

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF PACIFIC WIND DEVELOPMENT LLC)
FOR APPROVAL OF THE LOCATION)
OF THE LA JOYA WIND PROJECT AND)
345 KV GEN-TIE LINE IN)
TORRANCE COUNTY, NEW MEXICO)
PURSUANT TO NMSA § 62-9-3; AND)
RIGHT OF WAY WIDTH DETERMINATION)
PURSUANT TO NMSA § 62-9-3.2)**

Case No. 18-0353-UT

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NM PUBLIC REGULATION COMM
RECORDS MANAGEMENT BUREAU

DIRECT TESTIMONY OF

MARK STACY

ON BEHALF OF PACIFIC WIND DEVELOPMENT LLC

November 19, 2018

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1 I. WITNESS INTRODUCTION AND QUALIFICATIONS

2 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

3 A. My name is Mark Stacy. My business address is 229 Stetson Dr., Cheyenne, WY, 82009.

4 Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

5 A. I am employed by Avangrid Renewables as Director of Business Development for the
6 Rocky Mountain Region.

7 Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND
8 EXPERIENCE.

9 A. I received a B.S. in Geology, and an M.S. in Economics from the University of
10 Wyoming. I began my career in the energy field over 20 years ago in the role of
11 Economist at the Wyoming Public Service Commission, where I became interested in
12 wind energy, taking a position with at Kenetech Windpower. When the renewable energy
13 business slumped during the 1990s, I started my own regulatory consulting business,
14 testifying across the United States on behalf of Competitive Local Exchange Carriers. I
15 subsequently re-entered the energy field, and have been responsible for developing 650
16 MW of wind energy projects operating in Missouri, Colorado, Arizona and New Mexico.
17 As Director of Business Development for Avangrid, I am responsible for the
18 development of wind and solar energy generation projects throughout the Rocky
19 Mountain Region. I was the developer of the El Cabo Wind Project located in Torrance
20 County, New Mexico. A copy of my resume is included in Exhibit MS-1.

21 Q. ON WHOSE BEHALF ARE YOU APPEARING IN THIS PROCEEDING?

22 A. I am testifying on behalf of the applicant, Pacific Wind Development LLC.

23 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

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1 A. I will provide an overview of the applicant Pacific Wind Development LLC, and will
2 describe the proposed La Joya wind generation facilities (the “La Joya Wind Project” or
3 “Wind Project”), the proposed generation tie transmission line (the “Gen-Tie Line”) and
4 associated La Joya Substation and Torrance Switching Station. I refer to the Gen-Tie
5 Line, the La Joya Substation and the Torrance Switching Station collectively as the “Gen-
6 Tie Facilities.” I refer to the Wind Project and the Gen-Tie Facilities collectively as the
7 “La Joya Project” or “Project.” I also describe how the Project will interconnect to the
8 electric transmission grid. I identify the approvals we have requested pursuant to New
9 Mexico’s Location Statute (NMSA 1978, Section 62-9-3), Location Rule (17.9.592
10 NMAC) and Right-of-Way Width Statute (NMSA 1978, Section 62-9-3.2), and I explain
11 how this application (“Application”) and supporting testimonies and exhibits demonstrate
12 compliance with all statutory and regulatory requirements. I will introduce other
13 witnesses who address technical matters in greater detail. I also explain why Pacific Wind
14 has requested expedited consideration of the Application.

15 I will address the Wind Project’s compliance with applicable air and water
16 pollution control requirements. I will address land ownership and use, the land rights
17 secured for the Project, and compliance with land use statutory and administrative
18 regulations. I will summarize the environmental studies that have been performed, and
19 explain that the Gen-Tie Facilities will not unduly impair important environmental values
20 and, although not required by the Location Statute or Rule, I will explain that the La Joya
21 Project as a whole will not unduly impair important environmental values. I will
22 summarize the socioeconomic benefits the La Joya Project will provide; describe the
23 public and landowner support for the La Joya Project; and describe our coordination with

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1 local, state, and federal agencies. I will describe how the Application and supporting
2 testimonies comply with the New Mexico Public Regulation Commission's ("PRC" or
3 "Commission") Location Rule, and will address notice and procedural matters.

4 **Q. WHAT SUBJECTS DO OTHER WITNESSES ADDRESS?**

5 A. The Direct Testimony of Dr. Julia Garvin addresses biological resources. The Direct
6 Testimony of Dr. Barbara Montgomery addresses cultural resources. The Direct
7 Testimony of Matt Dadswell addresses the socioeconomic impacts and benefits of the
8 Project. The Direct Testimony of Aaron White addresses the appropriate right-of-way
9 ("ROW") width for the Gen-Tie Line. The Direct Testimony of Krista Dearing addresses
10 the environmental report, substantially in the form prescribed by 40 C.F.R. § 1502.10, as
11 provided by Commission Rule 17.9.592.10.E NMAC.

12 **Q. HAVE YOU TESTIFIED BEFORE ANY REGULATORY AUTHORITIES?**

13 A. I have provided testimony before the Wyoming Public Service Commission and
14 regulatory bodies in Idaho, Oregon, New Jersey, Ohio, North Carolina, Florida, South
15 Dakota, and Nebraska.

16 **Q. WHAT EXHIBITS DO YOU SPONSOR AS PART OF YOUR TESTIMONY?**

17 A. I sponsor the following exhibits:

18 Exhibit MS-1: Resume of Mark Stacy

19 Exhibit MS-2: Location Map

20 Exhibit MS-3: Legal Description of Wind Project Area

21 Exhibit MS-4: Regional Map

22 Exhibit MS-5: Representative Transmission Structure

23 Exhibit MS-6: Gen-Tie Corridor and Gen-Tie Facilities Location Map

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- 1 Exhibit MS-7: La Joya Substation Schematic
- 2 Exhibit MS-8: Torrance Switching Station Schematic
- 3 Exhibit MS-9: NMED Communication Regarding Air Quality Standards Attainment
- 4 Exhibit MS-10: NMED Communication Regarding Air Quality Permitting
- 5 Exhibit MS-11: Surface Waters Map
- 6 Exhibit MS-12: NMED Communication Regarding Water Quality Permitting
- 7 Exhibit MS-13: Participating Lands Map
- 8 Exhibit MS-14: Representative Photographs
- 9 Exhibit MS-15: Community Facilities Map
- 10 Exhibit MS-16: Torrance County Special Use District and Findings of Fact
- 11 Exhibit MS-17: Biological Resources Map
- 12 Exhibit MS-18: Communication Facilities Map
- 13 Exhibit MS-19: Scenic Routes Map
- 14 Exhibit MS-20: Unanticipated Discoveries Plan
- 15 Exhibit MS-21: Military Training Routes Map
- 16 Exhibit MS-22: Soils Map
- 17 Exhibit MS-23: Mines and Mineral Resources Map
- 18 Exhibit MS-24: Geology Map
- 19 Exhibit MS-25: Example Hazardous Materials Plan
- 20 Exhibit MS-26: Protection Measures
- 21 Exhibit MS-27: Letters of Support
- 22 **Q. WERE EXHIBITS MS-1 THROUGH MS-27 PREPARED BY YOU OR UNDER**
- 23 **YOUR DIRECT SUPERVISION AND CONTROL?**

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1 A. Generally, yes. Several of the maps included in my exhibits are also included as figures
2 in the La Joya Environmental Report attached as Exhibit KD-2 to the Direct Testimony
3 of Krista Dearing. Because I reference them in my testimony, I include them as exhibits
4 to my testimony for convenience.

5 **Q. ARE EXHIBITS MS-1 THROUGH MS-27 TRUE AND CORRECT COPIES OF**
6 **THE DOCUMENTS YOU HAVE DESCRIBED IN YOUR TESTIMONY?**

7 A. Yes.

II. THE APPLICANT

8 **Q. PLEASE PROVIDE AN OVERVIEW OF THE APPLICANT.**

9 A. Pacific Wind Development LLC (together with its successors and assigns, "Pacific
10 Wind") is the Applicant for the requested location approval of the La Joya Wind Project,
11 the requested location approval of the Gen-Tie Facilities, and the requested ROW width
12 determination. Pacific Wind is a subsidiary of Avangrid Renewables, LLC ("Avangrid").

13 **Q. PLEASE PROVIDE SOME BACKGROUND ON AVANGRID.**

14 A. Avangrid is one of the leading providers of clean, renewable power in the United States
15 with more than 6,000 Megawatts ("MW") of owned and controlled wind and solar power
16 facilities in 19 states. Avangrid is part of the Iberdrola Group, an energy pioneer with the
17 largest renewable asset base of any company in the world, with more than 14,000 MW of
18 renewable energy spread across a dozen countries. More information about Avangrid
19 Renewables can be found at <http://www.avangridrenewablesus.com>.

20 **Q. DOES AVANGRID IMPLEMENT COMPANY ENVIRONMENTAL POLICIES**
21 **OR PRACTICES REGARDING ITS WIND PROJECTS?**

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1 A. Yes. Avangrid implements consistently high operational standards for environmental,
2 health and safety considerations, and employs best practices to avoid and minimize
3 impacts to the environment. For example, Avangrid Renewables in October 2008 became
4 the first US wind power company to voluntarily adopt an Avian and Bat Protection Plan.
5 The company often conducts pre- and post-construction studies at the company's US
6 wind farms whether or not those studies are required.

7 **III. THE PROJECT**

8 **Q PLEASE DESCRIBE THE LA JOYA WIND PROJECT.**

9 A. The La Joya Wind Project is an up to 500 MW wind energy generation facility
10 encompassing about 51,000 acres located about ten miles east of Estancia and between
11 Encino and Willard, south of Highway 60 in Torrance County, New Mexico. The La Joya
12 Wind Project will be located within the area ("Wind Project Area") shown on the map
13 included as Exhibit MS-2 to my testimony. A legal description of the Wind Project Area
14 is provided in Exhibit MS-3 to my testimony.

15 The La Joya Wind Project will involve about 25,000 acres of private land and
16 about 26,000 acres of state trust land for the generation facilities. The Wind Project will
17 not include any federal land. A vicinity map showing land status is included as Exhibit
18 MS-4 to my testimony.

19 The La Joya Wind Project will be built in phases. The first phase of the La Joya
20 Wind Project will supply Public Service Company of New Mexico ("PNM") with 166
21 MW of wind energy to serve Facebook's data center in Los Lunas, New Mexico. The
22 Commission approved the Power Purchase Agreement ("PPA") between PNM and
23 Facebook in Case No. 18-00009-UT. Construction of the first phase of the La Joya Wind

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1 Project is expected to begin in the third or fourth quarter of 2019 and to be completed by
2 December 2020.

3 Avangrid is pursuing additional market opportunities for later phases, and thus is
4 seeking location approval for up to 500 MW of wind generation for the La Joya Wind
5 Project as a whole. This size is determined by the limits of Avangrid's Large Generator
6 Interconnection Agreement ("LGIA") with PNM and takes into account the need for
7 operational flexibility of the generating plant. Later phases would be constructed and put
8 into operation in response to market opportunities and arrangements with off-takers.
9 Accordingly, the phase sizes in generation capability (in MW) and actual locations may
10 shift to accommodate such arrangements, but the total for all phases of the La Joya Wind
11 Project will not exceed the requested 500 MW and all phases will be located within the
12 Wind Project Area shown on Exhibit MS-2.

13 **Q. IS THE PROPOSED LOCATION WELL SUITED FOR WIND ENERGY**
14 **GENERATION?**

15 **A.** Yes. The Wind Project Area is in the eastern central portion of New Mexico that is
16 identified as having some of the best wind resources in the country. More information
17 about New Mexico's wind resource is available on the websites of New Mexico's
18 Energy, Minerals and Natural Resources Department ("NMEMNRD") at:
19 <http://www.emnrd.state.nm.us/ECMD/RenewableEnergy/wind.html>, and the federal
20 Department of Energy ("DOE") at:
21 <http://apps2.eere.energy.gov/wind/windexchange/windmaps/>. The relatively level
22 topography of the site will help to take advantage of the high quality wind resource in this
23 area for energy generation. In addition, the Wind Project is located in an area of low

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1 population density, where the existing land use (livestock grazing) is compatible with
2 wind energy development.

3 **Q. WHERE WILL THE WIND TURBINES BE LOCATED WITHIN THE WIND**
4 **PROJECT AREA?**

5 A. Pacific Wind proposes that wind turbines be allowed anywhere within the Wind Project
6 Area, subject to industry best practices, and the turbines will be micro-sited taking
7 several factors into account. Illustrative wind turbine locations are provided in Exhibit
8 MS-2. Changes to the wind turbine layout may be made for a variety of reasons, such as
9 off-taker needs, subsurface geotechnical conditions, Federal Aviation Administration
10 ("FAA") requirements, environmental conditions, avoidance or minimization of impacts
11 to wildlife habitat and cultural resources, landowner consultations, or equipment
12 selection. For these reasons, the preliminary turbine layout shown in Exhibit MS-2 is
13 included here for illustrative purposes only. Prior to finalization, each proposed wind
14 turbine location will be field micro-sited and a geotechnical boring will be taken to
15 confirm sub-surface conditions. A finalized Wind Project layout, including final
16 coordinates of all proposed wind turbines, will be shared with local officials and the
17 Commission after construction.

18 **Q. HOW WILL ELECTRICITY BE COLLECTED FROM THE WIND TURBINES?**

19 A. Electricity generated by the wind turbines will be gathered via electrical collection
20 system lines that will be charged at 34.5 kV. The collection system circuits will be
21 gathered to a new La Joya Substation where the voltage will be stepped up from 34.5 kV
22 to 345 kV via large power transformers. The proposed La Joya Substation location is
23 shown on Exhibits MS-2 and MS-6.

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1 **Q. HOW WILL THE LA JOYA WIND PROJECT CONNECT TO THE GRID?**

2 A. To provide transmission service for all phases of the La Joya Project, Pacific Wind
3 proposes to construct a 345 kV Gen-Tie Line of up to about 18 miles to connect the La
4 Joya generation to PNM's grid. The Gen-Tie Line will be an overhead line operated at
5 345 kV. The supporting structures will be a wood or steel two-pole H-frame construction.
6 Typical structure heights would be approximately 80 to 130 feet above the existing
7 ground, depending on the terrain and span length. Span lengths would typically be about
8 600 to 1,000 feet in length but are subject to final engineering. There will be three phases
9 of conductors plus one or two ground lines, potentially a communication line, insulators,
10 cross-arms, and other minor equipment typically associated with electrical transmission
11 lines. Representative diagrams of the structures are shown on Exhibit MS-5, and further
12 description is provided in Section 2 of the Environmental Report attached as Exhibit KD-
13 2 to the Direct Testimony of Krista Dearing.

14 **Q. WHERE WILL THE GEN-TIE LINE BE LOCATED?**

15 A. For site evaluation purposes, Pacific Wind has identified a 1,000-foot wide corridor
16 within which the Gen-Tie Line would be located ("Gen-Tie Corridor"), shown on Exhibit
17 MS-6. The Gen-Tie Line would be about 18 miles, or 95,040 feet, in length, about 87,120
18 feet of which would cross private land and about 7,920 feet of which would cross state
19 trust land.

20 The Gen-Tie Line would first extend about six miles from the proposed La Joya
21 Substation to the vicinity of the existing El Cabo gen-tie line, then would parallel the El
22 Cabo gen-tie line for about 12 miles, and would terminate at the proposed Torrance
23 Switching Station, which will connect the Gen-Tie Line to the El Cabo gen-tie line.

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1 Transmission of electricity from the La Joya Wind Project would then proceed on the
2 existing El Cabo gen-tie line from the proposed Torrance Substation to Clines Corners,
3 and then on PNM's proposed BB2 transmission line. Pacific Wind understands that PNM
4 has applied to the Commission for location and CCN approval for the BB2 line in a
5 separate proceeding, Case No. 18-00243-UT.

6 **Q. PLEASE DESCRIBE THE PROPOSED LA JOYA SUBSTATION.**

7 A. The proposed La Joya Substation will transfer the electric power collected from the wind
8 turbines to the Gen-Tie Line. To do so, the Substation will step up the voltage from 34.5
9 kV on the collector system to 345 kV for transmission on the Gen-Tie Line. The La Joya
10 Substation will be comprised of transformers, circuit breakers, switching devices, and
11 auxiliary and other equipment. A representational schematic diagram of the
12 interconnection is shown on Exhibit MS-7. The Substation will be about 10 acres or less
13 in size and will be located within the Wind Project Area at the southern end of and within
14 or adjacent to the Gen-Tie Corridor as shown on Exhibit MS-6. A typical substation is
15 shown in Exhibit MS-14.

16 **Q. PLEASE DESCRIBE THE PROPOSED TORRANCE SWITCHING STATION.**

17 A. The proposed Torrance Switching Station will connect the Gen-Tie Line to the existing
18 El Cabo gen-tie line. Both gen-tie lines will be operated at 345 kV. The Torrance
19 Switching Station will be comprised of transformers, circuit breakers, switching devices,
20 and auxiliary and other equipment. A representational schematic diagram of the
21 interconnection is shown on Exhibit MS-8. The Switching Station will be about 10 acres
22 or less in size and will be located at the northern end of and within or adjacent to the

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1 Gen-Tie Corridor shown on Exhibit MS-6. A typical switching station is similar to the
2 typical substation shown in Exhibit MS-14.

3 **Q. WHAT ROW WIDTH IS NEEDED FOR THE GEN-TIE LINE?**

4 Pacific Wind proposes a 150-foot ROW width for the Gen-Tie Line. This width is
5 required for compliance with electric and safety codes, for construction and maintenance
6 logistics, and to accommodate the Gen-Tie running parallel and adjacent to the existing
7 El Cabo gen-tie line for a portion of the Gen-Tie's length. The Direct Testimony of
8 Aaron White further explains the calculation of the necessary ROW width.

9 **Q. WILL THE WIND PROJECT IMPAIR RELIABILITY OF THE**
10 **TRANSMISSION SYSTEM?**

11 A. No. Prior to being allowed to interconnect to the grid, the Wind Project completed a
12 series of interconnection studies and on January 12, 2018 executed a Large Generator
13 Interconnection Agreement ("LGIA") with PNM, which operates the transmission system
14 to which the Gen-Tie Line will connect. The interconnection studies identify needed
15 upgrades to the transmission system to ensure that interconnection will not cause system
16 reliability to fall below the applicable standards or tolerances. This is the same process
17 required for all new commercial-scale electricity generation facilities intending to
18 interconnect to PNM's transmission system. The LGIA includes agreement for Pacific
19 Wind to provide improvements such as transformers, switches, busses, circuit breakers,
20 relays, meters, lightning protection, fencing, ground grids, communications equipment, a
21 control building, and other minor equipment typically associated with electrical
22 transmission-level substations.

23 **Q. WHAT IS THE TIMEFRAME FOR CONSTRUCTION OF THE PROJECT?**

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1 A. Construction of the first phase of the La Joya Wind Project and Gen-Tie Facilities is
2 expected to begin in the third or fourth quarter of 2019 and to be completed by December
3 2020. This first phase will consist of 166 MW of wind generation to supply PNM to serve
4 Facebook's data center in Los Lunas, New Mexico under the Power Purchase Agreement
5 ("PPA") with PNM approved in Case No. 18-00009-UT, the Gen-Tie Line, the La Joya
6 Substation, and the Torrance Switching Station. Pacific Wind is actively pursuing
7 additional market opportunities for later phases of the generation facilities, for which
8 construction timing would be determined in arrangements with off-takers. As I explain
9 below, Pacific Wind has requested expedited consideration of this Application in light of
10 recent development of time-sensitive market opportunities.

11 **Q. HOW WILL DECOMMISSIONING OF THE WIND TURBINES BE HANDLED**
12 **AT THE END OF THE FACILITIES' LIFE?**

13 A. At the end of the wind turbines' useful life, the facilities will be decommissioned by the
14 Project owner, and at the Project owner's sole cost. Decommissioning will include
15 removal of above-ground facilities and below-ground facilities, typically down to a depth
16 of approximately three feet. In some cases, roads will be left in place if agreed to
17 between the project and the subject landowner.

