

Case Study: Kumeyaay Wind Energy Facility Environmental Compliance



DOE Tribal Business Development and Project Financing Workshop,
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Southern California Agency

Kumeyaay Wind Energy Facility Project Statistics

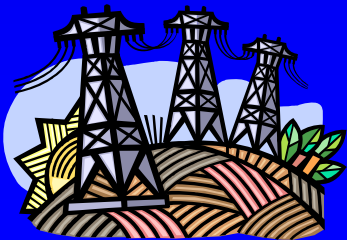
- Located on the 15,480-acre Campo Indian Reservation, south as you can go in San Diego County.
- 25 2 megawatt wind turbines aligned along a three mile stretch of the Tecate Divide.
- Project diversifies the Tribe's economic base, which relies primarily on a truck stop and Casino located along Interstate 8.



Why the Project Was a “GO”



- Tribe's progressive attitude and desire to increase its socio-economic security.
- Statewide interest in power generation because of rolling electrical black-outs of 2003-2004.
- State of California's "20-20 Plan" which seeks to procure 20% of power from renewable sources by 2020.
- Secretary of the Interior's Wind Powering America Initiative seeking to provide 5% of the nation's energy needs with wind power by 2020.
- Room on the "GRID".






Project Appeal



- 50 megawatts of clean renewable energy is enough to power 15,000 homes.
- Green generation offsets 105,000 pounds of carbon dioxide, which is equivalent to the carbon sequestration of 51 square miles of forest.
- Opportunity for Tribe to be a player in solving regional power generation problems in an environmentally-friendly manner.
- Land lease income plus energy sales income to tribe.



Project Concerns/Challenges

- NIMBY attitude in Southern California. 
- Visual impacts (each turbine is 15 feet in diameter and taller than a 20 story building with a maximum rotor tip height of 363 feet above the ground).
- Fauna impacts (birds, bats, T&E species).
- Encumbrance of large area of the Reservation.



Key Roles and Responsibilities

Campo Band of Kumeyaay Indians

- Project driver.
- Negotiate deal with project proponent with BIA-required “fair market value” as base.
- Devise and implement governing actions to enforce lease conditions.
- Communicate with tribal membership.

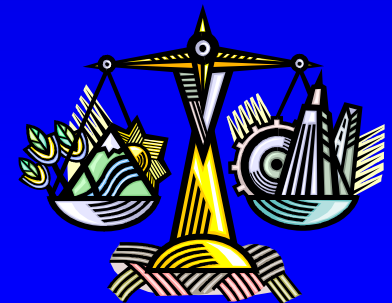
Bureau of Indian Affairs

- Provide technical assistance for project development.
- Implement BIA “protect and enhance” Mission statement.
- Lease approval (including environmental review).
- Monitor lease and ensure lease compliance.

Environmental Regulatory Compliance

Required by Section 102(2) of the National Environmental Policy Act of 1969 (NEPA) for any action that may require BIA or other Federal approval, funding, or “actions” (for example: leases, land transfers, modification of ROWs, removal or use of trust resources, PL93-638 contract activities, etc.).

By extension, any proposed tribal action that does not require BIA or other Federal approval, funding, or action are not subject to the NEPA process.





BIA's NEPA Process

- Bureau's NEPA Handbook, 59 IAM 3, issued 10/25/99, lists the statutory authorities, and specifies the roles and responsibilities of Bureau officials for compliance with NEPA.
- Founded on the Council of Environmental Quality (CEQ) regulations, which implement NEPA.
- Purpose of NEPA is: 1.) disclosure of action and potential effects, 2.) analysis of actions to assist in better decision making (both by tribes and BIA).
- Bureau uses NEPA process to ensure compliance with all environmental laws that govern federal Indian land, including applicable tribal laws, resolutions, ordinances, etc. (FESA, CWA, CAA, NHPA, etc.)



Kumeyaay Wind Energy Facility Environmental Compliance

- Based on 59 IAM 3, determined that Environmental Assessment required.
- Project proponent hired environmental firm to prepare environmental documents to submit to tribe and BIA.
- Key is determining project description and making sure you've included all actions that will be required to carryout and maintain action.

