

## Side-by-Side Comparison of Straw Proposals

Note: Matters on which the proposals differ are italicized

	<b>New Statewide Siting Authority (former Straw Proposal 3)</b>	<b>DEP permitting in all places where wind power an allowable use (former Straw Proposal 4)</b>
<b>Decision-makers</b>	<p><i>New Wind Power Siting Authority - statewide permitting authority (PUC chair and 2 public members)</i></p> <p>LURC - designates areas where wind power is a permitted use; interim approach pending zoning revision - Director determines land use compatibility</p>	<p><i>DEP - statewide permitting authority, including LURC zones where wind power is an allowable use</i></p> <p>LURC - designates areas where wind power is a permitted use; interim approach pending zoning revision - Director determines land use compatibility ; <i>permitting authority when rezoning required</i>; interim approach pending zoning revision</p>
<b>Staff; major agency roles</b>	<p><i>PUC - coordination of permit review; proposed findings on energy issues</i></p> <p>LURC - zoning/land use compatibility</p> <p><i>DEP - review, analysis and proposed findings on environmental issues</i></p> <p>DIFW- MESA</p> <p>DIFW, DMR (coastal), DOC, LURC- review agencies with intervenor status</p> <p>Existing staff; applicant-funded consulting services as needed</p>	<p><i>DEP - lead agency on permitting<sup>1</sup> process and environmental analysis</i></p> <p>LURC - zoning/land use compatibility</p> <p><i>PUC - review agency re: energy related public benefits</i></p> <p>DIFW- MESA</p> <p>DIFW, DMR (coastal), DOC, LURC- review agencies</p> <p>Existing staff; applicant-funded consulting services as needed</p>
<b>Approval standards</b>	<p><i>New statewide statute -</i></p> <p>Clear approval requirements regarding natural resources effects that address impacts specifically associated with</p>	<p><i>Amendment of existing laws (e.g., Site Law)</i> to ensure clear approval requirements regarding natural resources effects that address impacts specifically associated with wind</p>

<sup>1</sup> Under this proposal, LURC would retain its current authority to issue development permits when rezoning is required

	wind power; provision for decommissioning and mitigation of project-related impacts <sup>2</sup>  LURC zoning/land use compatibility	power; provision for decommissioning <sup>3</sup>  LURC zoning/land use compatibility
<b>Consideration of public benefits</b>	<i>Determination that project advantages exceed direct and cumulative adverse effects required; project-related benefits considered as follows:</i>  <i>Option A - Public benefits as a whole (economic development, renewable energy and environmental – including mitigation) considered under holistic public interest test; <u>or</u></i>  <i>Option B - Unified environmental-renewable energy criterion assessing environmental and renewable energy related benefits (not economic development), including proposed mitigation</i>	<i>Option C- Reductions in CO2 and other air pollutants element of determination of "fits harmoniously"/unreasonable impact criterion in Site Law and other pertinent laws</i>
<b>Process overview</b>	<i>Authority makes permit consolidated state decision/185 days timeframe If no hearing, decision on agency record, based on staff's recommended findings Adjudicatory hearing (PUC rules and staff) (discretionary) Q: Longer timeframe for</i>	<i>DEP Commissioner makes consolidated state permit decision based on agency record and draft permit prepared by staff/180 timeframe BEP may assume jurisdiction as under current law (discretionary) LURC (not DEP) development permit required if rezoning DEP and LURC harmonize administrative practices and procedures Q: Longer timeframe for contested</i>

<sup>2</sup> The Task Force has discussed different options regarding the nature and scope of mitigation. Options A&B as described on page 3 would allow full consideration of mitigation proposals. Under Option C consideration of mitigation would be limited to impacts on wetlands, vernal pools, and certain shorebirds.

<sup>3</sup> See fn 2

DRAFT; NOT AGENCY OR ADMINISTRATION POLICY

12.4.07

	contested cases?	cases?
<b>LURC zoning</b>	<p><u>If the project is in zone where wind power allowable use - Independent Siting Authority approval alone required</u></p> <p><u>Project in zone where wind not allowable use - rezoning under current law required in addition to permit from Authority</u></p>	<p><u>Project in zone where wind power allowable use - DEP permit alone required</u></p> <p><u>Project in zone where wind not allowable use - rezoning and LURC development permit under current law required</u></p>
<b>Costs</b>	State costs covered with application fees; <i>start up appropriation (repaid with fees) for public members</i>	State costs covered with application fees