18 **IV. REQUESTED COMMISSION APPROVALS.**

19 **Q. WHAT COMMISSION APPROVALS IS PACIFIC WIND REQUESTING?**

20 A. Pursuant to New Mexico Statutes Annotated ("NMSA") 1928, §62-9-3, Pacific Wind
21 requests the Commission approve the location of the La Joya Wind Project generation
22 facilities and the Gen-Tie Facilities in Torrance County, New Mexico. In addition,
23 pursuant to NMSA 1978, § 62-9-3.2, Pacific Wind requests the Commission determine

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1 that the 150-foot ROW width for the Gen-Tie Line is needed. I describe the requests for
2 location approval in Section IV.A below, and the request for ROW width determination
3 in Section IV.B below. Due to recent development of market opportunities, Pacific Wind
4 is requesting expedited consideration of its Application.

5 **Q. PLEASE EXPLAIN WHY PACIFIC WIND IS REQUESTING EXPEDITED**
6 **CONSIDERATION OF THE APPLICATION.**

7 A. Concurrent with filing its Application and accompanying testimonies and exhibits,
8 Pacific Wind also filed a Motion requesting expedited consideration by the Commission
9 due to recent market opportunities. Pacific Wind's pursuit of off-takers in addition to the
10 first phase for Facebook has very recently resulted in other potential build-out
11 opportunities. These opportunities are developing simultaneously with the filing of
12 Pacific Wind's Application. These opportunities are time-sensitive, and expedited
13 Commission approval is needed to maintain construction schedules that will allow for
14 project completion to meet customer demand and to preserve the ability to obtain the
15 highest level of Production Tax Credits. The statutory six-month timeframe would
16 severely jeopardize Pacific Wind's ability to maintain the required schedule.

17 **Q. IS PACIFIC WIND REQUESTING THE COMMISSION ISSUE A PUBLIC**
18 **CERTIFICATE OF CONVENIENCE AND NECESSITY ("CCN")?**

19 A. No. Neither Pacific Wind nor Avangrid is a public utility as defined by the New Mexico
20 Public Utility Act, Section 62-3-3.G. Therefore, the requirement for public utilities to
21 obtain a CCN does not apply to either Pacific Wind or Avangrid.

22 A. **Location Approval**

23 **Q. WHY DOES THE PROJECT REQUIRE LOCATION APPROVAL?**

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1 A. I am not a lawyer, but I understand that New Mexico's location control statute ("Location
2 Control Statute"), NMSA 1978, Section 62-9-3.B, requires prior approval by the
3 Commission for construction within New Mexico of the following by any person:

4 (1) any plant designed for or capable of operation at a capacity of 300 MW or
5 more for the generation of electricity for sale to the public within or without New
6 Mexico, whether to not owned or operated by a public utility; and

7 (2) transmission lines and associated facilities designed for or capable of
8 operations at a nominal voltage of 230 kV or more to be constructed in connection
9 with and to transmit electricity from a new plant for which approval is required.

10 This requirement applies to public utilities, independent transmission developers,
11 and merchant generators.

12 Here, the Commission's location approval is required because Pacific Wind
13 proposes to site the La Joya Wind Project that is designed for or capable of operation at
14 500 MW, and the Gen-Tie Line will be designed for or capable of being operated at a
15 nominal voltage of 345 kV and will be constructed in connection with and to transmit
16 electricity from the La Joya Wind Project that itself requires location approval.

17 **Q. PLEASE EXPLAIN THE STATUTORY REQUIREMENTS FOR LOCATION**
18 **APPROVAL.**

19 A. I understand that Section 62-9-3.E of the Location Control Statute requires the
20 Commission to approve an application for location of a generating plant unless the
21 Commission finds that the operation of the facilities will not be in compliance with all
22 applicable air and water pollution control standards existing and established by the New
23 Mexico agency having jurisdiction over a particular pollution source. I understand that

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1 the New Mexico Environment Department ("NMED") has jurisdiction over air and water
2 pollution.

3 In addition, I understand that Section 62-9-3.F of the Location Control Statute
4 requires the Commission to approve an application for location of transmission lines
5 unless the Commission finds that the location will unduly impair important
6 environmental values, and, in making that determination, Section 62-9-3.M of the
7 Location Control Statute allows the Commission to consider the following factors:

8 (1) existing plans of the state, local government and private entities for other
9 developments at or in the vicinity of the proposed location;

10 (2) fish, wildlife and plant life;

11 (3) noise emission levels and interference with communication signals;

12 (4) the proposed availability of the location to the public for recreational
13 purposes, consistent with safety considerations and regulations;

14 (5) existing scenic areas, historic, cultural, or religious sites and structures or
15 archeological sites at or in the vicinity of the proposed location; and

16 (6) additional factors that require consideration under applicable federal and state
17 laws pertaining to the location.

18 Finally, Section 62-9-3.I of the Location Control Statute also prohibits the
19 Commission from approving a location control application that violates an existing state,
20 county or municipal land use statutory or administrative regulation unless the
21 Commission finds the regulation is unreasonably restrictive.

22 **Q. DOES THE LA JOYA PROJECT COMPLY WITH THE REQUIREMENTS OF**
23 **THE LOCATION CONTROL STATUTE?**

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1 A. Yes, Pacific Wind's Application and supporting testimonies and exhibits demonstrate
2 that the La Joya Project will comply with all of these requirements. As Pacific Wind's
3 other witnesses and I explain in our testimonies, the La Joya Project will not violate any
4 existing state, county, or municipal land use statutory or administrative regulation; the
5 Wind Project will comply with all applicable air and water pollution control standards
6 and regulations established by the NMED; and the Gen-Tie Line will not unduly impair
7 important environmental values. In addition, the La Joya Project will provide
8 environmental and economic benefits. I address each of these in Sections V through XI
9 below.

10 **B. ROW Width Determination**

11 **Q. WHAT IS YOUR UNDERSTANDING OF THE REQUIREMENT FOR ROW**
12 **WIDTH APPROVAL?**

13 A. My understanding is that NMSA Section 62-9-3.2 provides: "Unless otherwise agreed to
14 by the parties, no person shall begin the construction of any transmission line requiring a
15 width for right of way of greater than one hundred feet without first obtaining from the
16 commission a determination of the necessary right-of-way width to construct and
17 maintain the transmission line."

18 **Q. PLEASE EXPLAIN WHY THE GEN-TIE LINE REQUIRES A 150-FOOT ROW**
19 **WIDTH.**

20 A. The ROW for an electric transmission line is the area under and to either side of the
21 transmission line needed to build, maintain, and operate the line. In general, the width
22 required for an electric transmission line is a logistical and safety concern, is determined
23 by the height and placement of the transmission towers and the voltage of the conductor,

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1 and takes conductor sag and sway into account to maintain safe clearance from the
2 ground and from vegetation to avoid spark-overs that may cause fires. In addition, the
3 proposed ROW will parallel the existing 345 kV El Cabo gen-tie line for a portion of its
4 length, and needs to take that into account so that the two lines can safely operate
5 simultaneously. The Direct Testimony of Aaron White addresses these factors for the
6 Gen-Tie Line and concludes that a ROW width of about 150 feet is necessary to ensure
7 compliance with safety codes, to provide adequate logistical space for construction,
8 operations and maintenance of the line, and to provide sufficient flexibility for siting
9 structures within the ROW.

10 **Q. DOES THE GEN-TIE LINE COMPLY WITH THE REQUIREMENTS OF THE**
11 **ROW WIDTH STATUTE?**

12 A. Yes. The ROW Width Statute, NMSA Section 62-9-3.2, requires that, unless all parties
13 agree otherwise, the Commission determines whether a proposed ROW width in excess
14 of 100 feet is necessary. Pacific Wind has already obtained all necessary land rights
15 within the 1,000-foot Gen-Tie Corridor within which the 150-foot ROW width will be
16 located. Further, this Application and supporting testimonies and exhibits demonstrate
17 that the proposed 150-foot ROW width is necessary for the safe construction, operation,
18 and maintenance of the Gen-Tie Line.

19 **V. COMPLIANCE WITH AIR AND WATER POLLUTION CONTROL**
20 **STANDARDS.**

21
22 **Q. PLEASE CHARACTERIZE THE WIND PROJECT'S EXPECTED IMPACTS ON**
23 **AIR QUALITY.**

24 A. The La Joya Wind Project will have only minimal, short-term impacts on air quality
25 during construction. The only air emissions will be from construction equipment,

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1 aggregate crushing for roads, concrete batch plants for turbine foundations, which will be
2 permitted, and fugitive dust from driving on roads. Fugitive dust is planned to be
3 controlled during construction. As a renewable energy generation project, the operation
4 of the facilities will not result in emissions of greenhouse gases or other pollutants, and
5 therefore operation of the facilities requires no air pollution control permits. Further, the
6 operation of the facilities will result in long-term reduction of air pollutants that
7 otherwise would have been emitted into the air by conventional power plants by
8 supplanting some output from conventional power plants. Further details are provided in
9 the La Joya Environmental Report, Exhibit KD-2.

10 **Q. IS THE LA JOYA PROJECT WITHIN AN AREA THAT IS IN ATTAINMENT**
11 **OF NATIONAL AND STATE AMBIENT AIR QUALITY STANDARDS?**

12 A. Yes. NMED's Air Quality Bureau confirmed that Torrance County, New Mexico, in
13 which the Project will be located, is currently in attainment of all national and state
14 ambient air quality standards. See Exhibit MS-9.

15 **Q. WILL THE WIND PROJECT REQUIRE AIR POLLUTION CONTROL**
16 **PERMITS FOR CONSTRUCTION?**

17 A. Yes. Each of the phases of the La Joya Wind Project will require a general construction
18 permit pursuant to the New Mexico Air Quality Control Act for concrete batch plants for
19 wind turbine pad foundations and for aggregate crushing for use in road construction, if
20 such crushing would occur at the Project site. See NMSA 1978, §§ 74-2-1 *et seq.* Pacific
21 Wind has conferred with NMED regarding such permits. See Exhibit MS-10.

22 **Q. WHEN ARE SUCH PERMITS TYPICALLY OBTAINED?**

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1 A. It is typical for the construction contractor to acquire such routine permits shortly prior to
2 the start of construction. See Exhibit MS-10.

3 **Q. PLEASE CHARACTERIZE THE WIND PROJECT'S EXPECTED IMPACTS ON**
4 **WATER RESOURCES.**

5 A. The La Joya Wind Project will have only minimal impacts on water quality during
6 construction and will have no long-term impacts on water quality during operation.
7 Wind facilities generally will be sited to avoid surface water features, which are shown
8 on Exhibit MS-11. In the event that avoidance is not possible and surface water crossings
9 are needed, Pacific Wind intends to avoid fill in waters to the extent practicable by
10 directional drilling under or bridging over the waterway. I understand that the surface
11 water features within the Project Area are not considered to be Waters of the U.S.
12 regulated under the Clean Water Act because they are isolated, interior-draining features
13 not connected to navigable waters. Therefore, Pacific Wind anticipates that no permit
14 would be needed from the U.S. Army Corps of Engineers ("Corps") under Section 404 of
15 the Clean Water Act. In the event that avoidance of a Water of the U.S. is not possible,
16 Pacific Wind would seek to permit any unavoidable fill in Waters of the U.S. under an
17 applicable Nationwide Permit issued by the Corps.

18 In addition, Project facilities will be sited to avoid mapped floodplain areas or will
19 obtain necessary floodplain development permits from Torrance County. FEMA mapped
20 floodplains are shown in Exhibit MS-11.

21 The topography of the Project Area is generally flat. Nevertheless, generally
22 speaking, the wind facilities will be sited to avoid placement on steep slopes, which will
23 minimize erosion and runoff into surface waters. Further, the Project will implement a

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1 storm water management plan during construction in order to minimize the effects of
2 storm water runoff in the event of significant rain events.

3 Wind energy generation is inherently a nearly zero-water consumption
4 technology. The only primary uses of water during operations are for bathroom facilities
5 for operations and maintenance workers at the operations and maintenance building. A
6 septic permit is expected to be obtained prior to operation. During construction, water
7 will be used to make concrete and may be used to control dust on roads. Pacific Wind
8 intends to use water from a nearby well for which it has obtained a permit from the
9 Office of the State Engineer. The construction contractor will be required to obtain any
10 additional necessary water permits. In the long term, wind energy generation will help
11 conserve water compared to other electric generation that is more water-consumptive.

12 **Q. WHAT WATER POLLUTION CONTROL PERMITS WILL THE WIND**
13 **PROJECT REQUIRE FOR CONSTRUCTION?**

14 **A.** Prior to construction of each phase, Pacific Wind or its contractor will obtain coverage
15 under a National Pollution Discharge Elimination System ("NPDES") Construction
16 General Permit ("CGP") from the United States Environmental Protection Agency
17 ("EPA") pursuant to Section 402 of the Clean Water Act, 33 U.S.C. § 1342. The
18 requirements of the CGP include, but are not limited to, the operator filing a Notice of
19 Intent at least 14 days before commencing construction activities, preparing a Storm
20 Water Pollution Prevention Plan ("SWPPP") that describes measures to control storm
21 water discharge during construction and the implementation of standard erosion control
22 measures and best management practices. The Project is not expected to adversely affect

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1 surface or groundwater at the site and does not require a permit under the New Mexico
2 Water Quality Control Act other than a septic permit. Please refer to Exhibit MS-12.

3 **Q. WHEN ARE SUCH PERMITS TYPICALLY OBTAINED?**

4 A. As with construction-phase air quality permits, coverage under the NPDES Construction
5 General Permit is typically obtained just prior to construction, and a septic permit is
6 obtained when bathroom facilities are installed. Pacific Wind or its contractor will obtain
7 NPDES coverage prior to start of construction. See Exhibit MS-12.

8 **Q. WHAT WATER POLLUTION CONTROL PERMITS WILL THE WIND
9 PROJECT REQUIRE FOR OPERATION?**

10 A. Wind energy generation facilities require almost no water for the operation and
11 generation of electricity and therefore no water pollution control permits are needed for
12 operation.

13 **Q. IN SUMMARY, WILL THE WIND PROJECT BE IN COMPLIANCE WITH ALL
14 APPLICABLE AIR AND WATER POLLUTION CONTROL STANDARDS?**

15 A. Yes, the La Joya Wind Project will comply with all applicable air and water pollution
16 control standards.

17 **VI. LAND USE, LAND OWNERSHIP, AND COMPLIANCE WITH LAND USE
18 STATUTES AND ADMINISTRATIVE REGULATIONS.**

19
20 **Q. PLEASE DESCRIBE THE EXISTING LAND OWNERSHIP IN THE WIND
21 PROJECT AREA.**

22 A. The Wind Project Area encompasses about 51,000 acres, of which about 25,000 acres is
23 private land owned by 4 private landowners, and about 26,000 acres is state trust land.
24 No federal land is planned to be used. Type of land ownership is shown on Exhibit MS-4.

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1 **Q. PLEASE DESCRIBE THE EXISTING LAND OWNERSHIP IN THE GEN-TIE**
2 **CORRIDOR.**

3 A. The Gen-Tie Line will be located in a 150-foot ROW within the Gen-Tie Corridor and
4 will involve about 327 acres, of which about 300 acres is private land and about 27 acres
5 is state trust land.

6 **Q. HAS PACIFIC WIND SECURED LAND RIGHTS WITH THE PRIVATE**
7 **LANDOWNERS?**

8 A. Yes, Pacific Wind has already obtained all necessary land rights in the Gen-Tie Corridor
9 and the great majority of necessary land rights in the Wind Project Area. Pacific Wind
10 has executed lease agreements for participating lands shown in Exhibit MS-13. The
11 location approval, if granted, is intended to apply only to land within the Project Area
12 that is currently or ultimately signed for Project use.

13 **Q. DOES THE PROJECT REQUIRE THE USE OF STATE LAND?**

14 A. Yes, the Wind Project Area includes about 26,000 acres of state trust land, and the Gen-
15 Tie ROW will include about 27 acres of state trust land. Pacific Wind has obtained a
16 renewable energy lease from the State Land Office for use of about 19,000 acres of state
17 trust land within the Wind Project Area. Pacific Wind has requested leasing an additional
18 about 7,000 acres of state trust land in order to enhance flexibility of turbine and facilities
19 siting, and expects to receive final approval in 2019. Pacific Wind has received a Right of
20 Entry permit from the State Land Office to perform development activities on this land
21 prior to entering into the lease.

22 **Q. DOES THE PROEJCT REQUIRE USE OF FEDERAL LAND?**

23 A. No.

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1 **Q. WHAT IS THE CURRENT LAND USE IN THE PROJECT AREA?**

2 A. The current land use in both the Wind Project Area and the Gen-Tie Corridor is livestock
3 grazing. There are no occupied residences in the Gen-Tie Corridor and only one
4 occupied residence within the Wind Project Area. Photos of the Project Area are included
5 in Exhibit MS-14. Community facilities in the vicinity of the Project are shown in
6 Exhibit MS-15.

7 **Q. WILL THESE USES CONTINUE FOLLOWING CONSTRUCTION OF THE**
8 **WIND PROJECT AND GEN-TIE LINE?**

9 A. Yes. When construction is complete, the Project's facilities are expected to utilize about
10 2% of the 51,000-acre Wind Project Area and about 1% of the 327-acre area within the
11 Gen-Tie ROW, leaving the remaining 98 to 99% of land in the Project Area available for
12 its existing land use. In some ways, the Project will enhance the ability of landowners to
13 utilize their land for agriculture and grazing because the Project will make annual
14 payments to landowners that will be a steady new income stream, independent of
15 commodity prices, drought, and other factors that affect the economics of agriculture. In
16 some cases, the extra income from the Project may actually enable landowners to stay on
17 their land and continue their current agricultural practices.

18 **Q. WHAT STATE LAND USE STATUTES AND ADMINISTRATIVE**
19 **REGULATIONS APPLY TO THE PROJECT?**

20 A. The State Land Office's business leasing regulations, 19.2.9 NMAC, apply to leasing of
21 state trust lands. Pacific Wind will comply with the State Land Office's business leasing
22 regulations regarding the state land leased for Project purposes.

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1 Q. WHAT COUNTY LAND USE STATUTES AND ADMINISTRATIVE
2 REGULATIONS APPLY TO THE PROJECT?

3 A. The Project is located in Torrance County. Torrance County has enacted a
4 Comprehensive Land Use Plan, Zoning Ordinance, and Road Maintenance Policy that
5 apply to the Project. The Comprehensive Land Use Plan outlines goals and objectives for
6 the County, including to encourage infrastructure and job development in the County and
7 to “investigate the potential for wind and solar generated power in the County.” Land Use
8 Plan Goal M Objective 3. The Zoning Ordinance provides for designation of Special Use
9 Districts for wind energy facilities, and encourages such development. Section
10 16.D.10(b) of the Zoning Ordinance states:

11 The County finds that wind energy is an abundant, renewable and
12 nonpolluting energy resource and that its conversion to electricity will
13 reduce our dependence on nonrenewable energy resources and decrease
14 the air and water pollution that results from the use of conventional energy
15 sources. Wind energy systems also enhance the reliability and power
16 quality of the power grid, reduce peak power demands and help diversity
17 the state’s energy supply portfolio. Wind energy power plants stimulate
18 economic development directly and indirectly.

19
20 The Road Policy provides guidance for construction and maintenance of County-
21 maintained roads.

22 Q. WILL THE PROJECT COMPLY WITH TORRANCE COUNTY’S LAND USE
23 STATUTES AND ADMINISTRATIVE REGULATIONS?

24 A. Yes. The Wind Project Area and Gen-Tie Corridor lie within a Special Use Zone District
25 that Torrance County approved for renewable energy development in 2011 for
26 Avangrid’s El Cabo Wind Project and vicinity, and later expanded in 2017 for the La
27 Joya Wind Project and vicinity. See Exhibit MS-16. The County found that both Projects
28 comply with the Torrance County Zoning Ordinance, and the County’s Planning and

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1 Zoning Board recommended approval. The County held hearings in 2011 and in 2017
2 and approved the Special Use Districts, finding that the Project complies with the
3 Torrance County Zoning Ordinance because:

4 compatibility of property uses shall be maintained in the general area; that
5 the integrity and character of the area in which the Special Use district will
6 be located, and the utility and value of property in the Special Use District
7 and adjacent zone districts would be preserved; and that the Special Use
8 District will not become detrimental to the public health, safety, or general
9 welfare of the County.