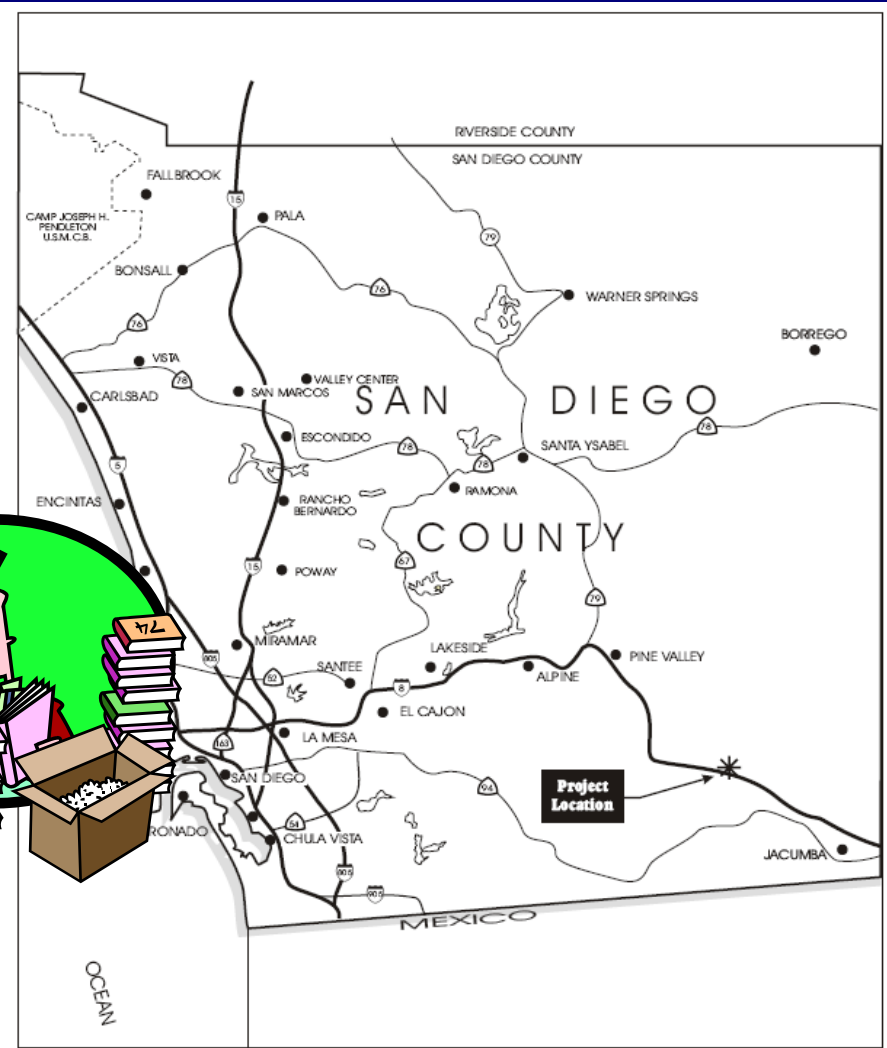


Figure 1
Regional Location Map



More on the importance of the **PROJECT DESCRIPTION**

- Encumbered area/lease area
- Access routes
- Peripheral/secondary actions
- Water sources
- ROW mods
- Permitting

