

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

Renewable Energy)	Docket No.
Executive Order)	09-Renew EO-01

**COMMENTS OF THE
CALIFORNIA WIND ENERGY ASSOCIATION
ON THE WORKING DRAFT OUTLINE FOR THE
DESERT RENEWABLE ENERGY CONSERVATION PLAN**

The California Wind Energy Association (“CalWEA”) appreciates the circulation of the “Working Draft Outline for the Desert Renewable Energy Conservation Plan” (“DRECP Outline”) at the October 13, 2010, meeting of the DRECP Stakeholder Committee, and offers the following thoughts in response.

1. Program Goals (1.2) – The outline recommends that stakeholder groups review the program goals identified in the Planning Agreement and provide refinements. CalWEA will review these goals and provide comment in a separate memorandum.
2. Permit Term (1.3.2) – CalWEA recommends a permit term sufficient to accommodate the expected life of most wind projects, i.e., about 30 years. Given that some projects needed to satisfy the State’s RPS could come on line as late as 2020, a permit term of at least 40 years is needed to cover the permitting and operation of currently planned projects, or those projected in the proximate future (including any repowering of existing projects).
3. Regulatory Context (1.4) – We recommend early discussions on treatment of avian impacts within the context of the DRECP. This goes to both covered species and activity questions, and to the nature of coverage to be provided to the wind industry.
4. Land Use (2.4) – Clarity is needed with respect to the relationship to the Lower Colorado and Coachella habitat conservation plans. Our understanding from our early discussions with the REAT agencies is that these plans (at least to the extent they relate to renewables) will be folded into the DRECP with no additional regulatory overlay. Please clarify. Note also that existing and planned transmission and renewable energy projects are not identified among the land uses to be catalogued in Section 2.4. This should be corrected. Note also that, to the extent any of the counties anticipate modifications to the general plans relative to renewables development, the DRECP should reflect these as well.
5. Preliminary Renewable Energy Goals (3.2) – The Covered Activities Preliminary Description, at least as currently drafted given its limited scope, is not adequate as a basis for this section. A process is needed to quantify the acreage required for the entire renewables portfolio, allowing for different mixes of renewables depending on

circumstances over the next several decades. Also, please provide some clarity on what will be included in “Site Suitability Considerations” (3.2.3). Is this the same thing as renewable “site suitability criteria” mentioned under Section 3.4 (No Regrets)? How and when will these be developed? And what will be the relationship to any hard-line or soft-line maps included in the DRECP? Note that the DRECP work plan probably still needs some clarification to indicate where different RPS goals will be addressed (i.e., covered activities), and that the NEPA alternatives will reflect different levels of conservation associated with the preferred project alternative.

6. Preliminary Gap Analysis (3.3) – Will the DRECP include different levels of protection based upon other, existing regulatory regimes? This is suggested by the proposal for a gap analysis in Section 3.3. What will be the relationship of the DRECP to other regulatory regimes?
7. No Regrets Analysis (3.4) – It is unclear to us how a “No Regrets Analysis” will be relevant to the final DRECP. It is our understanding that the “no regrets” concept may be important to the review of interim projects, but its inclusion as a separate chapter in the final DRECP does not make sense to us. This needs clarification, as does the extent to which, and when, “no regrets” concepts will be reflected in the ongoing mapping effort.
8. Reserve Design Considerations (3.5) – Reserve design is obviously an important part of DRECP development. What will be the plan’s approach to areas suitable for energy development? Will this be reflected in hard- or soft-line approaches, suitability criteria, or some combination of both? Please include a discussion of how areas will be reserved and permitted for transmission and generation uses.
9. Conservation Measures (4.0) – We look forward to working with DRECP staff and consultants in the development of conservation measures specific to the wind industry. Certainty in siting and operations will be critical to wind. The need for presence-absence surveys should be minimized or eliminated, and pre-construction surveys limited. With respect to avian species, the wind industry has substantial experience in the implementation of measures to minimize operational impacts. We would expect close cooperation in the development of such measures for inclusion in the DRECP.
10. RPS Requirements (6.2) – Determining the quantity of land needed to achieve the 33% RPS goals, as well as the higher goals needed to achieve further greenhouse-gas reductions, should include very substantial margins to reflect the fact that it will not be possible, in a planning process that covers tens of thousands of square miles, to understand numerous site-specific factors that will determine the ability to develop an energy project at a particular site. For wind energy projects, these factors include, but are not limited to:
 - Confirmation of the wind resource at a particular site. General wind resource maps are based on models for blocks of area rather than specific points, not on actual meteorological measurements, and thus are not always precise. It is not uncommon to find differences of 1 to 2 meters/second between the estimates of wind speed on a general map and actual measurements by instruments at specific locations on met towers. For example, actual measurements could show that

what looks like an undevelopable Class 3 resource on the wind resource map is actually a developable Class 6 resource, or vice versa.

- Interference with military activities; in many cases, discussion and mitigation on a site-specific basis is required to determine potential compatibility and mitigation;
- site-specific environmental constraints; and
- geotechnical studies to determine feasibility of construction.

11. Renewable Energy Covered Activities Components (6.3) – See comments on Section 3.2 above.

12. Siting Considerations (6.5) – We look forward to working with DRECP staff on the development of this section. Our initial comments are:

- Attention should be given to the limited ground disturbance of wind projects and the ability to modify construction plans and site designs to avoid impacts on sensitive areas within a site (ground disturbance is typically 2-4% of the total project site area);
- Attention should be given to the potential to conserve and enhance habitat around the limited ground footprint of a wind project. The DRECP should reflect the potential for co-use of Type II and Type III lands (i.e., conservation and wind development), as these are not necessarily mutually exclusive categories.
- As noted in our comments on Section 6.3, above, it will not be possible to determine, with precision, design constraints (such as wind speed, military flight patterns, and radar restrictions) for particular projects given the vast DRECP area being addressed; therefore, it will be necessary to build a substantial margin into the acreage figures for renewable energy development.
- As to the planned incorporation of some elements of “Existing Siting Guidance” documents, we are not comfortable with the use of any siting guidance included in RETI products, which was rudimentary at best. We are unfamiliar with some of the other documents referenced.
- Clarification is needed on the relationship between land quality and mitigation requirements. Does the DRECP anticipate a sliding scale for mitigation of individual projects?

Sincerely,

/s/

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