10
11 See Exhibit MS-16. The Project will comply with the County's Special Use District
12 requirements. The Project will coordinate with the County's road and fire departments for
13 construction and operations and maintenance activities.

14 **Q. DO ANY MUNICIPAL LAND USE REGULATIONS APPLY TO THE PROJECT**
15 **AREA?**

16 A. No. The Project Area is at least ten miles distant from Encino, which is the nearest
17 municipality. See Exhibit MS-4.

18 **Q. ARE THERE ADDITIONAL GROUPS WITH INTERESTS IN LOCAL LAND**
19 **USE?**

20 A. Yes. The East Torrance County Soil and Water Conservation District promotes
21 stewardship of natural resources by providing leadership, education, technical and
22 financial assistance to the citizens of the District, within which the La Joya Project is
23 located. The District does not have a land and water use plan but provides cropland
24 assistance, brush management, weed management, conservation programs, native plant
25 sales, and workshops, and helps increase conservation awareness. Pacific Wind will
26 communicate with the District regarding the Project prior to construction.

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1 Q. IN SUMMARY, WILL THE LA JOYA PROJECT VIOLATE ANY EXISTING
2 STATE, COUNTY, OR MUNICIPAL LAND USE STATUTORY OR
3 ADMINISTRATIVE REGULATION?

4 A. No. As demonstrated in my testimony and exhibits, the La Joya Project will comply with
5 applicable state and county land use statutes and administrative regulations.

6 VII. THE GEN-TIE FACILITIES WILL NOT UNDULY IMPAIR IMPORTANT
7 ENVIRONMENTAL VALUES, AND THE WIND PROJECT WILL NOT
8 UNDULY IMPAIR IMPORTANT ENVIRONMENTAL VALUES.
9

10 Q. HAS PACIFIC WIND EVALUATED THE GEN-TIE FACILITIES' POTENTIAL
11 IMPACTS ON THE FACTORS THE COMMISSION MAY CONSIDER IN
12 DETERMINING WHETHER LOCATION OF A TRANSMISSION LINE WILL
13 UNDULY IMPAIR IMPORTANT ENVIRONMENTAL VALUES?

14 A. Yes, Pacific Wind has reviewed the factors provided in NMSA Section 62-9-3.M, Rule
15 17.9.592 NMAC, and additional factors, which include existing plans for development of
16 the proposed location; fish, wildlife and plant life; noise levels; interference with
17 communication signals; availability for recreational purposes; scenic, historic, cultural or
18 religious sites and structures or archeological sites; cemeteries and burials; schools;
19 military activities; aviation; soils; minerals and mining; geologic and paleontological
20 resources; roads; geographic resources; hazardous materials; and public safety. Pacific
21 Wind considered these factors with respect to the entire Project. The Environmental
22 Report, attached to the Direct Testimony of Krista Dearing as Exhibit KD-2, provides
23 further information on each of these resource areas.

24 Q. HAS PACIFIC WIND CONSIDERED THE PROPOSED WIND GENERATION
25 FACILITY'S POTENTIAL IMPACTS ON THESE SAME FACTORS?

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1 A. Yes, although I understand this exceeds the requirements of the Location Statute and
2 Location Rule, which require such consideration only for transmission lines. My
3 testimony below addresses the factors listed in the Location Statute and Location Rule as
4 well as additional factors.

5 **Q. PLEASE SUMMARIZE YOUR FINDINGS WITH RESPECT TO EXISTING**
6 **PLANS FOR OTHER DEVELOPMENTS AT THE PROJECT SITE.**

7 A. We are not aware of any existing plans of the state, local government, or private entities
8 for other significant developments at or in the vicinity of the transmission line or the
9 Project.

10 **Q. PLEASE SUMMARIZE YOUR FINDINGS WITH RESPECT TO AIR QUALITY.**

11 A. As I explained in Section V of my testimony, all required air permits will be obtained,
12 and the Project is not expected to adversely impact air quality. Further discussion of air
13 resources is provided in Sections 3.2 and 4.2 of the Environmental Report, Exhibit KD-2.

14 **Q. PLEASE SUMMARIZE YOUR FINDINGS WITH RESPECT TO WATER**
15 **QUALITY AND WATER RESOURCES.**

16 A. As I explained in Section V of my testimony, all required water quality permits will be
17 obtained, if needed, and the Project is not expected to adversely impact water quality or
18 water resources. Further discussion of water resources is provided in Sections 3.3 and 4.3
19 of the Environmental Report, Exhibit KD-2.

20 **Q. PLEASE SUMMARIZE YOUR FINDINGS WITH RESPECT TO LAND USES.**

21 A. Section VI of my testimony describes existing land uses and explains that Project
22 facilities are expected to utilize only about 2% of the 51,000 acre Project Area and about
23 1% of the 327 acre ROW, leaving the remaining 98 to 99% available for its existing land

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1 use, which is primarily livestock grazing. Pacific Wind will locate facilities only on lands
2 for which agreements have been reached with underlying land owners. Torrance County
3 found the Project is consistent with the County's Zoning Ordinance. Torrance County
4 initially approved a Special Use Permit and established a Special Use Zone District in
5 this area in February 2011, and expanded the Special Use Zone District for the La Joya
6 Project in May 2017. See Exhibit MS-16. The County found that all property owners
7 within the proposed Special Use District indicated their approval of the application as did
8 several adjacent property owners, and that the proposed Project would:

9 require very little water use, would allow continued grazing of livestock
10 and other traditional uses of the property; would not be detrimental to the
11 public health, safety and welfare of the County; would not impair the
12 integrity and character of the area in which the Special Use District will be
13 located or the utility and value of property within the Special Use Districts
14 or in adjacent zone districts and was compatible with property uses in the
15 area.

16
17 Exhibit MS-16, Findings of Fact ¶¶ 11, 12; and Conclusions of Law.

18 In summary, the Project is consistent with the County's Zoning Ordinance and
19 will comply with the State Land Office leasing regulations on state trust lands used in the
20 Project. Further discussion of land uses is provided in Sections 3.5 and 4.5 of the
21 Environmental Report, Exhibit KD-2.

22 **Q. PLEASE SUMMARIZE YOUR FINDINGS WITH RESPECT TO FLORA AND**
23 **FAUNA AT THE PROJECT SITE.**

24 **A.** Pacific Wind evaluated the wildlife and plant life at the Project site in order to help avoid
25 or minimize impacts. The Gen-Tie Corridor occurs primarily in grassland habitats that
26 are typical of the region and are used for livestock grazing. Surface water resources are
27 limited. Plant and wildlife species present within the Gen-Tie Corridor are typical for this

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1 region and the likelihood of occurrence of special status species is generally low. The
2 special status species that have moderate to high likelihood of occurrence (i.e., golden
3 eagle, Baird's sparrow) are not expected to experience negative impacts based on low
4 electrocution and collision risk, the absence of concentrating features such as nesting or
5 roosting substrates or prey concentrations, and the availability of equally suitable habitat
6 in the region. Raptor nests and prairie dog colonies in the vicinity are shown on Exhibit
7 MS-17. The Direct Testimony of Dr. Julia Garvin and exhibits thereto provide greater
8 detail on the biological resources in the Project Area, and conclude that neither the Gen-
9 Tie Facilities nor the Wind Project would unduly impair important biological resources.
10 Discussion of flora and fauna is also provided in Sections 3.4 and 4.4 of the
11 Environmental Report, Exhibit KD-2.

12 **Q. PLEASE SUMMARIZE YOUR FINDINGS WITH RESPECT TO POTENTIAL**
13 **NOISE IMPACTS.**

14 A. Noise impacts associated with equipment operation during construction and maintenance
15 of the Gen-Tie Facilities are expected to be generally low and short-term, and will
16 comply with applicable noise regulations. There are no occupied residences in the Gen-
17 Tie Corridor and only one occupied residence in the Wind Project Area. Like many
18 objects with moving parts, wind turbines are quiet, but they are not silent. Thousands of
19 wind turbines operate safely and quietly worldwide. Developments in wind turbine
20 technology over time have significantly reduced both the aerodynamic and mechanical
21 sound produced by wind turbines. Modern wind turbines typically only produce a gentle
22 "whoosh" sound. Under typical weather conditions at most wind project sites, this sound
23 will be indistinguishable from the sound of the wind itself, except when heard in close

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1 proximity to the wind turbines. Further discussion of noise is provided in Sections 3.14
2 and 4.14 of the Environmental Report, Exhibit KD-2.

3 **Q. WILL THE PROJECT INTERFERE WITH COMMUNICATION SIGNALS?**

4 A. The Project is not expected to interfere with communication signals. Siting of the Gen-
5 Tie Facilities will be completed outside of existing, known Fresnel zones and will avoid
6 interference with communication pathways. No AM or FM station towers were identified
7 within the Gen-Tie Corridor. See Exhibit MS-18. Further discussion of communication
8 signals is provided in Sections 3.15 and 4.15 of the Environmental Report, Exhibit KD-2.

9 **Q. WILL THE PROJECT IMPACT RECREATIONAL USES?**

10 A. The Project location is primarily agricultural land used for livestock grazing and is not
11 known to support major or organized recreational activities. However, landowners
12 reserve the right to recreate on their properties, provided such recreation does not unduly
13 interfere with the Project. Further discussion of recreational use is provided in Sections
14 3.5 and 4.5 of the Environmental Report, Exhibit KD-2.

15 **Q. WHAT VISUAL IMPACT WILL THE PROJECT HAVE?**

16 A. The Gen-Tie Facilities and wind turbines will be visible in the local area. Representative
17 photos are included in Exhibit MS-14. Because the Project is proposed to be located near
18 the existing El Cabo operating wind facility, existing operating wind turbines and gen-tie
19 line are already visible in the area. The La Joya wind turbines will be similar in style to
20 the ones already operating in the area. Further, there are no occupied residences in the
21 Gen-Tie Corridor and only one occupied residence in the Wind Project Area, so there are
22 no significant concentrations of homes or other sites from which people would view the
23 Gen-Tie Facilities and wind turbines. There are no designated scenic routes or byways in

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1 the vicinity of the Wind Project. The nearest scenic route is Historic Route 66, which is
2 about 12 miles north of the Gen-Tie Corridor, as noted on the map in Exhibit MS-19.
3 Therefore, the Project is sufficiently far from this route that the Project will not impact
4 the route's scenic values. Additionally, there are no national parks or state parks in the
5 vicinity of the Project. The closest national forest is Cibola National Forest, which is
6 approximately 19 miles southwest of the Gen-Tie Corridor, and the closest state park is
7 Manzano Mountains State Park, which is approximately 40 miles west of the Gen-Tie
8 Corridor, as noted in the map in Exhibit MS-4. Further discussion of visual and scenic
9 resources is provided in Sections 3.6 and 4.6 of the Environmental Report, Exhibit KD-2.

10 **Q. WHAT IMPACT WILL THE PROJECT HAVE ON HISTORIC, CULTURAL,**
11 **AND ARCHEOLOGICAL RESOURCES?**

12 Impacts to cultural, historic, and archeological resources from the Gen-Tie Facilities are
13 expected to be low. As discussed further in the Direct Testimony of Dr. Barbara
14 Montgomery, three archaeological resources have been documented within the Gen-Tie
15 Corridor, however none of these sites has been recommended to be eligible for listing on
16 the National Register of Historic Places. There are no known historic structures or other
17 historic resources within the Gen-Tie Corridor. Impacts to known locations of
18 archeological resources would not occur because these resources would be avoided by the
19 proposed Gen-Tie Facilities. Inadvertent discoveries would be managed as described in a
20 project-specific Unanticipated Discoveries Plan, included in Exhibit MS-20. Further
21 discussion of historic, cultural, and archeological resources is provided in Sections 3.7
22 and 4.7 of the Environmental Report, Exhibit KD-2.

23 **Q. WILL THE PROJECT IMPACT CEMETARIES OR BURIALS?**

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1 A. As further discussed in the Direct Testimony of Dr. Barbara Montgomery, there are no
2 known cemeteries located within the Gen-Tie Corridor. The nearest cemeteries include
3 the Negra Cemetery and the Red Hills Cemetery, both of which are located several miles
4 outside of the Gen-Tie Corridor. See Exhibit MS-15. Further discussion of cemeteries is
5 provided in Sections 3.8 and 4.8 of the Environmental Report, Exhibit KD-2.

6 **Q. WILL THE PROJECT IMPACT ANY SCHOOLS?**

7 A. The closest schools are in Estancia, about 20 miles northwest of the Gen-Tie Corridor,
8 and should not be affected by construction or maintenance activities. See Exhibit MS-15.
9 Further discussion of schools is provided in Sections 3.5 and 4.5 of the Environmental
10 Report, Exhibit KD-2.

11 **Q. WILL THE PROJECT IMPACT RELIGIOUS SITES?**

12 A. Construction, operations and maintenance impacts to religious resources are not
13 expected. The nearest church to the Gen-Tie Corridor, Frontier Church, is located
14 approximately 20 miles west of the northern terminus of the Gen-Tie Corridor near
15 McIntosh, NM. See Exhibit MS-15. Further discussion of religious sites is provided in
16 Sections 3.8 and 4.8 of the Environmental Report, Exhibit KD-2.

17 **Q. WILL THE PROJECT CONFLICT WITH MILITARY ACTIVITIES?**

18 A. The Project will avoid conflict with military activities. Pacific Wind has communicated
19 with local military bases and is designing the Project in cooperation and consultation with
20 potentially-impacted military bases in the area. See Exhibit MS-21. The Project will
21 continue to coordinate with military bases as needed. Further discussion of military
22 activities is provided in Sections 3.16 and 4.16 of the Environmental Report, Exhibit KD-
23 2.

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1 Q. WILL THE PROJECT ADVERSELY AFFECT AVIATION?

2 A. No, it will not adversely affect aviation. The nearest aviation facility is the Estancia
3 Municipal Airport approximately 22 miles west of the Gen-Tie Corridor. See Exhibit
4 MS-15. The Gen-Tie Facilities will not include construction of new structures 200 feet or
5 greater, which is the threshold that triggers coordination with the FAA. If structures
6 greater than 200 feet are built within the Gen-Tie Corridor, Pacific Wind will coordinate
7 with the FAA. Further discussion of aviation is provided in Sections 3.16 and 4.16 of the
8 Environmental Report, Exhibit KD-2.

9 Q. WILL THE PROJECT ADVERSELY AFFECT SOILS?

10 A. No. Soils in the Project Area, shown on Exhibit MS-22, are an important agricultural
11 resource. The finished footprint of the Gen-Tie Facilities and Wind Project will cover
12 only about 1 to 2% of the land in the Project Area, leaving the remaining areas in their
13 prior uses. In addition, topsoil is planned to be stockpiled and replaced to the extent
14 practicable, and erosion control and best management practices will be employed during
15 construction, in compliance with the Project's Storm Water Pollution Prevention Plan.
16 Further discussion of soils is provided in Sections 3.10 and 4.10 of the Environmental
17 Report, Exhibit KD-2.

18 Q. WILL THE PROJECT ADVERSELY AFFECT MINERALS OR MINING?

19 A. No. Mineral and mining resources identified in the vicinity of the Gen-Tie Corridor
20 consist of sand and gravel operations; however, no operations exist within the Gen-Tie
21 Corridor. See Exhibit MS-23. The proposed Gen-Tie Facilities will not directly or
22 indirectly affect any oil and gas wells or sand and gravel operations. Further discussion of

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1 minerals and mining resources is provided in Sections 3.11 and 4.11 of the
2 Environmental Report, Exhibit KD-2.

3 **Q. WILL THE PROJECT ADVERSELY AFFECT GEOLOGIC OR**
4 **PALEONTOLOGIC RESOURCES?**

5 A. No. Geology in the Project Area is shown on Exhibit MS-24. There are no unique
6 geological features, known faults or landslides located within the Gen-Tie Corridor and
7 therefore no impacts from the construction, operation, and maintenance of the proposed
8 Gen-Tie Facilities are anticipated. No paleontological resources are known to occur in or
9 near the Gen-Tie Corridor. The nearest identified paleontological resources are located
10 approximately 60 miles west from the Gen-Tie Corridor in the Manzano Mountains.
11 Inadvertent paleontological discoveries would be managed with a project-specific
12 Unanticipated Discoveries Plan. See Exhibit MS-20. Further discussion of geology and
13 paleontology resources is provided in Sections 3.9 and 4.9 of the Environmental Report,
14 Exhibit KD-2.

15 **Q. WILL THE PROJECT ADVERSELY AFFECT ROADS?**

16 A. Local roads are shown on Exhibit MS-15. Prior to construction, Pacific Wind plans to
17 negotiate and execute a road use agreement with Torrance County. The road use
18 agreement will identify the county roads that the Project is allowed to use for heavy haul
19 vehicles, mainly during construction. It will identify responsibilities for maintenance and
20 upkeep of these county roads during and after construction, especially for wear and tear
21 or damage caused by Project-related traffic. The agreement will establish traffic safety
22 measures to ensure the safety of the driving public. The road use agreement will address
23 dust mitigation measures on county roads resulting from construction traffic. The pre-

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1 construction conditions of county roads will be documented, prior to construction,
2 typically by video recording, and the Project will ensure that county roads are generally
3 in the same or better condition upon completion. Prior to the movement of any super-
4 load trucks on other public roads, Pacific Wind or its contractor will consult with any
5 necessary state and federal transportation authorities and will obtain any required permits.
6 Discussion of road use is provided in Sections 3.13 and 4.13 of the Environmental
7 Report, Exhibit KD-2.

8 **Q. WILL THE PROJECT ADVERSELY AFFECT GEOGRAPHIC RESOURCES?**

9 A. No. There are no national parks, state parks, or other features of geographic interest in the
10 vicinity of the Project. See Exhibit MS-4. Discussion of geographic resources is
11 provided in Sections 3.17 and 4.17 of the Environmental Report, Exhibit KD-2.

12 **Q. DOES PACIFIC WIND EXPECT TO ENCOUNTER RADIOACTIVE WASTE OR**
13 **RADIATION HAZARD?**

14 A. No. Wind generation and transmission projects do not generate or contain radioactive
15 waste or radiation hazards, as noted in Sections 3.18 and 4.18 of the Environmental
16 Report, Exhibit KD-2.

17 **Q. DOES PACIFIC WIND EXPECT TO ENCOUNTER ASBESTOS OR OTHER**
18 **MATERIALS THAT REQUIRE SPECIAL HANDLING?**

19 A. No. The vast majority of the Project Area has never had any construction activity or
20 structures or facilities that could have included asbestos or other materials that require
21 special handling, so all or nearly all of the project-related construction activity will be
22 sited away from such materials. Prior to construction, Pacific Wind will perform a Phase
23 1 Environmental Site Assessment ("ESA") to identify any known hazardous materials,

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1 substances, or facilities in the Project Area, and any such items identified will be avoided
2 to the greatest extent practicable. In the event that avoidance is not possible in some
3 location, the contractor eventually selected to build the Project will assess any special
4 treatment or handling that is appropriate and prudent. Further, any hazardous materials
5 or wastes that are present at the site and associated with the Project will be properly
6 contained, and a spill response plan will be in place to ensure that, in the event of an
7 accidental spill or leakage, there will be no contamination or transmission downstream.
8 Exhibit MS-25 includes an example of a typical hazardous materials plan which is
9 substantially similar to the plan the construction company would be expected to
10 implement. In the very rare event of a leak or spill of a substance inside a wind turbine,
11 the substance would likely fall down inside the wind turbine tower, which is a steel
12 tubular tower with a solid outer surface resting entirely atop a concrete foundation.
13 Therefore, the wind turbine tower and foundation together would capture and contain any
14 spilled substances. Wind turbines, including their associated concrete foundations, do not
15 contain materials that are generally considered to seep into the ground. Discussion of
16 hazardous materials is provided in Sections 3.19 and 4.19 of the Environmental Report,
17 Exhibit KD-2.