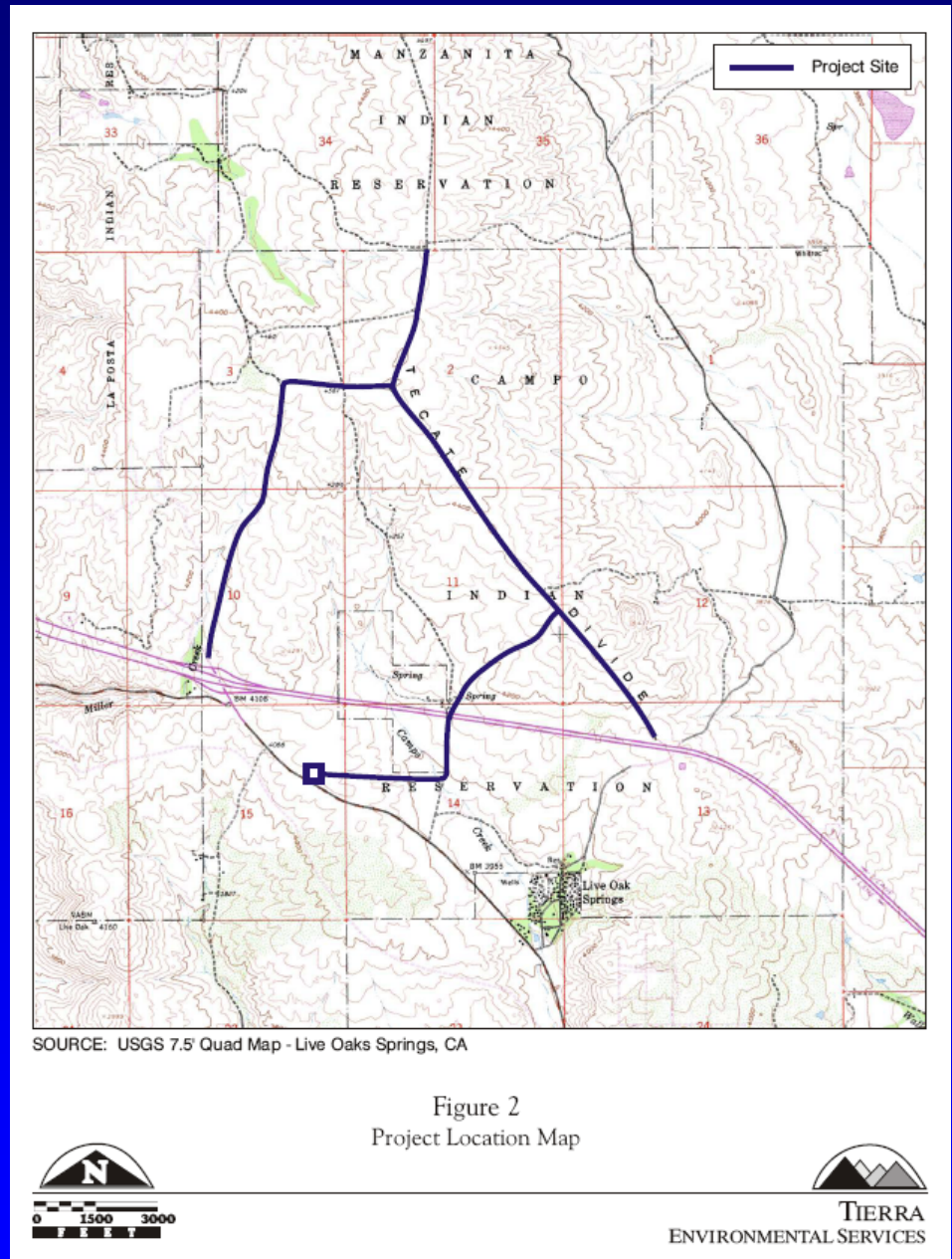


Figure 2
Project Location Map



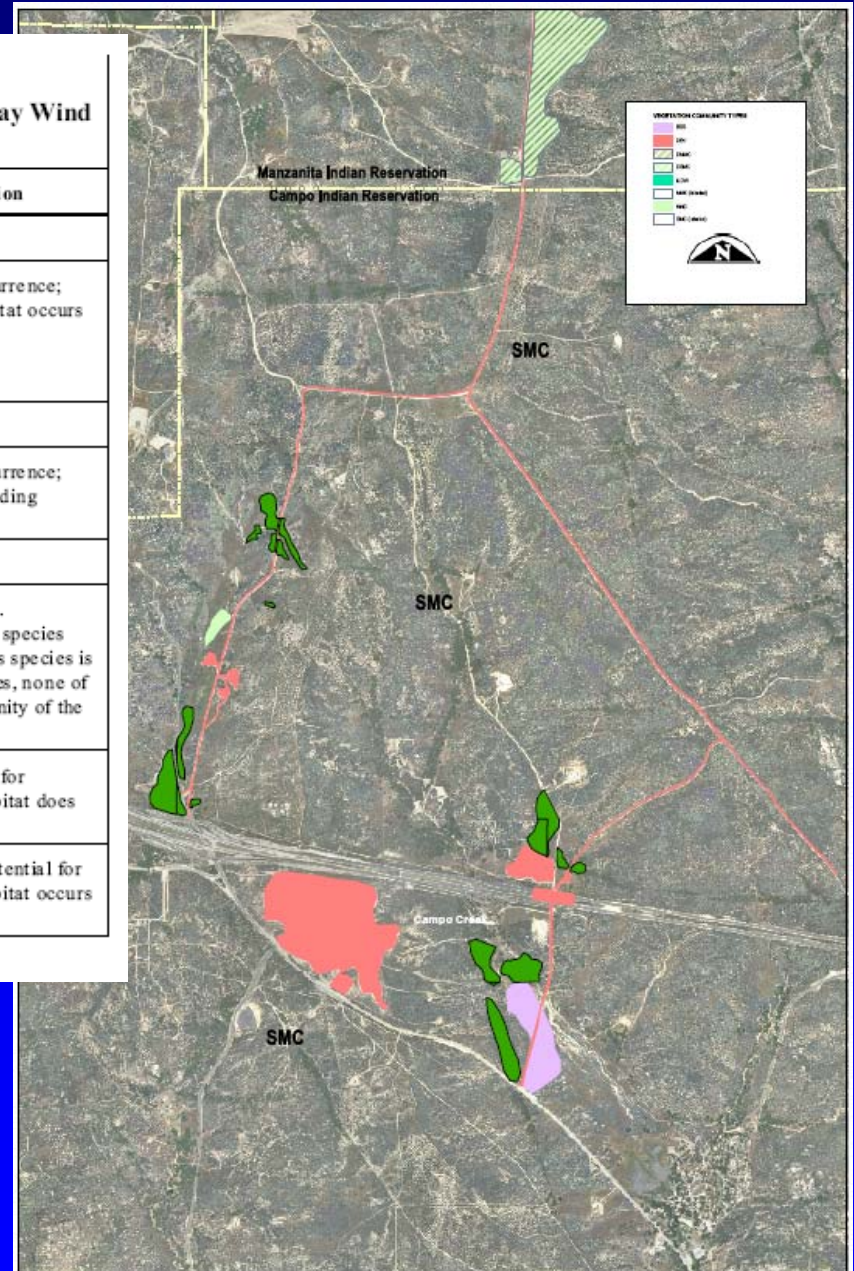
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Project Area: Campo Indian Reservation



Table 5
Threatened, Endangered or Rare Species Potentially Occurring on the Kumeyaay Wind Energy Facility Project Site

Species	Status	Habitat	Presence/Description
Invertebrates			
Quino checkerspot butterfly (<i>Euphydryas editha quino</i>)	federally endangered	Foothills and coastal mesas; associated with larval hostplants dot-seeded plantain (<i>Plantago erecta</i>) and Chinese houses (<i>Collinsia</i> sp.)	Moderate potential for occurrence; potentially appropriate habitat occurs on-site.
Amphibians			
arroyo toad (<i>Bufo californicus</i>)	federally endangered	Rivers with slow-moving water and shallow, gravelly pools adjacent to gravelly terraces.	Moderate potential for occurrence; potentially appropriate breeding habitat occurs on-site.
Birds			
southwestern willow flycatcher (<i>Empidonax traillii extimus</i>)	federally endangered	Riparian habitats.	No potential for occurrence. Appropriate habitat for this species does not occur on-site. This species is known from few occurrences, none of which occur within the vicinity of the project area.
least Bell's vireo (<i>Vireo bellii pusillus</i>)	federally endangered	Dense willow woodland/scrub.	Not detected. No potential for occurrence; appropriate habitat does not occur on-site.
mountain plover (<i>Charadrius montanus</i>)	federally proposed threatened	Bare plowed fields, sagebrush, and short-grass prairie habitat.	Not detected. Moderate potential for occurrence; appropriate habitat occurs on-site.



