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09-RENEW EO-1

DATE JUL 30 2010

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

Renewable Energy
Executive Order

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Docket No.
09-Renew EO-01

**COMMENTS OF THE
CALIFORNIA WIND ENERGY ASSOCIATION
ON THE DRAFT INTERIM MITIGATION STRATEGY**

The California Wind Energy Association (“CalWEA”) has reviewed the July 2010 “Draft Interim Mitigation Strategy” (the “Draft IMS”), produced by the California Department of Fish and Game for the Desert Renewable Energy Conservation Plan (“DRECP”), which was first discussed at the July 14, 2010, DRECP stakeholders’ meeting. Although wind development projects are specifically excluded from coverage under SBx8 34 (“SB 34”), the Draft IMS nonetheless poses significant concerns for wind energy development within the DRECP planning area.

First and foremost, in identifying the proposed Mitigation Target Areas (MTAs), it appears that no effort was taken to avoid lands containing high wind resource potential. Indeed, the majority of the land area within the six proposed MTAs contains wind resources of Class 6 or higher (see attachment below). CalWEA considers Class 5 winds and above to be worthy of preserving for development under the DRECP, given the technology advancement that is likely to occur over the next decade and certainly by 2050 -- the timeframe for meeting California’s long-term greenhouse gas reduction goal. The MTAs would also significantly impact or completely eliminate four active wind project development areas. This includes one late-stage project on Governor Schwarzenegger’s “fast track” list that is seeking to qualify for federal tax credits under the American Recovery and Reinvestment Act, which has in place an executed power purchase agreement, an interconnection agreement, and a turbine supply agreement.

It is essential that, as the state seeks to expedite the development of one renewable resource, we do not thwart the development of another (particularly a very competitive resource that imposes relatively little ground disturbance). The Draft IMS must therefore be reconsidered carefully to determine whether the IMS’s goals can be achieved without in the process eliminating the development potential of high quality wind resource areas. If the proposed MTAs remain intact in the final IMS, and the IMS is claimed to be consistent with the emerging DRECP, as is required, then the DRECP can only be seen as a threat to achievement of one of its central purposes: to promote renewable energy development enabling achievement of the state’s renewable energy and greenhouse gas reduction goals.

Secondly, as the IMS must be consistent with the emerging DRECP, and as the scientific and deliberative work of the DRECP has just begun, it is necessary to hold off on any decisions on MTAs until substantial further discussion takes place. Figures 3 through 6 in the Draft IMS suggest a level of certainty in the planning process that does not yet exist. We recognize that SB 34 imposes statutory deadlines for completion of the IMS, but the REAT agencies – and the Draft IMS itself – should be entirely clear that the maps produced so far are preliminary only and must, at a minimum, be subject to public discussion in view of the DRECP science advisory report (which has not yet been released) and additional scientific data and analysis that may become available. (CalWEA has retained expert assistance to support our participation in the DRECP discussions and will be prepared to fully engage in the coming weeks.) Until these efforts are at least further along, they will, almost by definition, be inconsistent with the DRECP, because the DRECP is intended to be collaborative and science-based.

Illustrating both of these points is an area of active wind project development included in one of the MTAs -- the Castle Mountains area marked by three hexagons in eastern San Bernardino County adjacent to the California/Nevada state line, comprised mostly of either BLM or private lands. This designation was not discussed in advance with DRECP stakeholders, including CalWEA and its member company that has invested significant resources in evaluation and environmental review of that site. Had it been, we would have pointed out the following reasons why the Castle Mountains area is inappropriate for inclusion in an MTA, as further described in the July 23, 2010, comments of Oak Creek Energy Systems:

- The area contains very high wind resource potential (i.e., Class 7 resources at the hub height of current technology – some of the best remaining wind resource potential available in the state) and is proximate to transmission.
- It is a highly disturbed area, containing an abandoned mine site and extensive roads.
- The Draft IMS's own preliminary map shows that most of the area does not contain high biological value (see Figure 4, Areas of Conservation Emphasis II, p. 28), and it contains no critical habitat under the federal Endangered Species Act. Therefore, it is not clear why this area is worthy of designation as an MTA, especially as compared to many other environmentally valuable areas within the DRECP boundary.
- Further, as wind development permanently disturbs only about 2% of the project land area and enjoys some flexibility in siting, most of the land can still be preserved and its highest-biological-value areas avoided. Therefore, little would be gained by conferring MTA status on this area as compared to using the site for wind energy.
- The area does not connect or expand any of the corridors depicted in the California Essential Habitat Connectivity Model, as shown clearly in Figure 5 of the IMS Draft.

With time for appropriate review of and deliberation on the other MTAs, it is quite possible that the suitability of some of these areas for IMS purposes will be called into serious question.