18 **Q. WHAT EFFORTS WILL PACIFIC WIND MAKE TO PROTECT PUBLIC**
19 **SAFETY AROUND THE WIND PROJECT?**

20 **A.** Safety will remain a priority of the Project throughout construction, operation, and
21 eventual decommissioning. The Applicant will comply with all manufacturer
22 specifications and relevant OSHA requirements to ensure the safety of residents,
23 employees, contractors, livestock, the public, and other users of the land. Additionally,

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1 Torrance County emergency responders and fire districts will be contacted to ensure
2 appropriate plans are in place at the Project to quickly respond to any emergencies.
3 Pacific Wind has already and will continue to communicate with the local fire department
4 in order to coordinate emergency response plans prior to the start of construction. The
5 Project will work with the department to ensure the safety of the firefighters, Project
6 employees, landowners, neighbors, livestock, and other users of the land. The Project will
7 have emergency response plans in place to respond to various natural disasters, even
8 though the Project site generally is not considered to be a high risk site. Project electrical
9 substations and transformers will be located inside locked fences or enclosures, and they
10 will be clearly marked to show that energized electrical equipment is located inside.
11 Finally, modern wind turbines are inherently unclimbable by the general public, since
12 there are no exterior ladders or lattice work, and interior ladders are secured behind
13 locked doors located at the bases of the turbine towers. Discussion of public safety is
14 provided in Sections 3.20 and 4.20 of the Environmental Report, Exhibit KD-2.

15 **Q. HAS PACIFIC WIND IDENTIFIED PROTECTION MEASURES IT WILL**
16 **IMPLEMENT TO AVOID AND MANAGE IMPACTS TO THE RESOURCES**
17 **YOU REVIEWED ABOVE?**

18 **A.** Yes. The measures Pacific Wind will implement are identified in Exhibit MS-26, and in
19 Section 4 of the Environmental Report, Exhibit KD-2. Exhibit MS-26 includes the
20 protection measures identified in the Environmental Report, and also includes additional
21 measures that Pacific Wind understands are important to Commission Staff based on our
22 review of recent location cases, including for the Sagamore Wind Project, Case No. 17-
23 00275-UT and the Corona Wind Projects, Case No. 18-00065-UT.

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1 Q. WILL THE PROJECT RESULT IN ENVIRONMENTAL BENEFITS?

2 A. Yes. To the extent that the electric generation by the Project displaces generation from
3 fossil-fuel fired sources such as coal and gas generation, it will result in reduced emission
4 of greenhouse gases and air pollutants, which will benefit the State and the region. The
5 renewable energy generation will conserve scarce water resources and will not discharge
6 pollutants. Wind generation projects such as La Joya use only about 1 to 2% of the land
7 area, leaving the remaining 98 to 99% available for preexisting uses such as agriculture
8 and livestock grazing, and are generally able to micro-site the wind turbines and other
9 facilities to avoid sensitive resources.

10 Q. PLEASE SUMMARIZE YOUR CONCLUSIONS.

11 A. As discussed in the Environmental Report in Exhibit KD-2, and as summarized in Pacific
12 Wind's testimonies and exhibits, the Gen-Tie Facilities will not unduly impair important
13 environmental values. In addition, the Project as a whole will not unduly impair
14 important environmental values, and will result in reduced emissions of air and water
15 pollutants as well as environmental and socioeconomic benefits.

16 VIII. SOCIOECONOMIC BENEFITS.

17 Q. WHAT SOCIOECONOMIC BENEFITS WILL THE PROJECT PROVIDE?

18 A. The Project will provide substantial benefits to the local community, the County, and the
19 State. As explained more fully in the Direct Testimony of Matt Dadswell, The Project is
20 estimated to support about 878 total jobs in the State of New Mexico during construction
21 of all phases. During operations, the project is estimated to support about 77 total jobs.
22 These jobs are estimated to produce about \$42.6 million in earnings during construction
23 and about \$4.1 million in earnings annually during operations. Total output (the value of

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1 production of goods and services in the state similar to Gross Domestic Product) is
2 estimated to increase about \$120.0 million during construction and about \$52.2 million
3 annually during operations. In addition, revenues from use of state trust land would
4 benefit New Mexico's public schools.

5 **Q. DOES THE PROJECT INTEND TO USE INDUSTRIAL REVENUE BONDS?**

6 A. Yes, we used Industrial Revenue Bonds ("IRBs") for the El Cabo Wind Project and
7 found them to be beneficial. As a result of our negotiations for that project, Avangrid
8 Renewables pays approximately \$1 Million annually in Payment in Lieu of Taxes
9 ("PILOT") to Torrance County. Those funds are distributed among the county and
10 Vaughn and Estancia School Districts. Pacific Wind is currently in the process of
11 pursuing IRBs with Torrance County for the La Joya Project.

12 **IX. PUBLIC OUTREACH AND SUPPORT.**

13 **Q. HAS PACIFIC WIND INFORMED THE PUBLIC ABOUT THE PROJECT?**

14 A. Yes. Torrance County conducted public hearings prior to designating the Project Area
15 within a Special Use District. Additionally, proceedings related to Industrial Revenue
16 Bonds will take place in an open public forum.

17 **Q. WERE LOCAL COMMUNITIES AND OFFICIALS INFORMED ABOUT THE**
18 **PROJECT?**

19 A. Yes. Pacific Wind reached out to local officials and communities to inform them and
20 receive input on the Project. Prior to construction, Pacific Wind representatives intend to
21 meet regularly with the Torrance County Board of County Commissioners and the
22 Torrance County Manager. Exhibit MS-27 includes a letter of support from Torrance

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1 County. Pacific wind will also reach out to the Torrance County Roads Superintendent;
2 Mayors of Moriarty, Estancia, Willard and Encino; and state and federal representatives.

3 **Q. DOES THE PROJECT HAVE THE SUPPORT OF THE PROJECT SITE'S**
4 **LANDOWNERS?**

5 A. Yes. Private landowners have willingly entered into agreements for use of their land for
6 the Project. Exhibit MS-13 shows the Project's participating lands, and Exhibit MS-27
7 includes landowner and community members' letters of support. Additional land
8 agreements in the Project Area may be secured. Pacific Wind will not site facilities on
9 lands without landowner agreement.

10 **Q. DOES THE PROJECT HAVE THE SUPPORT OF BUSINESS LEADERS?**

11 A. Yes. As demonstrated by the letters included in Exhibit MS-27, local business leaders
12 support the Project.

13 **X. COMPLIANCE WITH THE COMMISSION'S LOCATION RULE.**

14 **Q. WHAT IS YOUR UNDERSTANDING OF THE REQUIREMENTS OF THE**
15 **COMMISSION'S LOCATION RULE, 17.9.592 NMAC, REGARDING**
16 **APPLICATIONS FOR LOCATION OF GENERATING PLANTS?**

17 A. The Commission's Location Rule, 17.9.592.9 NMAC, requires the applicant for approval
18 of a generating plant for which location approval to file an application supported by
19 written testimony and supporting exhibits that contain the following:

- 20 A. a description of the large capacity plant, including, but not limited to:
21 (1) a legal description of the property upon which the large capacity
22 plant will be located;
23 (2) the size of the large capacity plant;
24 (3) fuel specifications including, but not limited to, the type of fuel to
25 be used; and
26 (4) a map showing the location of the large capacity plant;

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- 1 B. identification of all applicable land use statutes and administrative
2 regulations and proof of compliance or a statement of noncompliance with
3 each;
- 4 C. identification of all applicable air and water pollution control standards
5 and regulations and proof of compliance or a statement of noncompliance
6 with each;
- 7 D. all written air and water quality authorizations necessary to begin
8 construction of the large capacity plant;
- 9 E. all written air and water quality authorizations necessary to begin
10 operation of the large capacity plant; if any such authorization cannot be
11 obtained until after construction of the large capacity plant, proof of
12 application for such authorization;
- 13 F. the expected date that the large capacity plant will be online;
- 14 G. proof that the application has been served on all local authorities in each
15 county and township where the large capacity plant will be located, the
16 New Mexico attorney general, the New Mexico environment department,
17 and the New Mexico state engineer;
- 18 H. any other information, including photographs, which the applicant wishes
19 to submit in support of the application.

20

21 **Q. DOES PACIFIC WIND'S APPLICATION COMPLY WITH THE**
22 **COMMISSION'S LOCATION RULE REGARDING APPLICATIONS FOR**
23 **GENERATING PLANTS?**

24 A. Yes, as follows:

25 A. Section III of my testimony provides a description of the proposed generating
26 plant, its size, and that it is a wind generation facility. A legal description of the property
27 is included in Exhibit MS-3. A map showing the location of the Project Area is in
28 Exhibit MS-2.

29 B. Section VI of my testimony explains that the Project complies with Torrance
30 County Zoning Ordinance and the County approved a Special Use District. No municipal
31 regulations apply to the Project Area. Pacific Wind has testified it will comply with the

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1 State Land Office's regulations, lease terms, and conditions regarding the state lands
2 included in the Project.

3 C. Section V of my testimony identifies all applicable air and water pollution control
4 standards and regulations that apply to the Project.

5 D. Section V of my testimony identifies all written air and water quality
6 authorizations necessary to begin operation of the Project, which are all construction-
7 phase permits typically issued shortly before construction.

8 E. Section V of my testimony identifies that there are no air or water quality
9 authorizations necessary for operation of the Project.

10 F. Section III of my testimony addresses the expected date of operation of the
11 Project.

12 G. Section X of my testimony and the attached Certificate of Service demonstrate the
13 application has been served on all local authorities in Torrance County, the New Mexico
14 Attorney General, the New Mexico Environment Department, and the New Mexico State
15 Engineer.

16 H. The Application, testimonies, and exhibits provide additional information to
17 inform the Commission's decision-making on Pacific Wind's request for location
18 approval of the Project.

19 **Q. WHAT IS YOUR UNDERSTANDING OF THE REQUIREMENTS OF THE**
20 **COMMISSION'S LOCATION RULE, 17.9.592 NMAC, REGARDING**
21 **APPLICATIONS FOR LOCATION OF TRANSMISSION LINES?**

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1 A. The Commission's Location Rule, 17.9.592.10 NMAC, requires the applicant to file an
2 application which is supported by written direct testimony and supporting exhibits that
3 contain the following:

4 A. a description of the transmission line including, but not limited to:

- 5 (1) the location of the transmission line;
6 (2) identification of the ownership of the land (such as private, bureau of land
7 management, U.S. forest service, state trust, etc.) the transmission line will
8 cross and the number of feet the transmission line will cross over each
9 owner's land;
10 (3) the total length of each transmission line in feet;
11 (4) a description of interconnection facilities;
12 (5) a map showing the location of the transmission line; and
13 (6) a schematic diagram showing the transmission line and the interconnection
14 of the transmission line to the transmission grid;

15 B. identification of all applicable land use statutes and administrative regulations and
16 proof of compliance or statement of noncompliance with each;

17 C. if required under the National Environmental Policy Act ("NEPA"), an
18 environmental assessment ("EA") prepared in connection with the transmission
19 line;

20 D. if required under NEPA, an environmental impact statement ("EIS") and record
21 of decision or a finding of no significant impact, prepared in connection with the
22 transmission line;

23 E. if preparation of a federal environmental assessment or environmental impact
24 statement is not required under NEPA in connection with the transmission line,
25 then a report, comparable to an environmental impact statement, in the format
26 prescribed in 40 C.F.R. Section 1502.10;

27 F. all written federal, state, and local environmental authorizations necessary to
28 begin construction of the transmission line;

29 G. all written federal, state, and local environmental authorizations necessary to
30 begin operation of the transmission line; if any such authorization cannot be
31 obtained until after construction of the transmission line, proof of application for
32 such authorization;

33 H. testimony demonstrating that the transmission line will not unduly impair
34 important environmental values; important environmental values include, but are
35 not limited to, preservation of air and water quality, land uses, soils, flora and
36 fauna, and water, mineral, socioeconomic, cultural, historic, religious, visual,
37 geologic and geographic resources;

38 I. the expected date that the transmission line will be online;

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1 J. proof that the application has been served on all local authorities in each county
2 and township where the transmission line will be located, the New Mexico
3 attorney general, the New Mexico environment department, and the New Mexico
4 state engineer;

5 K. any other information, including photographs, which the applicant wishes to
6 submit in support of the application.
7

8 **Q. DOES PACIFIC WIND'S APPLICATION COMPLY WITH THE**
9 **COMMISSION'S LOCATION RULE REGARDING APPLICATIONS FOR**
10 **TRANSMISSION LINES?**

11 A. Yes, as follows:

12 A. Section III of my testimony provides a description of the Gen-Tie Line, including
13 its location, private and state land ownership, estimated number of feet the line will cross
14 over private and state land, total length of the line, a description of interconnection
15 facilities, a location map (Exhibits MS-2 and MS-6), and representational schematic
16 diagrams of the interconnection of the line to the transmission grid (Exhibits MS-7 and
17 MS-8).

18 B. Section VI of my testimony identifies all applicable land use statutes and
19 administrative regulations and provides that Pacific Wind will comply with each.

20 C. Because neither the Gen-Tie Facilities nor the La Joya Wind Project require
21 compliance with NEPA, an EA was not prepared.

22 D. Because neither the Gen-Tie Facilities nor the La Joya Wind Project require
23 compliance with NEPA, an EIS was not prepared.

24 E. As explained in the Direct Testimony of Krista Dearing, Pacific Wind prepared
25 the Environmental Report contained in Exhibit KD-2 in the format prescribed by 40
26 C.F.R. § 1502.10.

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1 F. As explained in Section VI of my testimony, there are no local, county, or State
2 environmental authorizations necessary to begin construction of the Gen-Tie Facilities,
3 other than the Commission's location approval.

4 G. As explained in Section VI of my testimony, there are no local, county, or State
5 environmental authorizations necessary to begin operation of the Gen-Tie Facilities, other
6 than the Commission's location approval.

7 H. As explained in the Environmental Report in Exhibit KD-2, and as summarized in
8 Section VII of my testimony, the Gen-Tie Facilities will not unduly impair important
9 environmental values, including resources associated with air and water quality, flora and
10 fauna (see the Direct Testimony of Dr. Julia Garvin), water, land uses, visual and scenic,
11 cultural, historic, and archaeological (see the Direct Testimony of Dr. Barbara
12 Montgomery), religious, geologic and paleontological, soils, mineral, socioeconomic (see
13 the Direct Testimony of Matt Dadswell), roads, noise, communication, military and
14 aviation, geographic, radioactive, hazardous materials, and safety.

15 I. Section III of my testimony addresses the Project's expected in-service date.

16 J. Section X of my testimony and the attached Certificate of Service demonstrate the
17 Application has been served on all local authorities in Torrance County, the New Mexico
18 Attorney General, the New Mexico Environment Department, and the New Mexico State
19 Engineer.

20 K. The Application, supporting testimonies and exhibits provide additional
21 information to inform the Commission's decision-making on Pacific Wind's request for
22 location approval of the generation tie transmission line.

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1 Q. HAS PACIFIC WIND PROVIDED THE INITIAL SERVICE OF PROCESS
2 REQUIRED BY THE LOCATION STATUTE?

3 A. Yes. As required by Commission rule 17.9.592.10.J, and 17.9.592.13 NMAC, copies of
4 the Application and supporting testimonies and exhibits have been served on all local
5 authorities in Torrance County, the New Mexico Attorney General, NMED, and the New
6 Mexico State Engineer, and have been provided and are available in the public library in
7 Estancia, which is the county seat of Torrance County. See attached Certificate of
8 Service. The application and supporting materials will be posted on Pacific Wind's
9 website.

10 XI. CONCLUSION

11 Q. PLEASE SUMMARIZE YOUR TESTIMONY.

12 A. Pacific Wind's Application, testimonies and exhibits demonstrate that the La Joya Project
13 will comply with all statutory and regulatory requirements. The Project will comply with
14 all applicable air and water pollution control standards. The Project will not violate any
15 existing state, county, or municipal land use statute or administrative regulation. The
16 Gen-Tie Facilities will not unduly impair important environmental values. The Project
17 will provide additional environmental and economic benefits and has the support of
18 landowners, local communities, and business leaders. Finally, Pacific Wind's Application
19 and the Direct Testimony of Aaron White and accompanying Exhibit AW-2 demonstrate
20 that a ROW width of 150 feet is necessary to provide sufficient space for variation in
21 design while addressing electrical safety code requirements and construction and
22 operational considerations according to industry standard practice.

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1 Q. IN YOUR OPINION, SHOULD THE COMMISSION APPROVE THE
2 LOCATION OF THE LA JOYA WIND PROJECT?

3 A. Yes.

4 Q. SHOULD THE COMMISSION APPROVE THE LOCATION OF THE GEN-TIE
5 FACILITIES?

6 A. Yes.

7 Q. SHOULD THE COMMISSION APPROVE THE 150-FOOT ROW WIDTH OF
8 THE GEN-TIE LINE?

9 A. Yes.

10 Q. DOES THIS CONCLUDE YOUR TESTIMONY AT THIS TIME?

11 A. Yes, it does.

Mark L. Stacy

229 Stetson Drive
Cheyenne, Wyoming
82009

307/638.6091 (W) 484/868.3664 (C)
Mark.Stacy@Avangrid.com

S U M M A R Y O F Q U A L I F I C A T I O N S

E D U C A T I O N

University of Wyoming

BACHELOR OF SCIENCE - GEOLOGY – FALL, 1986.

MASTER OF SCIENCE - ECONOMICS, – SUMMER, 1988.

O C C U P A T I O N A L E X P E R I E N C E

Avangrid Renewables – Director – 6/06 – Present

Responsibilities include management of the development of wind generation projects in the Rocky Mountain West. These responsibilities include site identification, obtaining transmission and interconnection rights, establishing site control, site monitoring and studying, permitting, scheduling, and finally preparing projects for handing over to Avangrid's construction team.

Additional responsibilities include pursuing offtake opportunities for renewable energy projects for which I am responsible, including responding to RFPs as well as meeting and working with project stake holders. Additionally, working with state and local officials regarding permitting, tax abatement, economic development and other issues, working with local vendors and landowners, and management of various support staff including wind resource, land acquisition, engineering, permitting, legal staff as well as numerous consultants.

I have either led or directed development activities of multiple currently operating projects in the Rocky Mountain and Midwest regions totaling well over 500 MW. These projects include: Farmers City (MO, 146 MW), Dry Lake I (AZ, 63 MW), Dry Lake II (AZ, 65 MW), Twin Buttes II (CO, 76 MW), and El Cabo (NM, 298 MW).

QSI Consulting – Director of Telecom Policy, Partner

6/01-6/06

Developing economic advocacy and providing live expert testimony for telecommunications clients including MCI, AT&T, Level 3, and various State Utility Commissions.

Responsibilities included educating clients' in-house attorneys regarding the various economic principles of cases in which the client was involved in jurisdictions throughout the United States.

Stacy and Stacy Consulting, LLC

President

12/95-6/06

Stacy & Stacy Consulting, LLC provided economic consulting services to the telecommunications and energy industries.

Responsibilities as president of Stacy & Stacy Consulting include the provision of services to CLEC/IXC telecommunications clients which were intended to bring about conditions in incumbent carrier service territories favorable for the development of sustainable competition in local and long distance telecommunications markets. This involved interaction with client attorneys, witnesses, and docket managers, other outside witnesses and outside counsel as well as state commission staff members. In addition to the preparation and sponsorship of testimony in adversarial regulatory proceedings, responsibilities included participation in negotiations, legislative committee hearings and client representation on industry groups.

These services, encompassing a broad range of economic and policy issues were provided to AT&T and MCI in several U S WEST states, including Arizona, Idaho, Nebraska, New Mexico, Oregon, Utah, Washington, and Wyoming.

Services provided to clients in the energy industry primarily involved project development, in the Western United States, focusing on new generation technologies and emerging competition issues. Clients include: Community Energy, Enron, FORAS, MRI, Clipper, Zond, The United States Department of Energy, the State of Wyoming and the City of Cheyenne, Wyoming.

KENETECH Windpower

Manager, Project and Business Development

5/94-12/95

RESPONSIBILITIES INCLUDED THE MANAGEMENT OF ALL ASPECTS OF THE development of wind energy generation projects in the Rocky Mountain, Plains and Southwest regions of the United States, including site selection, transmission analysis, and market evaluation, as well as interaction with utilities, regulators, legislators and environmental groups.

