010. Subsequently, Granite Wind expedited the permitting schedule and a Draft EIS/EIR was released in April 2010. Consequently, Granite Wind has spent the past five years conducting, or paid the BLM/San Bernardino County consultant to perform, numerous studies assessing the impacts of the Project on environment. It is highly important to note that the Project was placed on hold by the agencies in late 2010 due to concerns



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over potential impacts to golden eagles. To further study this potential concern, Granite Wind has spent the last 28 months diligently researching, surveying, and analyzing the potential Project's impacts to this species along with development and submittal of an Eagle Conservation Plan and Incidental Take Permit Application.

COMMENTS:

Appendix K – Golden Eagle Granite Wind presents the following specific comments or questions in regards to Appendix K – Golden Eagle.

1) The location of the Granite Mountain Wind Energy Project has been defined as a Reserve Area without any Formal Criteria, Scientific Basis or Decision Disclosure.

- A.) Granite Wind formally requests the criteria, scientific method and basis, solicited public input, and full decision disclosure used in the DRECP process to formally designate this exact geography/location as a Reserve Area.
- B.) Additionally, did the DRECP process use publically available terrestrial and avian species data provided by renewable energy project developers to aid in the Reserve Area decision process? Regardless, the concept and designation of Reserve Areas without a robust public input and defensible scientific method promotes a substantial bias against those renewable projects that have surveyed terrestrial and avian species and provided data into the public record.

2) Draft is Wholly Incomplete and Inadequate

Appendix K, as currently drafted, is wholly incomplete and inadequate. We strongly recommend that all of the drafted goals and objectives will be backed by defensible scientific studies and peer-reviewed literature in the next draft. As currently drafted, the entirety of the text within this Appendix is highly generic and there is no possible way to independently evaluate any of the stated concepts, goals, or objectives.

3) Golden eagle take will be authorized only for DRECP-covered activities, which will include renewable energy projects sited in Development Focus Areas (DFAs) and appurtenant transmission facilities in the DRECP planning area.

As currently drafted, proposed projects outside of DFAs would not be eligible to receive take coverage through the NCCPA for golden eagles.

- A.) What criteria did the DRECP use for wind energy projects in the selection and finalization of the DFAs?
- B.) Did the DRECP use only terrestrial species impacts in the selection of DFAs? If yes, this is highly biased conclusion and arbitrary to wind energy locations excluded from the selected DFAs.



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General-

- 1) It is Granite Wind, LLC's opinion that any REAT agency's decision based upon the requirements or conclusions contained in the DRECP or its related documents (EIS/EIR) before (i) the DRECP has been adopted; (ii) the implementing agreements are signed by all requisite parties, and (iii) the necessary incidental take permits are issued, is inappropriate, potentially unlawful and pre-decisional.
- 2) Granite Wind, LLC is in agreement and supports the comments contained in the California Wind Energy Association's (CalWEA) letter dated January 23, 2013. Granite Wind, LLC shares concern with CalWEA's four 'Overarching Concerns':
 - A.) Use of planning goals and assumptions that prejudice wind energy development in the plan area for the foreseeable future.
 - B.) Exclusion of wind energy development from vast areas of land outside of development focus areas ("DFAs").
 - C.) Lack of a rational nexus between DFAs and the avian impacts of wind energy development.,
 - D.) Lack of a satisfactory path to obtain golden eagle take permits under state and federal law.

SUMMARY

As stated above, RES Americas has been developing the Granite Wind Project for nearly 10 years and has made a considerable investment over the past five years conducting studies to assess the impacts of the Project on the environment. Granite Wind has spent the last 28 months diligently researching, surveying, and analyzing the potential Project's impacts to the golden eagle species and has submitted an Eagle Conservation Plan and Incidental Take Permit Application to USFWS.

In closing, Granite Wind, LLC will echo CalWEA by again stating that 'given the DRECP's projected 25+ year lifespan and the vast renewable energy resources in the plan area, a functional, scientifically credible plan is crucial to the future of renewable energy development in California'.

Sincerely,

Tom Hiester
Senior VP of Development
RES America Developments Inc.