

Statement of Chris Taylor
On Behalf of the American Wind Energy Association
Before the House Subcommittee on Energy and Mineral Resources
Legislative Hearing on H.R. 2170, H.R. 2171, H.R. 2172 and H.R. 2173
1334 Longworth House Office Building
June 23, 2011

Subcommittee Chairman Lamborn, Subcommittee Ranking Member Holt and other members of the Subcommittee, thank you for the opportunity to testify today.

My name is Chris Taylor. I am Chief Development Officer for Element Power. Element Power is a global wind and solar energy development company with US headquarters in Portland, Oregon and regional offices in California, Minnesota and Virginia. Element Power has wind energy projects under construction or in operation in both the US and Europe and thousands of megawatts (MWs) of wind energy projects under development across the United States, including eight proposed wind projects on BLM-owned land. I oversee the development of all of our wind and solar energy projects in North America.

I am testifying on behalf of the American Wind Energy Association (AWEA), where I currently serve on AWEA's Siting Committee Steering Committee.

AWEA is the national trade association representing a broad range of entities with a common interest in encouraging the deployment and expansion of wind energy resources in the United States. AWEA members include wind turbine manufacturers, component suppliers, project developers, project owners and operators, financiers, researchers, renewable energy supporters, utilities, marketers, customers and their advocates.

As AWEA testified before the full committee on June 1st, far and away the biggest challenging facing the wind energy industry right now is the lack of stable federal policy support, namely long-term financial incentives and a demand-side policy like a clean or renewable electricity standard.

I recognize that these issues do not fall within the jurisdiction of this Committee. However, it needs to be clear that any changes that are made to make it easier to site projects on public lands will be of limited use if projects aren't able to be built because federal tax incentives, including the production tax credit and investment tax credit, expire for wind energy next year or because the lack of demand-side policies limit the market for renewable energy.

With respect to the specific bills under consideration today, in AWEA's testimony two weeks ago, we suggested the Committee consider legislation providing categorical exclusions for temporary meteorological towers to test wind speeds. BLM's wind energy development policy current allows categorical exclusions, but the option is inconsistently applied at the field office level. Some offices often require an environmental assessment (EA) for these temporary towers, which leave no permanent site disturbance. In rare cases, we are asked for a full-scale environmental impact statement (EIS).

We appreciate the introduction of H.R. 2172 by Representative Noem, which would exempt met tower applications from the National Environmental Policy Act (NEPA) as long as the application meets certain conditions spelled out in the bill, such as limiting road building and soil and vegetation disruption. We thank Representative Noem for her leadership on this issue.

AWEA believes the met tower application process can be improved within the confines of NEPA. We support providing categorical exclusions except in cases where extraordinary circumstances are present as described in existing regulations. This would provide an appropriate balance between the need to support development as well as protect natural resources.

I have a few examples to share of requirements applied to met tower installations that add unnecessary time and expense to the process. My company has been required to hire environmental specialists to survey an area prior to construction and then the same specialists, often multiple individuals, are required to be on-site during the entire installation, which can take up to a week.

We are also required to haul equipment to the site by foot or helicopter and install met towers without the use of machinery in areas with high OHV use. In one case the installers were approached by OHV drivers while carrying met tower equipment to an installation site. These examples highlight how the renewable energy industry is held to a higher standard than other uses on BLM lands.

AWEA is also concerned that the BLM does not use enough discretion when applying the recommendations of cooperating agencies like the U.S. Fish and Wildlife Service (USFWS) in the NEPA process. Often times right-of-way (ROW) applications are held up by the USFWS commenting and then requirements for evaluation and mitigation are applied without any existing scientific data to support the suggested impacts.

With respect to H.R. 2170, introduced by Chairman Hastings, AWEA appreciates the Committee's interest and leadership in attempting to make NEPA more manageable from a development perspective. There is no doubt that getting through the alternatives analysis process can be difficult and add a lot of additional cost and time to the NEPA process.

However, AWEA is concerned that limiting analysis to only the proposed project and a single no project alternative could have the unintended consequence of more agency decisions rejecting projects. By limiting the flexibility to consider alternatives, including relatively modest adjustments, such as relocating a road or a turbine or two that might be considered by the agency too close to a resource of concern, out of an abundance of caution the agency may just say no.

We are also concerned that limiting the alternatives analysis could have the perverse effect of increasing litigation, as affirmative decisions are targeted for not being protective enough of resources. It would be difficult to demonstrate otherwise in court without analysis to which to point.

That said, in the spirit of the Chairman's interest in streamlining the NEPA process, clarifications of requirements for the alternatives analysis would be helpful. For example, it is reasonable that alternatives to be analyzed should be economically and technically feasible. Additionally, alternatives analyzed should be limited to a reasonable number of alternatives focusing on potential environmental impacts identified during site specific field studies. Similarly, a geographic limitation on alternatives to be considered would help ensure the alternatives are in fact reasonable.

AWEA also believes it would be helpful to better define cumulative effects analysis. BLM and the USFWS require analysis of a variety of projects that are unlikely ever to be built (due to a lack of transmission, market, adequate wind resource or other key factors), which skews the analysis by implying a far higher degree of cumulative impact that is likely to actually occur. Today, cumulative

effects analysis includes projects that have merely submitted a ROW application or have even just begun wind measurement. These thresholds need to be strengthened so only those projects that are truly likely to come to fruition are analyzed.

AWEA would be interested in working with this Committee, the Department of Interior and other stakeholders to discuss what sideboards on alternatives and cumulative effects analyses might be helpful while still balancing preservation of our nation's resources.

Thank you again for the opportunity. I am happy to answer any questions you may have.