Wyoming Public Service Commission Chief Economist 9/89-5/94

Responsibilities included the economic analysis of various utility filings before the Wyoming PSC. Specific areas of responsibility included preparing and sponsoring expert testimony, negotiating settlements and making recommendations to the Commission on behalf of Wyoming utility consumers. Additional responsibilities included performing duties as Staff Committee Chairman of the National Association of Regulatory Utility Commissioners (NARUC) Subcommittee on Renewable Energy.

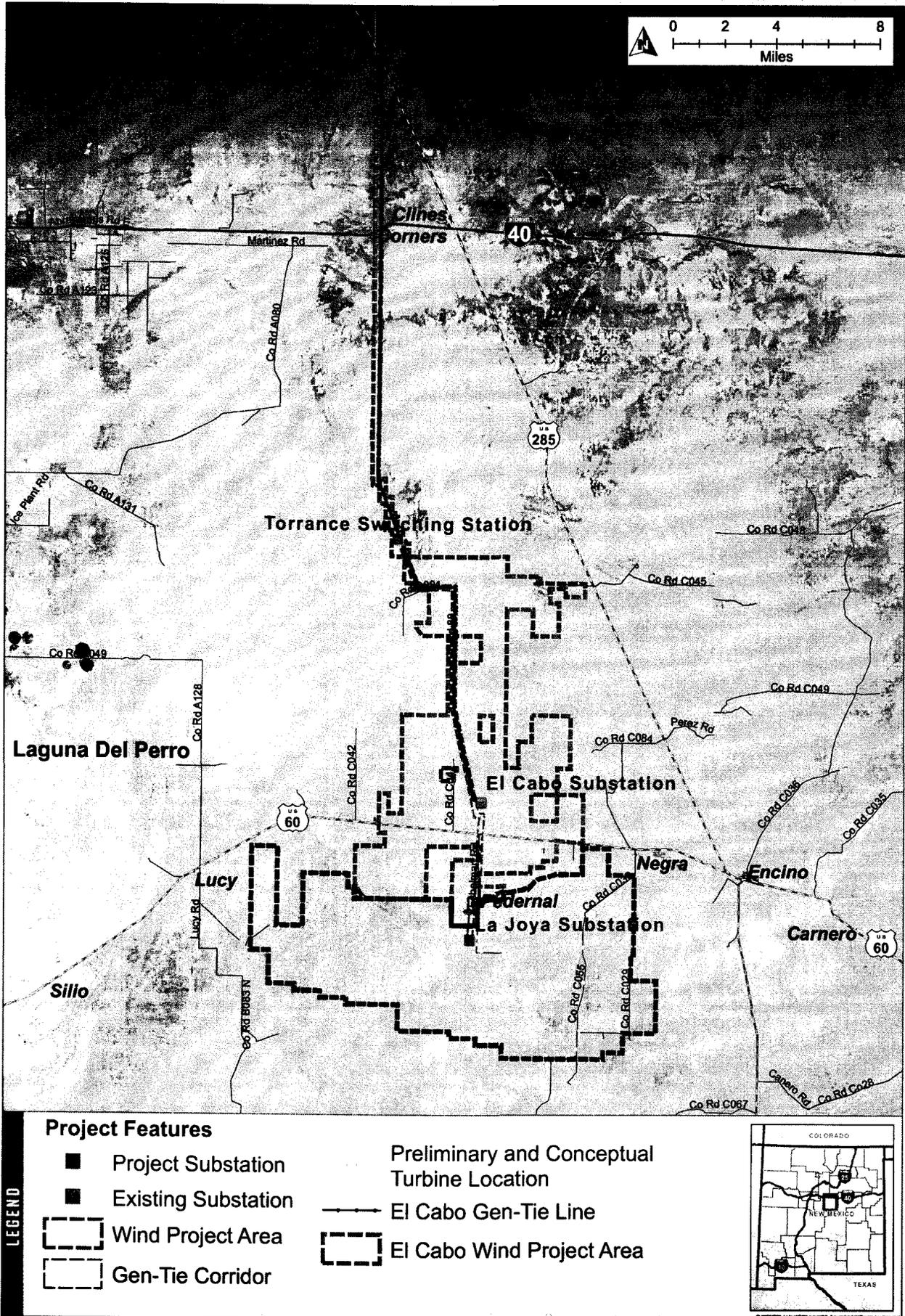
Laramie County Community College Adjunct Professor 9/93-12/94

Physical Geology instructor.

U.S. Dept. of the Interior - Bureau of Mines Industry Economist 9/88-9/89

Responsibilities included the development of estimates of global supplies of strategic minerals and resources through the use of statistical and economic methodologies.

LA JOYA WIND PROJECT AND GENERATION TIE LINE



LA JOYA WIND PROJECT AREA LEGAL DESCRIPTION

Township/Range	Section	Description	County	State
4N 11E	1	All	Torrance	New Mexico
4N 11E	2	All	Torrance	New Mexico
4N 11E	3	All	Torrance	New Mexico
4N 11E	10	N/2 of N/2	Torrance	New Mexico
4N 11E	11	N/2	Torrance	New Mexico
4N 11E	12	N/2; N/2 of S/2	Torrance	New Mexico
4N 12E	1	All	Torrance	New Mexico
4N 12E	2	All	Torrance	New Mexico
4N 12E	3	All	Torrance	New Mexico
4N 12E	4	All	Torrance	New Mexico
4N 12E	5	All	Torrance	New Mexico
4N 12E	6	All	Torrance	New Mexico
4N 12E	7	All	Torrance	New Mexico
4N 12E	8	All	Torrance	New Mexico
4N 12E	9	All	Torrance	New Mexico
4N 12E	10	All	Torrance	New Mexico
4N 12E	11	All	Torrance	New Mexico
4N 12E	12	All	Torrance	New Mexico
4N 12E	13	All	Torrance	New Mexico
4N 12E	14	All	Torrance	New Mexico
4N 12E	15	All	Torrance	New Mexico
4N 12E	16	All	Torrance	New Mexico
4N 12E	23	N/2 of N/2	Torrance	New Mexico
4N 12E	24	N/2	Torrance	New Mexico
4N 13E	2	All	Torrance	New Mexico
4N 13E	3	All	Torrance	New Mexico
4N 13E	4	All	Torrance	New Mexico
4N 13E	5	All	Torrance	New Mexico
4N 13E	6	All	Torrance	New Mexico
4N 13E	7	All	Torrance	New Mexico
4N 13E	8	All	Torrance	New Mexico
4N 13E	9	All	Torrance	New Mexico
4N 13E	10	All	Torrance	New Mexico
4N 13E	11	All	Torrance	New Mexico
4N 13E	12	All	Torrance	New Mexico
4N 13E	13	All	Torrance	New Mexico
4N 13E	14	All	Torrance	New Mexico
4N 13E	15	All	Torrance	New Mexico
4N 13E	16	All	Torrance	New Mexico
4N 13E	17	All	Torrance	New Mexico
4N 13E	18	All	Torrance	New Mexico
4N 13E	19	All	Torrance	New Mexico
4N 13E	20	All	Torrance	New Mexico
4N 13E	21	All	Torrance	New Mexico
4N 13E	22	All	Torrance	New Mexico
4N 13E	23	NW/4; W/2 of NE/4; NW/4 of SE/4; N/2 of SW/4	Torrance	New Mexico
5N13E	16	All	Torrance	New Mexico
5N13E	19	S/2; South part of the N/2 (approx 201 acres)	Torrance	New Mexico

5N13E	20	All	Torrance	New Mexico
5N13E	21	All	Torrance	New Mexico
5N13E	22	All	Torrance	New Mexico
5N13E	27	All	Torrance	New Mexico
5N13E	28	All	Torrance	New Mexico
5N13E	29	All	Torrance	New Mexico
5N13E	30	All	Torrance	New Mexico
5N13E	31	All	Torrance	New Mexico
5N13E	32	All	Torrance	New Mexico
5N13E	33	All	Torrance	New Mexico
5N13E	34	All	Torrance	New Mexico
5N12E	24	South part of the S/2 (approx 218 acres)	Torrance	New Mexico
5N12E	25	All	Torrance	New Mexico
5N12E	26	All except 6.8 acres in the NW/4	Torrance	New Mexico
5N12E	28	All	Torrance	New Mexico
5N12E	29	All	Torrance	New Mexico
5N12E	30	All	Torrance	New Mexico
5N12E	31	All	Torrance	New Mexico
5N12E	32	All	Torrance	New Mexico
5N12E	33	All	Torrance	New Mexico
5N12E	34	All	Torrance	New Mexico
5N12E	35	All	Torrance	New Mexico
5N12E	36	All	Torrance	New Mexico
5N11E	16	All	Torrance	New Mexico
5N11E	21	All	Torrance	New Mexico
5N11E	23	All	Torrance	New Mexico
5N11E	24	All except the E/2 of NE/4	Torrance	New Mexico
5N11E	25	All	Torrance	New Mexico
5N11E	26	All	Torrance	New Mexico
5N11E	28	All	Torrance	New Mexico
5N11E	33	All	Torrance	New Mexico
5N11E	34	All	Torrance	New Mexico
5N11E	35	All	Torrance	New Mexico
5N11E	36	All	Torrance	New Mexico

LA JOYA WIND PROJECT AND GENERATION TIE LINE

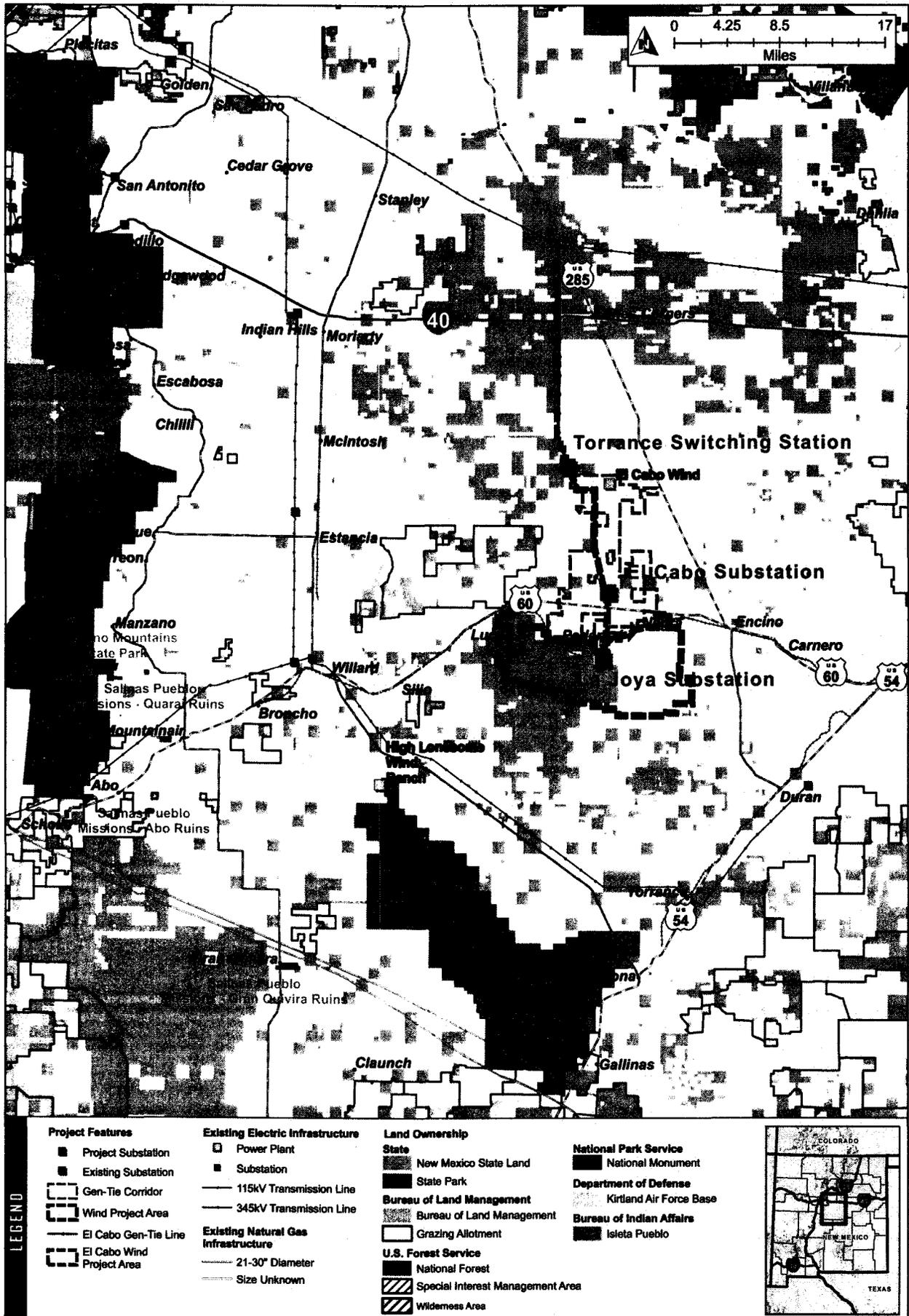
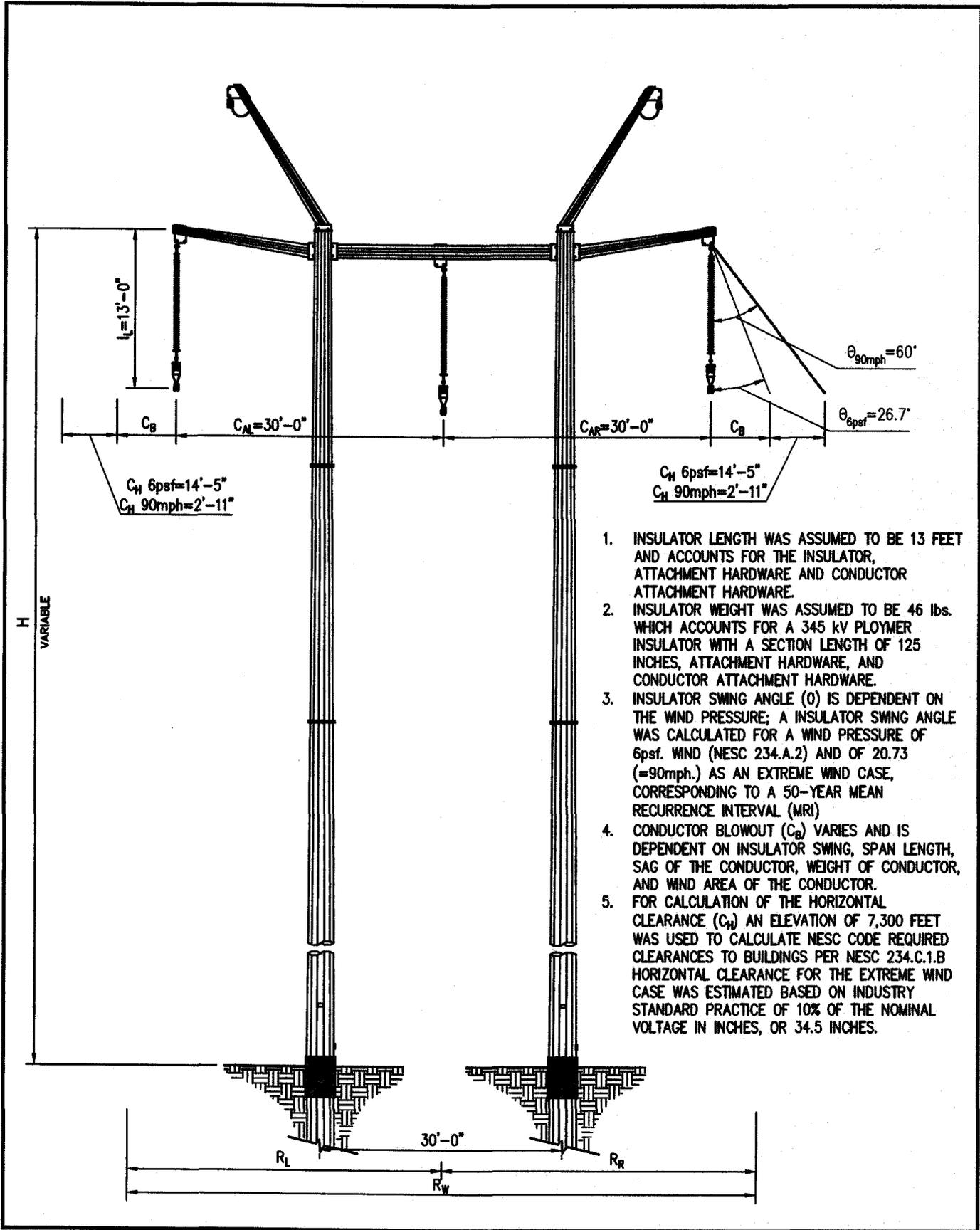


Figure 3: Regional Map



1. INSULATOR LENGTH WAS ASSUMED TO BE 13 FEET AND ACCOUNTS FOR THE INSULATOR, ATTACHMENT HARDWARE AND CONDUCTOR ATTACHMENT HARDWARE.
2. INSULATOR WEIGHT WAS ASSUMED TO BE 46 lbs. WHICH ACCOUNTS FOR A 345 kV PLOYMER INSULATOR WITH A SECTION LENGTH OF 125 INCHES, ATTACHMENT HARDWARE, AND CONDUCTOR ATTACHMENT HARDWARE.
3. INSULATOR SWING ANGLE (θ) IS DEPENDENT ON THE WIND PRESSURE; A INSULATOR SWING ANGLE WAS CALCULATED FOR A WIND PRESSURE OF 6psf. WIND (NESC 234.A.2) AND OF 20.73 (=90mph.) AS AN EXTREME WIND CASE, CORRESPONDING TO A 50-YEAR MEAN RECURRENCE INTERVAL (MRI)
4. CONDUCTOR BLOWOUT (C_B) VARIES AND IS DEPENDENT ON INSULATOR SWING, SPAN LENGTH, SAG OF THE CONDUCTOR, WEIGHT OF CONDUCTOR, AND WIND AREA OF THE CONDUCTOR.
5. FOR CALCULATION OF THE HORIZONTAL CLEARANCE (C_H) AN ELEVATION OF 7,300 FEET WAS USED TO CALCULATE NESC CODE REQUIRED CLEARANCES TO BUILDINGS PER NESC 234.C.1.B HORIZONTAL CLEARANCE FOR THE EXTREME WIND CASE WAS ESTIMATED BASED ON INDUSTRY STANDARD PRACTICE OF 10% OF THE NOMINAL VOLTAGE IN INCHES, OR 34.5 INCHES.

