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Comment Received From: Garry L. Miller

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Power Company of Wyoming LLC Comment Letter

Additional submitted attachment is included below.



VIA ELECTRONIC DELIVERY

December 7, 2015

California Energy Commission
Dockets Office, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.ca.gov

Re: RETI 2.0 Environmental and Land Use Technical Group response to key questions from November 23, 2015 Workshop

Dear Technical Group Members:

Power Company of Wyoming LLC (PCW) appreciates the opportunity to provide comments to the Renewable Energy Transmission Initiative 2.0 Environmental and Land Use Technical Group on integrating environmental information in renewable energy planning processes. PCW is an independent wind energy developer that is focused on permitting and developing the Chokecherry and Sierra Madre Wind Energy Project (CCSM Project) in Carbon County, Wyoming.

We agree that considering and reviewing environmental data is an important part of the development process for renewable energy projects. High-level planning data is valuable but should not be seen or used as a substitute for project-specific environmental reviews such as those conducted pursuant to the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), and numerous other laws and regulations. It is these reviews, conducted as part of the permitting process, that ultimately determine whether a project may or may not move forward to construction and operation. Therefore, we suggest that any planning process should prioritize and recognize the status of the applicable project-specific environmental reviews/permitting.

Our additional comments in response to specific Technical Group key questions follow below.

What environmental data are relevant to inform renewable energy planning activities in California and in the West-wide Interconnection?

First, RETI 2.0 should use environmental data in the following priority to further screen the area/technology scenarios to assess the potential amount of energy (MWh/yr) for each area and the potential amount of capacity (MW) for transmission capacity/projects.

1. Status of permits/environmental reviews by federal and state agencies for various projects within the resource areas. This project status data should then be generalized and aggregated as follows:
 - a. project built (with available output) or in construction,
 - b. fully permitted or pre-construction,
 - c. undergoing environmental review by authorized agencies,

- d. application complete awaiting authorized environmental review project sited in a suitable area within an authorized landscape level conservation plan (CP) area (e.g. DREPC),
 - e. pre-application sited within a CP area or application complete outside a CP area,
 - f. pre-application outside of a CP area.
2. Status of permits/environmental reviews by federal and state agencies for transmission capacity/ projects needed to access resource areas. This capacity should be summarized by MW within each category:
- a. transmission capacity available or under construction,
 - b. fully permitted or pre-construction,
 - c. undergoing environmental review by authorized agencies,
 - d. application complete awaiting authorized environmental review of proposed line sited in a suitable alignment within a CP area,
 - e. pre-application within a CP area or application complete outside of CP area,
 - f. pre-application outside of a CP area.

This type of environmental status data is readily available from federal and state agency websites. In addition, the Western Electricity Coordinating Council (WECC) has a transmission line status database that includes developer-provided data that could be verified through cross-checking with the authorized agencies.

With respect to transmission lines, “Pre-screening” in advance of the formal environmental analysis/permitting process or in advance of determining economic viability has not been effective. Environmental permitting risks associated with transmission line development should be as outlined above. In general, utilizing existing infrastructure is preferable to building new lines. Next, agencies should prioritize the lines that are permitted but not yet constructed. Finally, agencies should consider lines that have not yet been permitted. These transmission lines however should be distinguished and ranked based on their status in the environmental analysis/permitting process.

For the available and relevant data what are the significant data gaps and what should be done to resolve them, both in the short-term and long-term?

With respect to consideration of the potential contribution of out-of-state projects to renewable energy scenarios, the RETI 2.0 Environmental and Land Use Technical Team should rely upon project-specific information regarding the status of and result of federal or state environmental reviews and permitting processes. This could be in the form of either or both publicly available information, such as the published EIS, or information submitted by the developer of a specific project.

Permitting status of PCW’s CCSM Project

The CCSM Project is an example of a project that has undergone extensive environmental analysis under NEPA, has obtained the required state and county permits, and merits consideration by the CEC, CPUC, and CAISO when developing renewable energy scenarios. It was one of six wind energy projects identified in 2012 as a Renewable Energy Priority Project by the U.S. Bureau of Land Management (BLM). PCW is developing the CCSM Project in two distinct Phases. When both Phase I and Phase II are complete, the CCSM Project will consist of 1,000 wind turbines



capable of generating up to 3,000 megawatts (MW) of clean, renewable wind energy. Phase I of the CCSM Project will include 500 wind turbine generators located in the western portions of two Wind Development Areas referred to as “Chokecherry” and “Sierra Madre” and associated infrastructure including the Road Rock Quarry, West Sinclair Rail Facility and Phase I Haul Road and Facilities. Phase II will include 500 wind turbine generators and associated infrastructure located in the eastern portions of the Chokecherry and Sierra Madre Wind Development Areas.

Because the CCSM Project is located in Wyoming’s checkerboard of alternating private land and federal land managed by BLM, the project has been subject to extensive federal environmental analysis in an Environmental Impact Statement (EIS). On October 9, 2012, Department of the Interior Secretary Ken Salazar signed the Record of Decision (ROD), which approved the site for wind energy development, subject to a second-level review of the final site-specific plans in Environmental Assessments (EA). The first two site-specific EAs addressing Phase I of the CCSM Project – which consists of the base infrastructure and the first 500 turbines – are well under way. The BLM completed the first EA in December 2014 issuing a Decision Record finding that “no new or significant impacts were identified beyond those already disclosed in the EIS.” The second EA is scheduled for completion in early 2016.

PCW also has voluntarily applied for an eagle take permit from the U.S. Fish and Wildlife Service for its Phase I Wind Turbine Development. The USFWS is analyzing PCW’s application in an EIS. The Notice of Intent was published December 4, 2013, and the Draft EIS is scheduled for release to the public in the first quarter of 2016. PCW has been working with the agency since 2010 to collect an extensive array of pre-construction data, using USFWS survey protocols and an avian radar. All of this data was used to determine the best locations to site each turbine – including the designation of Turbine No-Build Areas – as well as to develop a science-based, comprehensive Eagle Conservation Plan and a Bird and Bat Conservation Strategy.

After a two-day administrative hearing, the State of Wyoming’s Industrial Siting Council unanimously approved a permit for the CCSM Project on August 6, 2014. The Carbon County Board of County Commissioners unanimously approved the necessary conditional use permit for the project on October 2, 2012. In addition, the CCSM Project has been pre-certified by the CEC as eligible for California’s Renewables Portfolio Standard under the criteria established in the Renewables Portfolio Standard Eligibility Guidebook, Sixth Edition, publication number CEC-300-2012-006-CMF, August 2012, and assigned CEC-RPS-ID number: 62339C.

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We believe the project specific environmental and land use information provided above is relevant to the needs of the RETI 2.0 Environmental and Land Use Technical Group. The project has undergone environmental and land use review by the authorized federal, state and county agencies and has received approvals from all three levels of government. This information can be confirmed with the various agencies as needed.

Thank you for your consideration of these comments.

Sincerely,
POWER COMPANY OF WYOMING LLC

/s/ Garry L. Miller

Garry L. Miller
Vice President Land and Environmental Affairs