BIOLOGICAL RESOURCE ANALYSIS

**PHASE I AVIAN RISK ASSESSMENT FOR THE KUMEYAAY WIND
POWER PROJECT, SAN DIEGO COUNTY, CALIFORNIA
RISK ASSESSMENT: Cuyapaipe Area**

March 2004

Report Prepared for:
Kumeyaay Wind LLC
John Calaway

Report Prepared by:
Curry & Kerlinger, L.L.C.

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SPECIAL STUDIES REQUIRED BY OTHER ENVIRONMENTAL STATUTES

**Addendum to the Kumeyaay Wind Power Project Avian
Risk Assessment: Manzanita and Campo Areas**

July 2004

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Kumeyaay Wind LLC
Houston, Texas

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CULTURAL RESOURCE ANALYSIS

ARCHAEOLOGICAL SURVEY REPORT FOR THE KUMEYAAY WIND ENERGY PROJECT, SAN DIEGO COUNTY, CALIFORNIA

Prepared for:

Kumeyaay Wind, LLC
1600 Smith Street, Suite 4240
Houston, Texas 77002

Submitted by:

Tierra Environmental Services
9915 Businesspark Ave., Suite C
San Diego, California 92131-1120

Patrick McGinnis
Kathryn Bouscaren
Michael Baksh, PhD.

September 2004

National Archaeological Data Base Information

Type of Study: Cultural Resource Survey

Sites: KWE-S-26, KWE-S-27, KWE-I-5

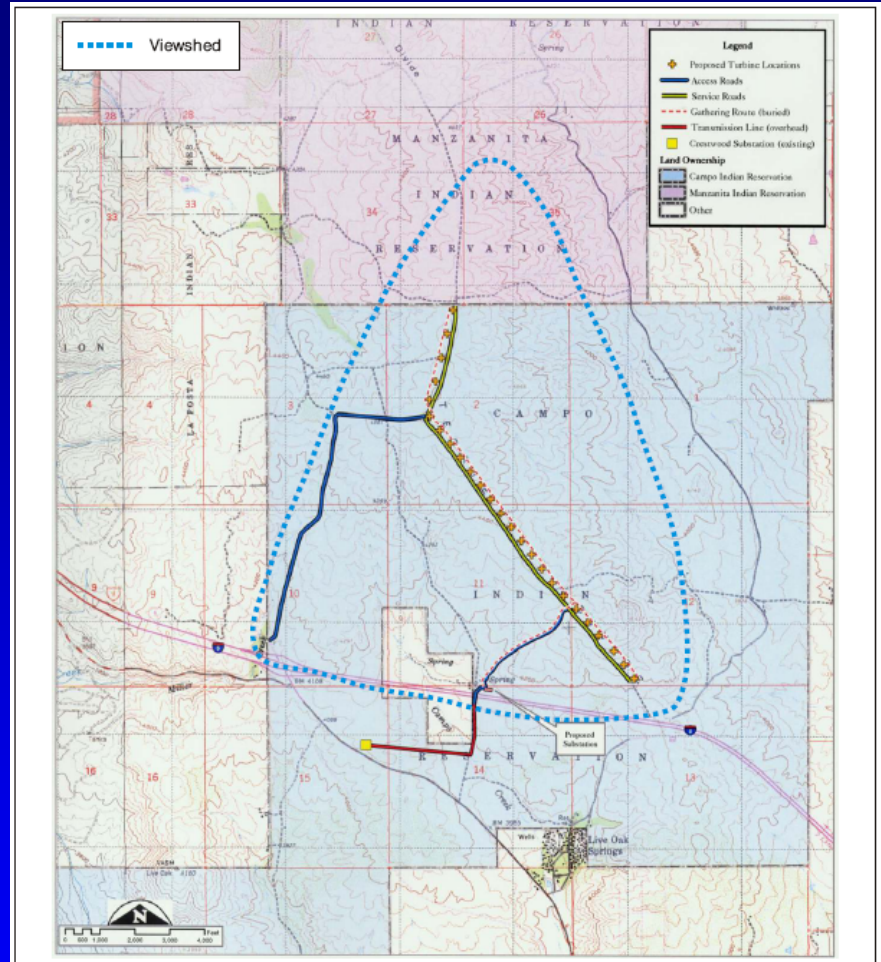
USGS Quadrangle: Live Oak Springs 7.5'