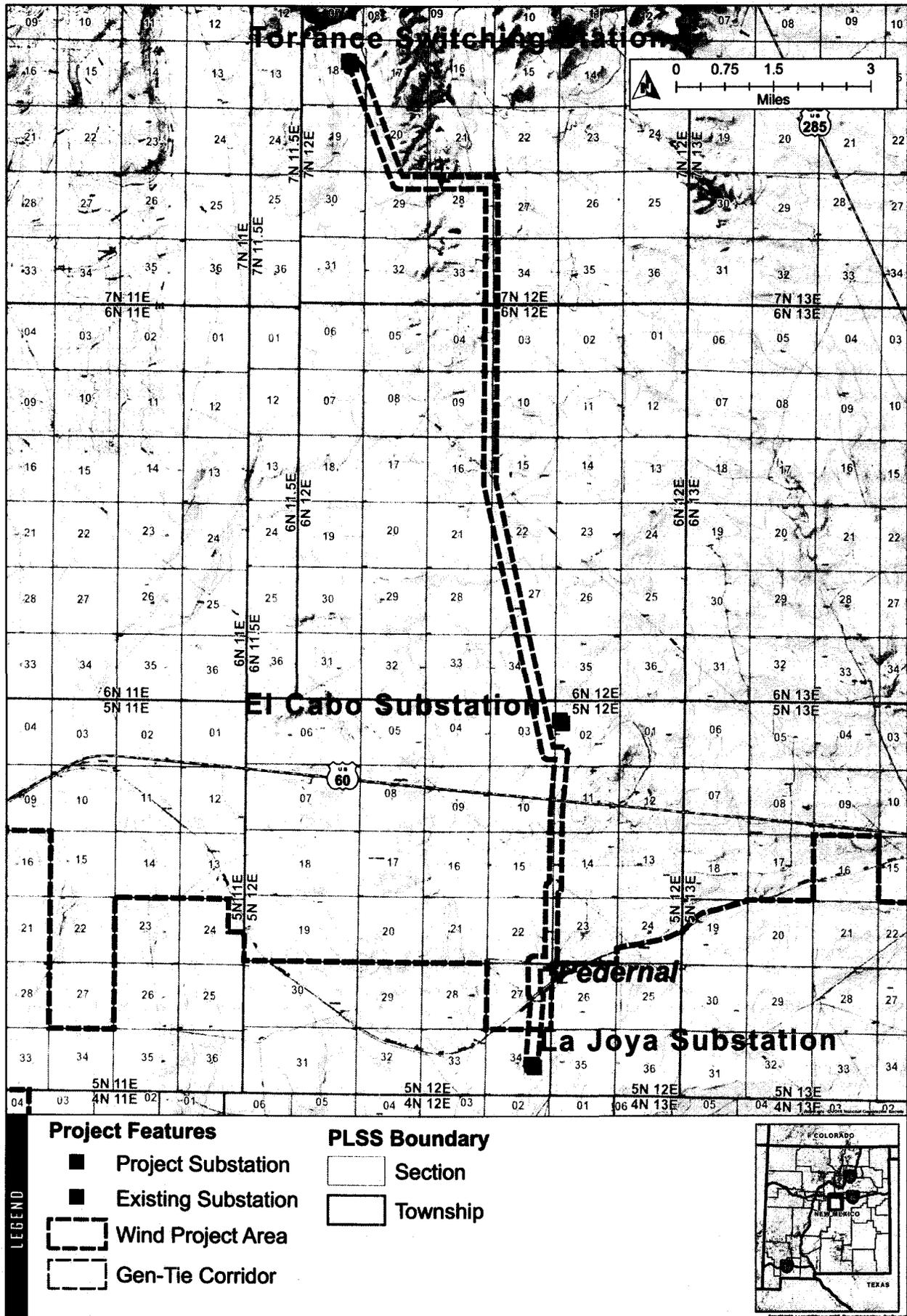


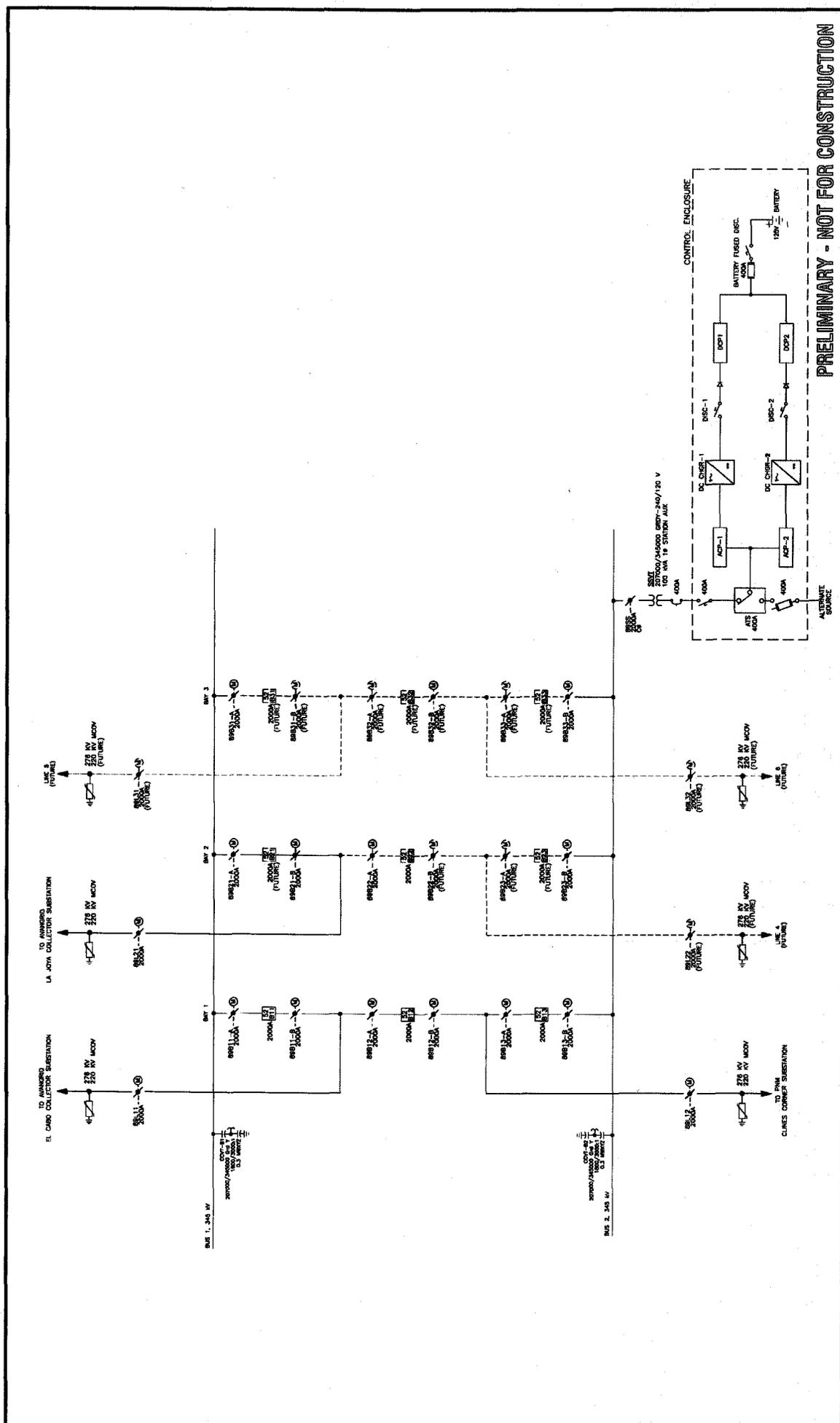
ENGINEERING RECORD	DATE
DRAWN BY M. COFFEY	11/09/18
DESIGNED BY A. WATTS	11/09/18
CHECKED	
APPROVED	
GRID SCALE: AS SHOWN	PLT SCALE: 1:1

AVANGRID RENEWABLES 345 kV TRANSMISSION LINE SINGLE CIRCUIT STEEL H-FRAME STRUCTURE TH-345S
DRW. NO. AVE-A-1006-1

Figure 4: Proposed Gen-Tie Structure Type

LA JOYA WIND PROJECT AND GENERATION TIE LINE





PRELIMINARY - NOT FOR CONSTRUCTION

NO.	REVISIONS	DATE	BY	CHK	APP	NO.	DATE	BY	CHK	APP
	1	08/17/18								
	2	08/22/18								

ENGINEERING RECORD	DATE
DESIGNED: J. ALPHARO	08/04/18
CHECKED: J. ALPHARO	08/11/18
APPROVED: S. BATES	08/11/18

1515 S. CAPITAL OF TEXAS
HWY. SUITE 210
AUSTIN, TX 78746
PHONE 512.342.9516
FAX 512.342.9708



REVISIONS	DATE	BY	CHK	APP

REVISIONS
1. PRELIMINARY - ISSUED FOR REVIEW
2. UPDATED PER CLIENT COMMENTS

TO AVANGRID SUBSTATION
LA 407A COLLECTOR SUBSTATION

TO PNM
CLINES CORNER SUBSTATION

350V/240V/150V
100 AMP 1P STATION AUC

SWITCH FUSED DEC.
120V BATTERY

Bang, Leif

From: Singleton, Kerwin, NMENV <Kerwin.Singleton@state.nm.us>
Sent: Friday, September 28, 2018 4:40 PM
To: Bang, Leif
Subject: RE: Torrance County air quality

Leif,
You understand correctly. If we can be of further assistance, please do not hesitate to contact us.
Regards,

Kerwin C. Singleton
Planning Section Chief
NMED-AQB
505.476.4350

From: Bang, Leif <leif.bang@avangrid.com>
Sent: Friday, September 28, 2018 4:25 PM
To: Singleton, Kerwin, NMENV <Kerwin.Singleton@state.nm.us>
Subject: [EXT] Torrance County air quality

Hello Kerwin,

Thank you for your voice message Tuesday noting that Torrance County is in attainment for air quality standards.

If you could please confirm my understanding I would appreciate it.

Many thanks,
Leif



Leif Bang
Permit Manager

6822 S Lamar St., Littleton, CO 80128
Cell 720.357.3190
leif.bang@avangrid.com



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Bang, Leif

From: Hardison, Cember, NMENV <Cember.Hardison@state.nm.us>
Sent: Monday, October 01, 2018 12:56 PM
To: Bang, Leif
Cc: Olson, Kirby, NMENV
Subject: RE: [EXT] Air Quality Permits - Avangrid Torrance County wind project

Hello Leif:

You are correct. The only air quality permits that would be required before construction (installation) would be for the equipment that you listed in your email. Most likely the contractor doing the work will have their own permit and approved relocation form. You will want to verify that.

At this time, NMED is not regulation fugitive dust emissions from construction activities, therefore there is no permit required, nor does a regulation apply. Just FYI, the AQB is promulgating a dust rule that would cover this type of activity, but it will most likely only cover Doña Ana County. There may also local requirements, for example by Torrance County, if you haven't already checked on that.

If there are any other questions, please let me know.
Thank you

Cember Hardison
505 476 4346

If guidance or a determination is included in this email, it is intended to serve as general guidance and is in no way a formal statement of Department policy. New information or changes to regulations may result in a different determination or guidance.

From: Bang, Leif <leif.bang@avangrid.com>
Sent: Friday, September 28, 2018 5:03 PM
To: Hardison, Cember, NMENV <Cember.Hardison@state.nm.us>
Subject: [EXT] Air Quality Permits - Avangrid Torrance County wind project

Hi Cember,

Thank you for taking the time to speak with me Tuesday regarding Avangrid's La Joya wind development project in Torrance County.

To summarize our conversation, construction permits for concrete batch plants, hot mix asphalt plants, rock crushers, and generators may be required for the project prior to construction, however, NMED is not currently regulating dust emissions. As is typical, the types of permits described would generally be obtained by our construction contractor prior to the start of construction.

If you could please confirm that my understanding is correct and provide any additional information you feel is important for construction of a utility-scale wind project I would appreciate it.

Thank you again for your assistance and please let me know if I can provide any additional information.

Sincerely,
Leif



Leif Bang
Permit Manager

6822 S Lamar St., Littleton, CO 80128
Cell 720.357.3190
leif.bang@avangrid.com



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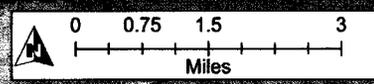
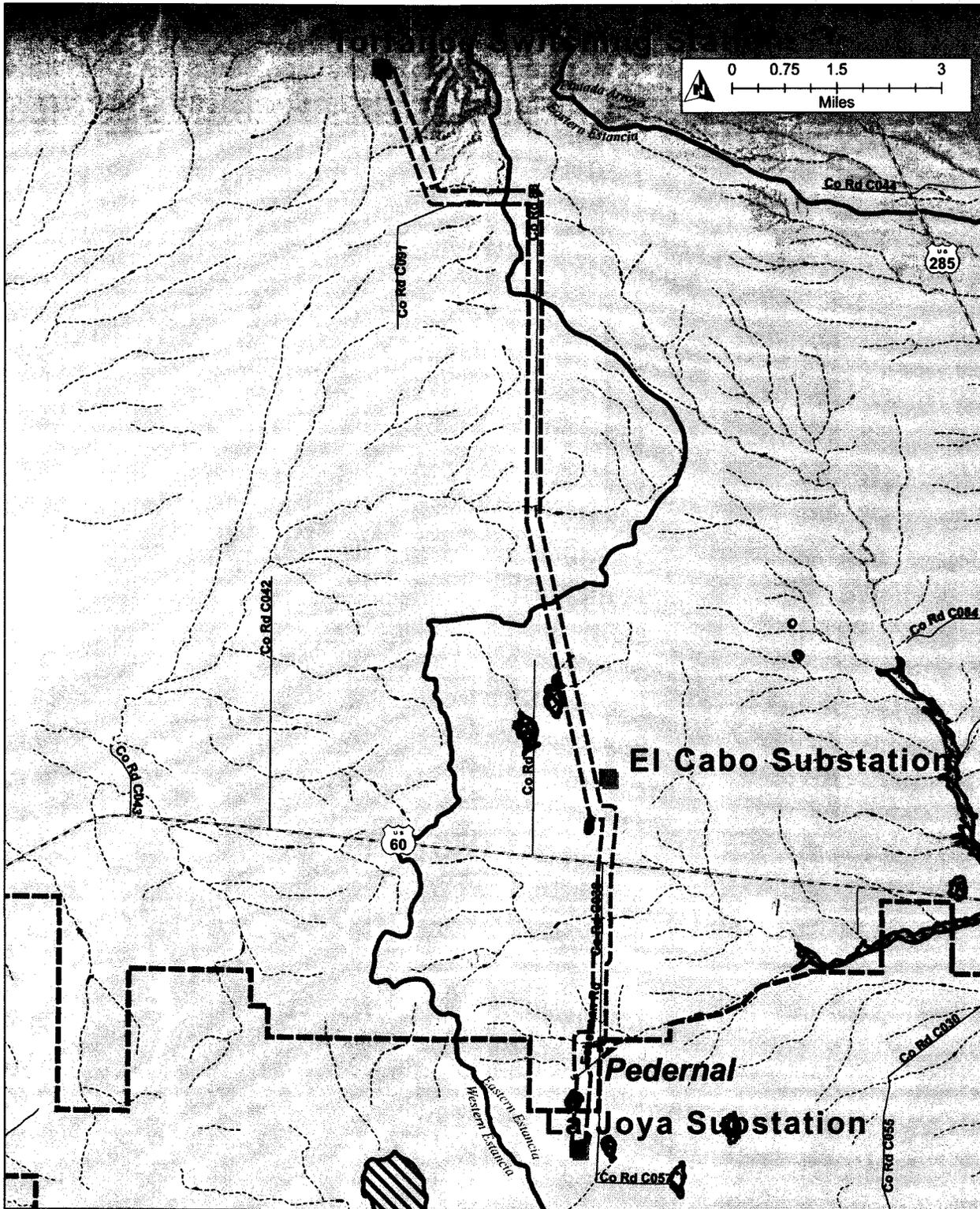
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LA JOYA WIND PROJECT AND GENERATION TIE LINE



LEGEND	Project Features	Hydrology (National Hydrography Dataset)	NRCS Soil Survey	
	■ Project Substation	— Artificial Path	▨ Hydric Soil	
	■ Existing Substation	- - - Canal/Ditch	Watersheds (National Hydrography Dataset)	
	▭ Gen-Tie Corridor	⋯ Ephemeral Stream	▭ HUC 8 Boundary	
	▭ Wind Project Area	▭ Waterbody	FEMA Floodplains	
Wetlands (National Wetland Inventory)		▨ 100-year Floodplain*	<small>*Data digitized from FIRM panels:</small>	
▭ Freshwater Emergent Wetland				
▭ Freshwater Pond				

Figure 5: Water Resources

Bang, Leif

From: Holcomb, Sarah, NMENV <sarah.holcomb@state.nm.us>
Sent: Thursday, November 08, 2018 12:52 PM
To: Bang, Leif
Subject: RE: NMED SWQB - Avangrid Torrance County Project

Hello Leif:

Yes, from your description, it sounds like coverage under EPA's Construction General Permit would be required (<https://www.epa.gov/npdes/stormwater-discharges-construction-activities>) but as long as there are no other discharges to surface waters in association with regular operation of the facility, there shouldn't be any other applicable NPDES permits for Avangrid to obtain. If there are changes in the design or function that result in discharges to surface waters, please let us and/or EPA Region 6 know.

To file your Notice of Intent for permit coverage, you'll need to have an account for both the owner and operator (as defined in the permit) in EPA's Central Data Exchange (CDX) system. You can find the information on that process here: <https://www.epa.gov/npdes/submitting-notice-intent-noi-notice-termination-not-or-low-erosivity-waiver-lew-under>

If you have any other questions, please don't hesitate to reach out. You can also get in touch with Jennifer Foote, our Industrial and Stormwater Team Supervisor, at 505-827-0596 or Jennifer.foote@state.nm.us.

Best,



Sarah Holcomb / Program Manager, Point Source Regulation Section
sarah.holcomb@state.nm.us

Surface Water Quality Bureau, New Mexico Environment Department
Office: 505-827-2798 / Fax: 505-827-0160
1190 S. Saint Francis Dr., Santa Fe, NM 87505
PO Box 5469, Santa Fe, NM 87502
<https://www.env.nm.gov/swqb/PSR/>

From: Bang, Leif <leif.bang@avangrid.com>
Sent: Thursday, November 8, 2018 12:34 PM
To: Holcomb, Sarah, NMENV <sarah.holcomb@state.nm.us>
Cc: Bang, Leif <leif.bang@avangrid.com>
Subject: [EXT] NMED SWQB - Avangrid Torrance County Project

Hi Sarah,

Thanks again for your time today to discuss permit requirements for Avangrid's wind energy project in Torrance County. To summarize our call, for a wind energy development project such as the one Avangrid is developing, surface water

permits would be limited to a general stormwater construction permit from the EPA, which requires preparation an adherence to a Stormwater Pollution Prevention Plan. No other permits would be required from the SWQB.

Can you please confirm if this is correct or provide any clarification if needed?

Thank you again for your time.
Leif



Leif Bang
Permit Manager, Ld/Sr

6822 S Lamar St., Littleton, CO 80128
Cell 720.357.3190
leif.bang@avangrid.com



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Bang, Leif

From: Hunter, Michelle, NMENV <Michelle.Hunter@state.nm.us>
Sent: Friday, October 19, 2018 4:26 PM
To: Bang, Leif
Subject: RE: La Joya Wind - NMED GWQB

Yes, I agree.
m

From: Bang, Leif <leif.bang@avangrid.com>
Sent: Friday, October 19, 2018 4:06 PM
To: Hunter, Michelle, NMENV <Michelle.Hunter@state.nm.us>
Subject: [EXT] RE: La Joya Wind - NMED GQB

Hi Michelle,

I wanted to touch base briefly and follow up on my email below. Could you please confirm if my understanding is correct? If you have any questions or need additional information, please let me know and I'd be happy to provide it.

Thank you,
Leif



**AVANGRID
RENEWABLES**

Leif Bang
Permit Manager

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Cell 720.357.3190
leif.bang@avangrid.com



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From: Bang, Leif
Sent: Monday, September 24, 2018 12:12 PM
To: 'Michelle.Hunter@state.nm.us'
Cc: 'Joan Drake'; Stacy, Mark
Subject: RE: La Joya Wind - NMED GQB

Hi Michelle,

Thank you for the follow up call and clarification. You suggested an NOI be completed to determine whether or not a groundwater discharge permit would be required since water for dust mitigation and construction may be necessary.

The NOI and any required permitting would be completed by the project construction contractor team at a later date, but prior to construction. I found in reviewing the GQB website that if it is determined that a permit is required it would be about a 3-6 month process.

Can you please confirm if this is correct and also share any other information you think might be important related to groundwater permitting for the project?

Thank you again for your help and please let me know if you have any questions.

Sincerely,
Leif



Leif Bang
Permit Manager

6822 S Lamar St., Littleton, CO 80128
Cell 720.357.3190
leif.bang@avangrid.com



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From: Bang, Leif
Sent: Monday, September 24, 2018 10:25 AM
To: 'Michelle.Hunter@state.nm.us'
Cc: 'Joan Drake'; Stacy, Mark
Subject: La Joya Wind - NMED GQB

Hi Michelle,

Thanks very much for your call this morning to discuss Avangrid's proposed La Joya wind project in Torrance County, NM.

To summarize our call, no permits would be required from the NMED Groundwater Quality Bureau since the project would not result in daily groundwater discharge greater 5000 gallons or other industrial waste.

Water use for the project during construction may include that needed for dust control, concrete batch plants, and other uses typical of utility-scale wind plant construction.

Water use during operations would be less than 5000 gallons per day to support an operations and maintenance facility which may include kitchen and bathroom facilities, and a septic system. For operations, a liquid waste permit may be required, which would be acquired prior operations.

Since no permits are required from your office, you do not believe a meeting is necessary.

Thank you again for your time and please let me know if you have any questions.