Thirdly, the relationship of the IMS to projects that are not qualified for consideration under SB 34 (i.e., wind energy projects) should be clarified. We expect that there may be some tendency for the REAT agencies, under the DRECP Planning Agreement, to apply the provisions of the IMS to non-SB 34 projects during interim review despite the quite clear distinction in the Planning Agreement in the treatment of those different categories of projects (and, as we have discussed, the divergent environmental footprints of wind and solar). That is, because wind is not presently participating in the benefits of SB 34 or other in lieu fee mechanisms, the Draft IMS should clearly state that it is not applicable to wind projects that move forward during the DRECP process. Instead, the REAT agencies should work with the wind industry to identify a separate set of criteria that will be used to address wind projects, on an expedited basis, as they come forward. Although we applaud the efforts of the State of California to develop a mechanism to expedite the permitting of renewable energy, the DRECP effort will continue for a period of years. In the meantime, our members continue to have great difficulty in the state and federal permitting processes.

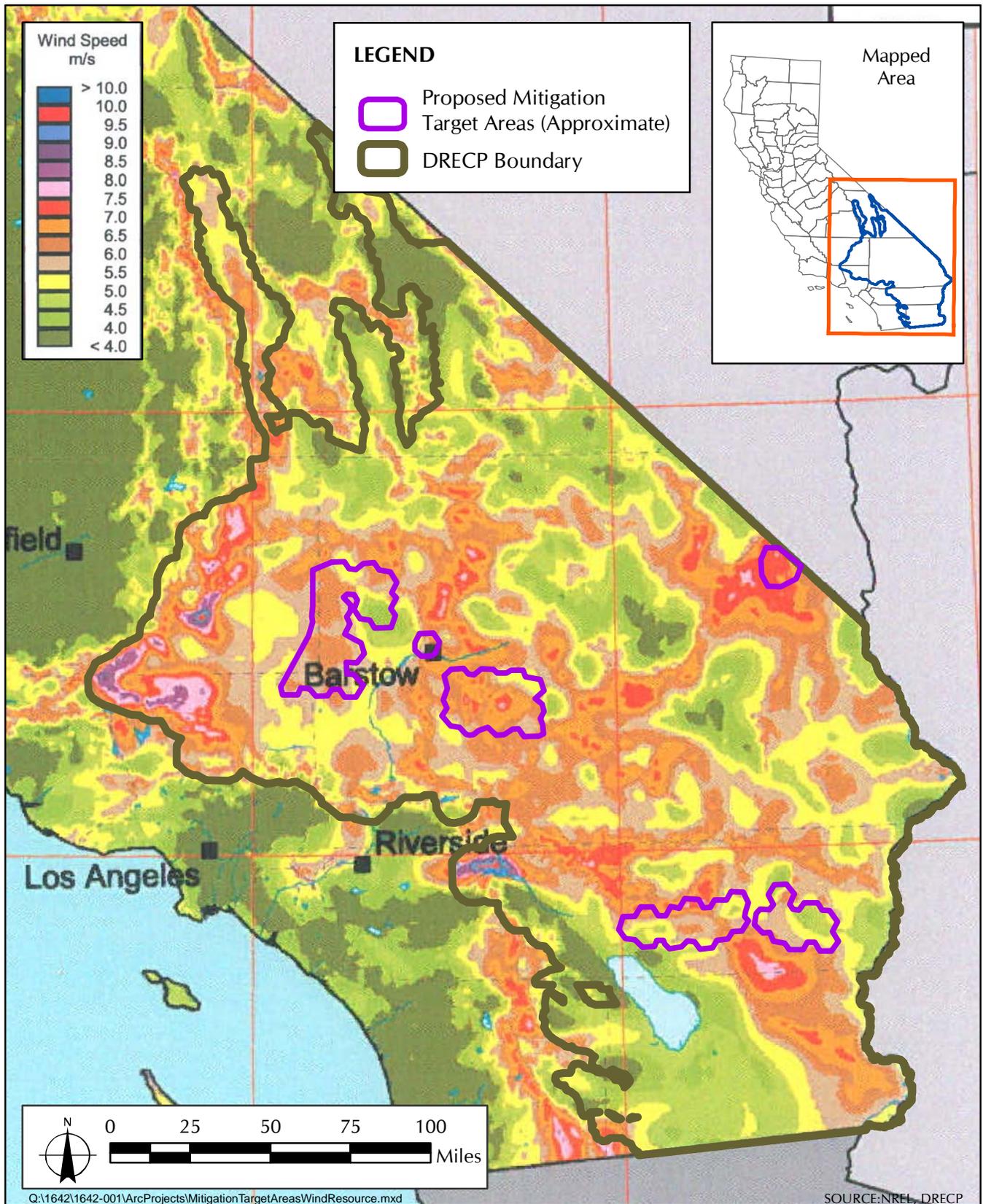
We look forward to working with the Renewable Energy Action Team to address these challenges and to remedy the serious flaws in the Draft IMS so that this effort becomes consistent with the important goals of the DRECP.

Sincerely,



Nancy Rader
Executive Director
California Wind Energy Association
2560 Ninth Street, Suite 213A
Berkeley CA 94710
(510) 845-5077
nrader@calwea.org
www.calwea.org

July 30, 2010



DRECP Proposed Mitigation Areas in Relation to 80-meter Wind Resource