Area: 194 acres

Key Words: County of San Diego, Cultural Resource Survey, Positive Survey, Campo reservation, Historic trash, Can dump, Isolate, Flake

TREATMENT OF ISSUES RAISED DURING SCOPING

VIEWSHED IMPACT ANALYSIS



SOURCE: USGS

Figure 11
Viewshed Map



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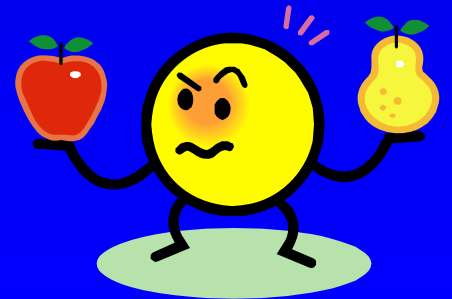
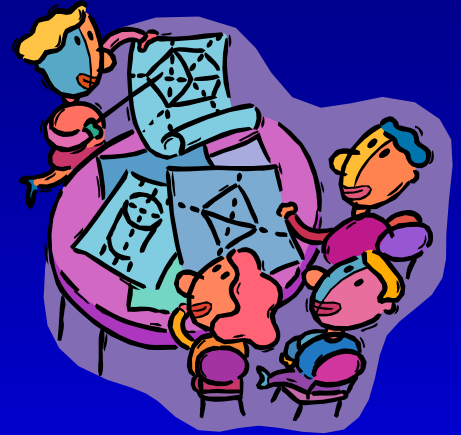
Viewshed#2 View to the east-northeast of existing conditions from the Interstate 8 east of the Crestwood exit



Viewshed#2 Visualization to the east-northeast of the Campo turbine array from the Interstate 8 east of the Crestwood exit

MORE NEPA PROCESS

- Public meetings
- Coordination with other organizations/agencies
- Make sure your NEPA matches your Project (handling changes)
- Advertising
- Handling public comment
- Making the decision



Project Timeline



2003-2004	Superior Renewable Energy LLC begins discussions with Ewiiapaayp, Manzanita, and Campo Bands of Kumeyaay Indians.
Summer 2004	Determination made that power grid can only accommodate 50 MWs; Manzanita drops out of discussions; no “cheap-easy” way to get power from Ewiiapaayp to transmission line; Campo ready and willing.
June 2004	Campo adopts Resolution to negotiate lease with Superior Renewable Energy LLC.
September 2004	Draft EA to BIA and Tribe for review/comment.
October 2004	Draft Lease to BIA for review/comment.
November 2004	Final Draft EA advertised.
January 2005	FONSI signed.
February 2005	Lease signed; construction begins.
October 2005	Power generation begins.

SEEING IS BELIEVING!



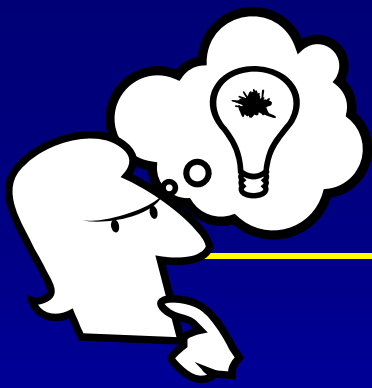






Issues

- NEPA dread
- Communication
- Prompt service/conflicting duties
- Project change when a new action is remembered
- Tight timelines
- Meetings with special interest groups



Pearls of “Wisdom”

(or stumbling blocks if you don't have it)

- Communication is essence.
- Start NEPA early.
- Clear guidance to project proponent/tribe.
- Coordination between proponent, Tribe, and BIA staff.
- Early coordination with other agencies.