Sincerely,
Leif



**AVANGRID
RENEWABLES**

Leif Bang
Permit Manager

6822 S Lamar St., Littleton, CO 80128
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leif.bang@avangrid.com



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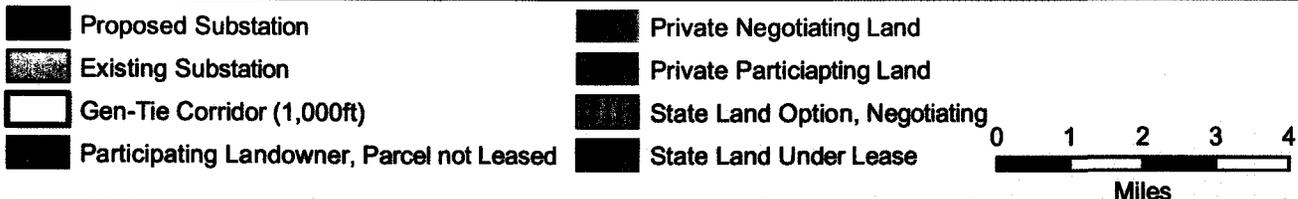
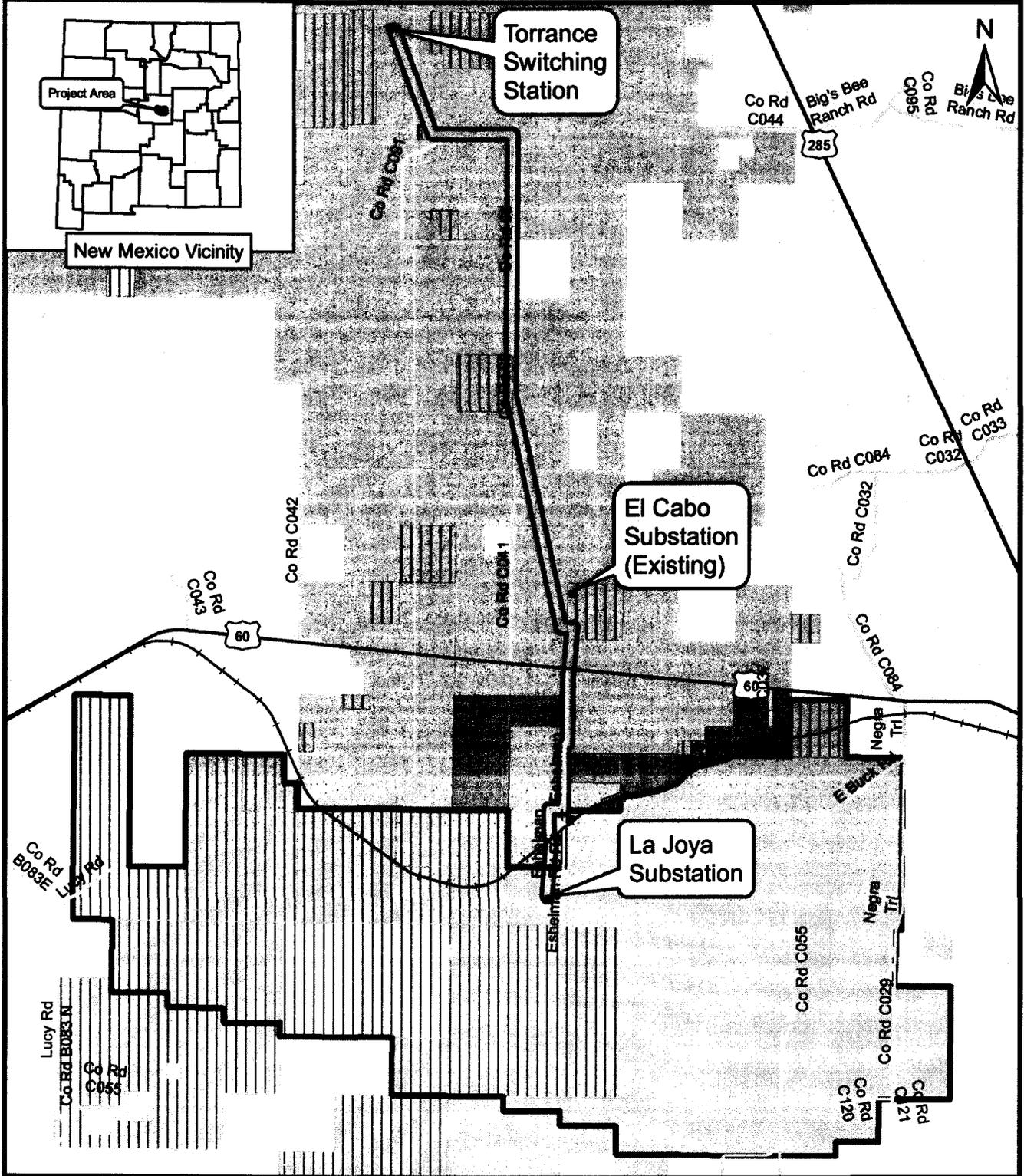
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La Joya Project Participating Lands

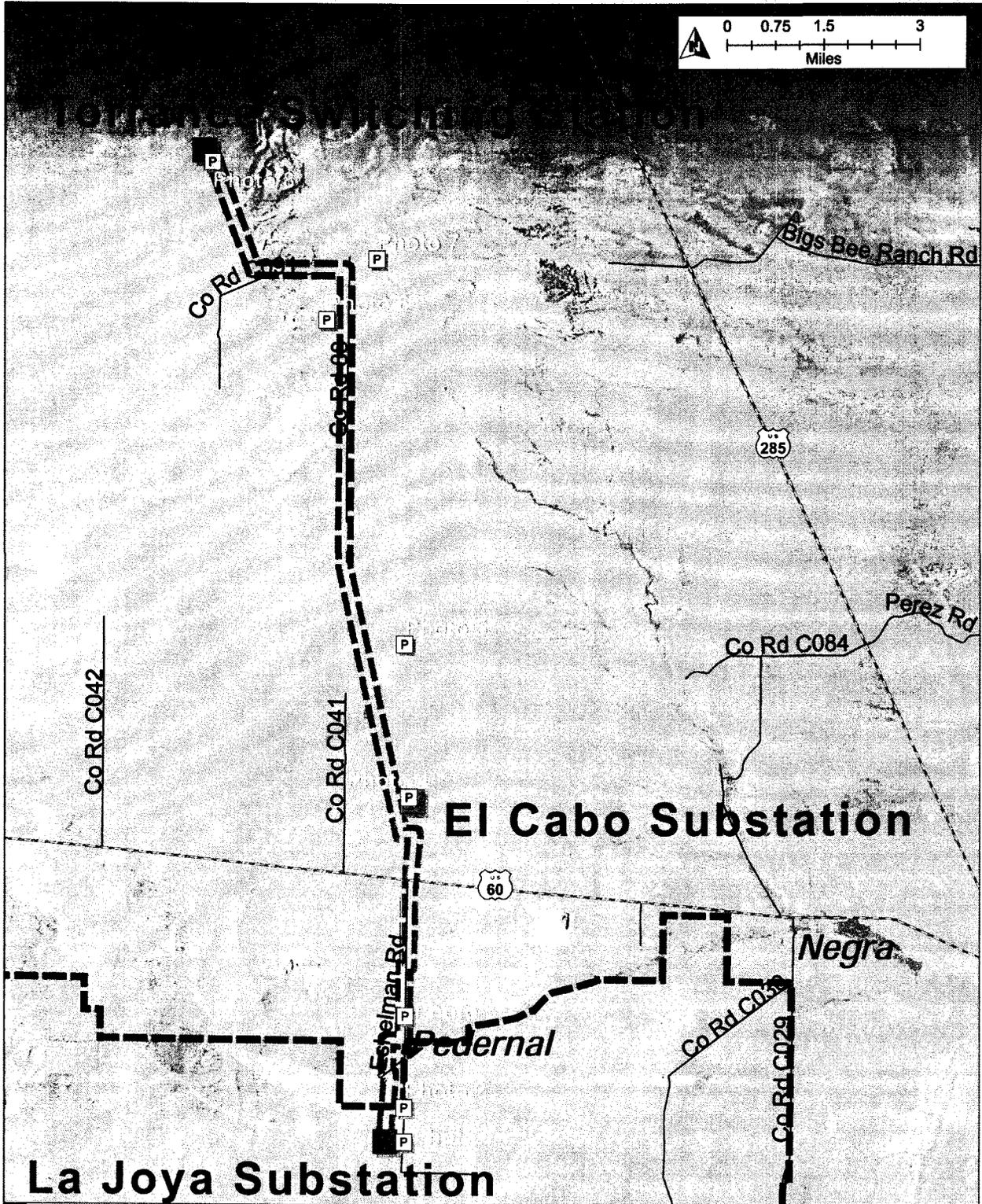
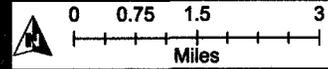
Torrance County, New Mexico

Date: 11/13/2016





LA JOYA WIND PROJECT AND GENERATION TIE LINE



La Joya Substation

El Cabo Substation

Project Features

- Project Substation
- Existing Substation
- ▭ Wind Project Area
- ▭ Gen-Tie Corridor
- Photo Point

LEGEND

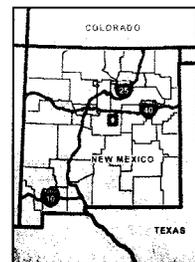


PHOTO POINTS

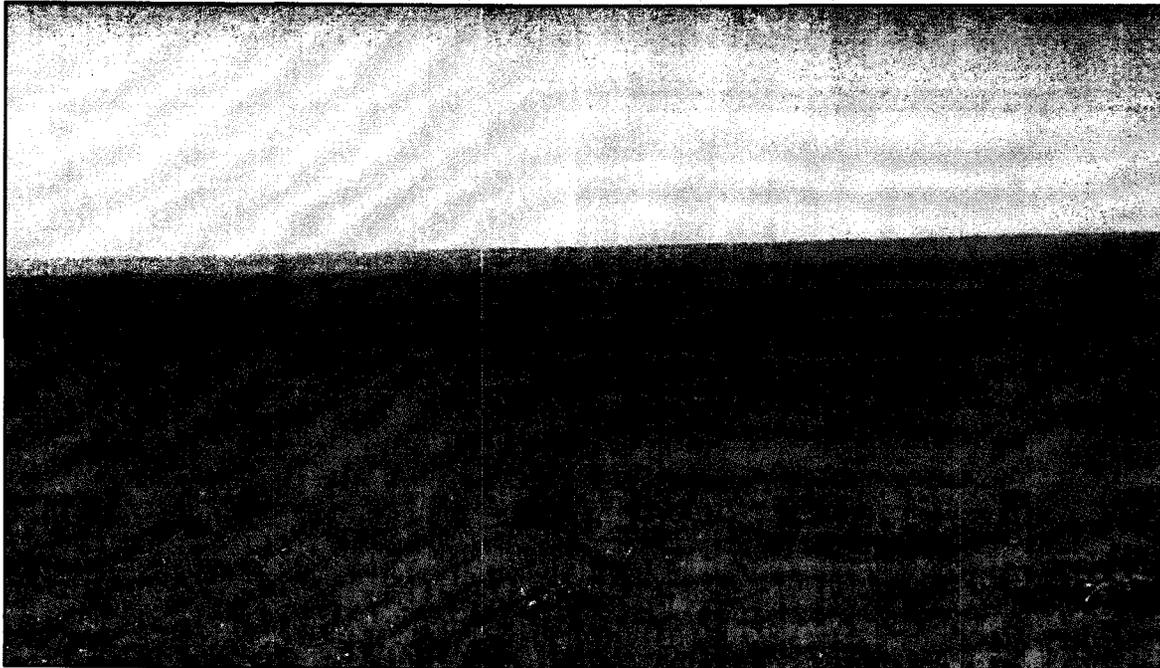


Photo 1: Small depression near southern terminus of Gen-Tie Corridor and proposed La Joya Substation (looking southeast).

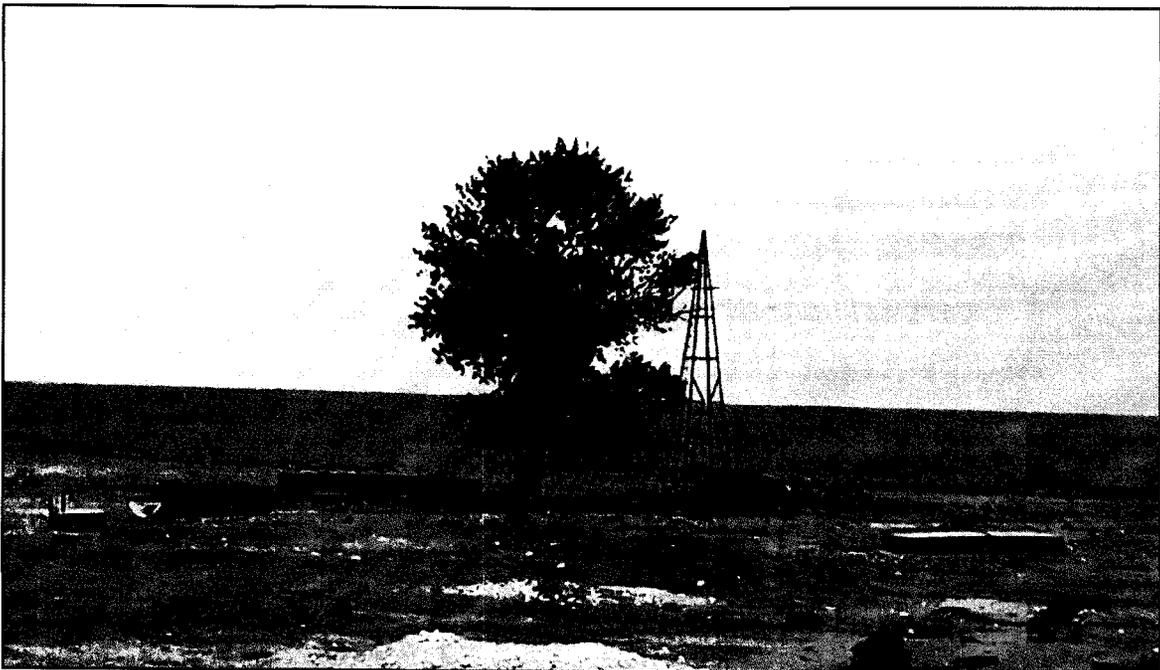


Photo 2: Stock tank located near southern terminus of Gen-Tie Corridor (looking east).

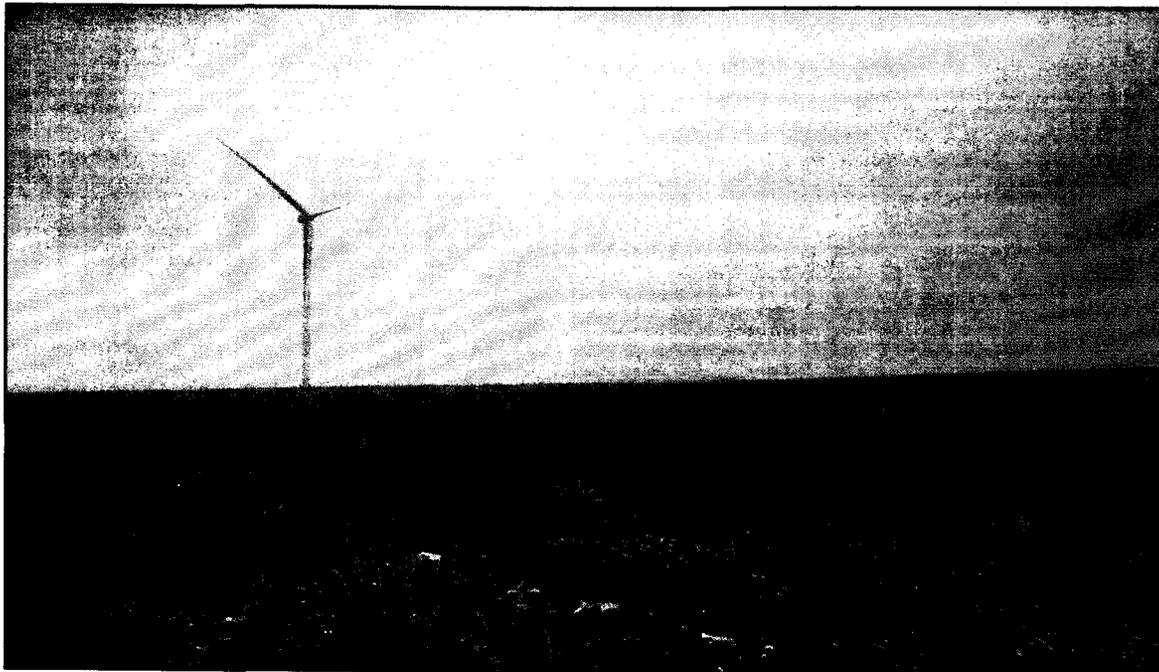


Photo 3: El Cabo Wind Farm visible from southern extent of Gen-Tie Corridor (looking west).

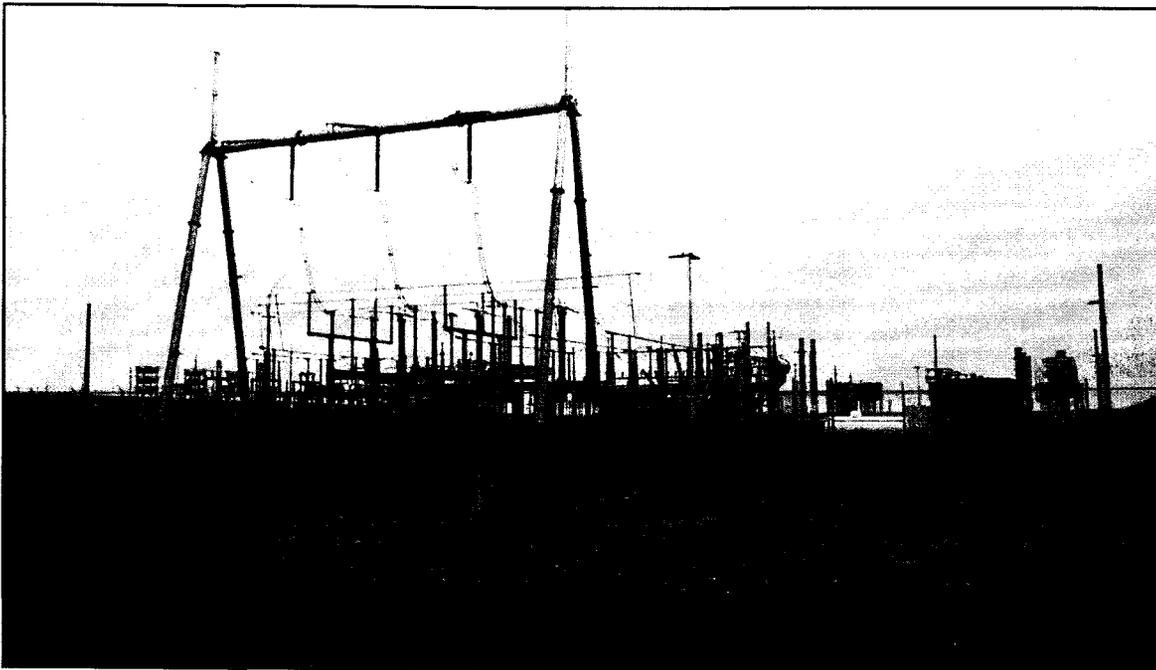


Photo 4: El Cabo Substation (looking east).

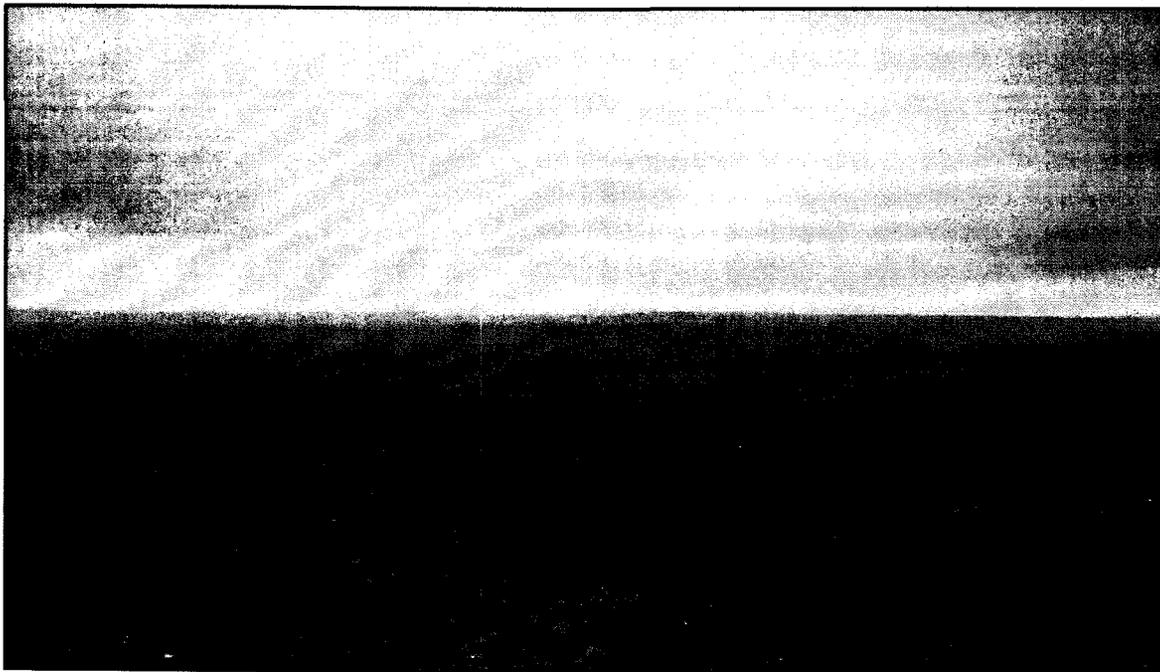


Photo 5: Gen-Tie Corridor visible from El Cabo Wind Farm access road (looking west).

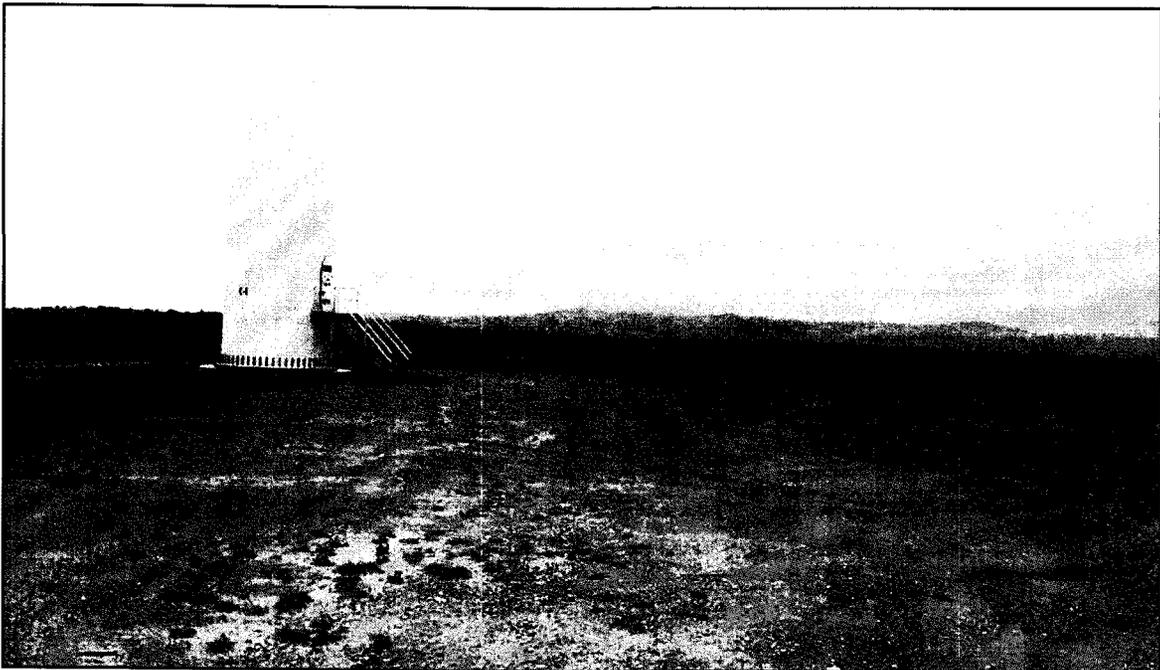


Photo 6: Northern portion of Gen-Tie Corridor where line turns west following existing El Cabo Transmission line, as viewed from El Cabo Wind Farm C string (looking north).

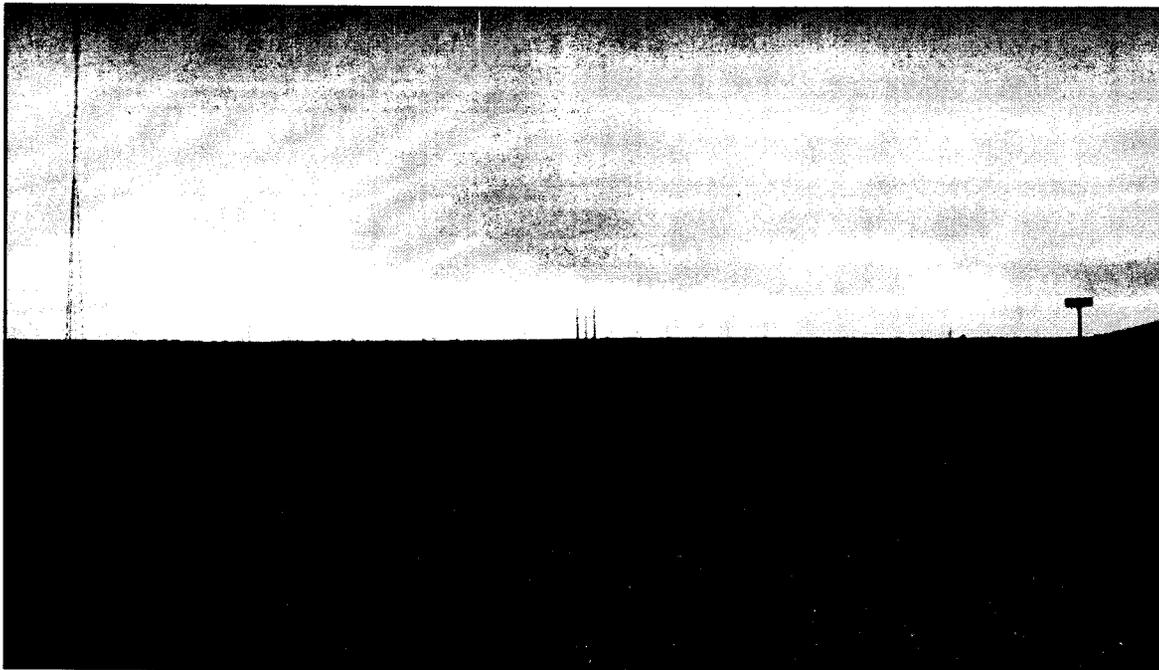


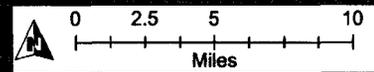
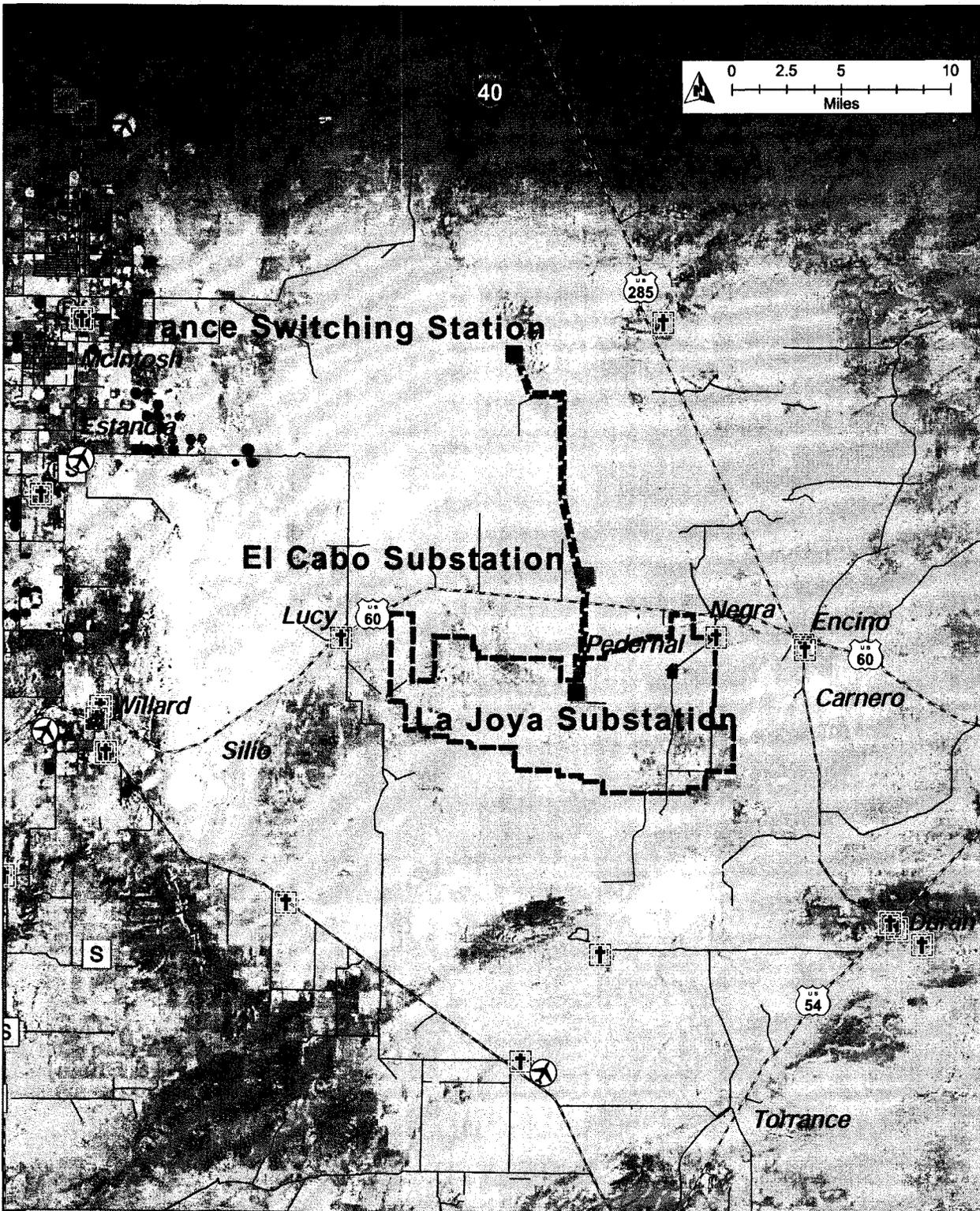
Photo 7: Northern portion of Gen-Tie Corridor where line turns west following existing El Cabo Transmission line, visible from El Cabo Wind Farm access road (looking west).



Photo 8: Northern terminus of Gen-Tie Corridor at the proposed Torrance Switching Station located adjacent to the El Cabo Gen-Tie Line (looking north).



LA JOYA WIND PROJECT AND GENERATION TIE LINE



LEGEND	Project Features	Landmark
	■ Project Substation	☠ Cemetery
	■ Existing Substation	■ School
	▭ Gen-Tie Corridor	⛪ Church
	▭ Wind Project Area	✈ Airport
		■ Occupied Residence
		● Fire Station

Figure 8: Community Facilities and Occupied Residences

**TORRANCE COUNTY, NEW MEXICO
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners, having heard testimony and considered written evidence at its regular meeting on January 26, 2011 considered the application of Pacific Wind Development, LLC, for a Special Use permit in a Agricultural zone enters the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The applicant applied for a Special Use Permit pursuant to Section 16 of the Torrance County Zoning Ordinance, hereinafter (T.C.Z.O.), on November 15, 2010 to "develop the proposed El Cabo Wind Project" on privately owned lands in Torrance County located in Townships 4N, Range 12E and 13E; T5N, R12E, and 13E; T6N, R11E, 11 ½ E, 12E, 13E; T7N, R12E and 13E. as further described in the application.
2. The intent of a Special Use District is to provide for singular developments requiring special consideration because of their magnitude, unusual nature, infrequent operations, or questionable impact on surrounding property. T.C.Z.O. Sec. 16, A.
3. The applicant proposes to use the property to develop, construct and operate a wind power facility.
4. The current zoning of the property is Agricultural (A), which is intended to preserve large areas of land traditionally used for farming and ranching operations and other agricultural uses. T.C.Z.O. Sec. 8,1 A.

5. To approve a Special Use District satisfactory provisions must be made to:
 1. assure that compatibility of property uses shall be maintained in the general area;
 2. preserve the integrity and character of the area in which the Special Use district will be located, and the utility and value of property in the Special Use District and in adjacent zone districts; and
 3. assure the Special Use District will not become detrimental to the public health, safety, or general welfare of the County. T.C.Z.O., Sec 16, A.
6. The Planning and Zoning Board voted to recommend a "do pass" to the County Commission on the application.
7. Notice was provided as required by the Torrance County Zoning Ordinance.
8. The Board of County Commissioners conducted a hearing on the matter on January 26, 2011 during which it permitted sworn testimony and cross-examination of witnesses both for and against the application. In addition, evidence in the form of exhibits was presented to the Board by the applicant and the opponents.
9. The Board of County Commissioners considered the following prior to rendering its decision:
 1. that compatibility of property uses shall be maintained in the general area;
 2. that the integrity and character of the area in which the Special Use district will be located, and the utility and value of property in the Special Use District and in adjacent zone districts would be preserved;

- c. and that the Special Use District will not become detrimental to the public health, safety, or general welfare of the County.
10. The testimony and written evidence included evidence indicating that the application complied with the requirements of Section 16 of the Torrance County Zoning Ordinance.
 11. There was evidence presented that the proposed development would require very little water use; would allow continued grazing of livestock and other traditional uses of the property; would not be detrimental to the public health, safety and welfare of the County; would not impair the integrity and character of the area in which the Special Use district will be located or the utility and value of property within the Special Use District or in adjacent zone districts and was compatible with property uses in the area.
 12. All property owners within the proposed Special Use district indicated their approval of the application as did several adjacent property owners.
 13. The applicant provided sufficient information regarding the size, location, use and arrangement of structures on the proposed development.

CONCLUSIONS OF LAW

1. The application for Special Use is approved because it complies with the Torrance County Zoning Ordinance in that compatibility of property uses shall be maintained in the general area; that the integrity and character of the area in which the Special Use district will be located, and the utility and value of property in the Special Use District and in adjacent zone districts would be preserved; and that

the Special Use District will not become detrimental to the public health, safety,
or general welfare of the County.

Entered this 23 day of February, 2011.

Attest:

Inda Kasper
County Clerk

[Signature]
Chairman, Torrance County Commission

[Signature]
Commissioner

[Signature]
Commissioner



**TORRANCE COUNTY, NEW MEXICO
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners, having heard testimony and considered written evidence at its regular meeting on May 10, 2017 considered the application of Pacific Wind Development, LLC, for a Special Use permit in a Agricultural zone enters the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The applicant applied for a Special Use Permit pursuant to Section 16 of the Torrance County Zoning Ordinance, hereinafter (T.C.Z.O.), on April 5, 2017 to “develop the proposed La Joya Wind & Solar Project on privately owned lands in Torrance County located in Townships 8N, Range 11E, 6N., R.11E., and T7N., R.11E., R.11 ½E., and R.12E.; and the Lucia Wind & Solar Project” on privately owned lands in Torrance County located in Townships 4N, Range 11E and 12E.. as further described in the application.
2. The intent of a Special Use District is to provide for developments requiring special consideration because of their magnitude, unusual nature, infrequent operations, or questionable impact on surrounding property. T.C.Z.O. Sec. 16, A.
3. The applicant proposes to use the property to develop, construct and operate wind and solar power generating facilities.
4. The current zoning of the property is Agricultural (A), which is intended to preserve large areas of land traditionally used for farming and ranching operations and other agricultural uses. T.C.Z.O. Sec. 8,1 A.

5. To approve a Special Use District satisfactory provisions must be made to:
 1. assure that compatibility of property uses shall be maintained in the general area;
 2. preserve the integrity and character of the area in which the Special Use district will be located, and the utility and value of property in the Special Use District and in adjacent zone districts; and
 3. assure the Special Use District will not become detrimental to the public health, safety, or general welfare of the County. T.C.Z.O., Sec 16, A.
6. The Planning and Zoning Board voted to recommend a "do pass" to the County Commission on the application.
7. Notice was provided as required by the Torrance County Zoning Ordinance.
8. The Board of County Commissioners conducted a hearing on the matter on May 10, 2017 during which it permitted sworn testimony and cross-examination of witnesses both for and against the application. In addition, evidence in the form of exhibits was presented to the Board by the applicant and the opponents.
9. The Board of County Commissioners considered the following prior to rendering its decision:
 1. that compatibility of property uses shall be maintained in the general area;
 2. that the integrity and character of the area in which the Special Use district will be located, and the utility and value of property in the Special Use District and in adjacent zone districts would be preserved;
 - c. and that the Special Use Districts will not become detrimental to the public health, safety, or general welfare of the County.

10. The testimony and written evidence included evidence indicating that the application complied with the requirements of Section 16 of the Torrance County Zoning Ordinance.
11. There was evidence presented that the proposed developments would require very little water use; would allow continued grazing of livestock and other traditional uses of the property; would not be detrimental to the public health, safety and welfare of the County; would not impair the integrity and character of the area in which the Special Use districts will be located or the utility and value of property within the Special Use Districts or in adjacent zone districts and was compatible with property uses in the area.
12. All property owners within the proposed Special Use districts indicated their approval of the application as did several adjacent property owners.
13. The applicant provided sufficient information regarding the size, location, use and arrangement of structures on the proposed development.

CONCLUSIONS OF LAW

1. The application for Special Use is approved because it complies with the Torrance County Zoning Ordinance in that compatibility of property uses shall be maintained in the general area; that the integrity and character of the area in which the Special Use district will be located, and the utility and value of property in the Special Use District and in adjacent zone districts would be preserved; and that the Special Use District will not become detrimental to the public health, safety, or general welfare of the County.

Entered this 22 day of November, 2017.

Attest:

County Clerk



Chairman, Torrance County Commission

Commissioner

Commissioner

**TORRANCE COUNTY, NEW MEXICO
PLANNING AND ZONING**

SPECIAL USE ZONE DISTRICT

This permit authorizes the special use of land as a Wind & Solar powered electricity generating facility as established by the Torrance County Zoning Ordinance

A Special Use Zone District provides for singular developments which require special consideration because of their magnitude, unusual nature, infrequent operations, questionable impact on surrounding property, or other such reason.

Special Use permit granted to:

Pacific Wind Development, LLC

Mailing address:

1125 NW Couch St. Ste. 700

Portland, Oregon 97209

LEGAL DESCRIPTION OF PROPERTY:

***La Joya Project (Private lands): Ansley Ranch w/in or portions of Sections 8-10 14-17, 19-27, and 30-36, T.8N., R.11E. NMPM. Wrye Ranch w/in or portions of Sections 2-6, T.6N., R.11E., Sections 2, 11, 12, 14, 16, 21-27, 31-36, T.7N.,R.11E., Sections 12 & 36, T.7N., R.11 1/2E., and Sections 6&7 T.7N., R.12E.. Double Arrow Ranch all of Sections 3, 4, 8, & 9, T.7N., R.11E. NMPM.**

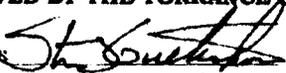
***Lucia Project (Private lands): Harral Ranch w/in portions of Sections 21 & 22, T.4N., R.11E., Luna Ranch Sections 22, 23, 26, 27, 33, 34, & 35, T.4N.,R.12E.,
New Mexico Prime Meridian**

This Permit is proof of a change to zoning of this property for the purpose of construction & operation of a photo-voltaic & wind powered electricity generating facility.

APPROVED BY THE TORRANCE COUNTY COMMISSION ON:

May 10, 2017

SIGNED:



**Steven J. Guetschow
Planning & Zoning Director**

LA JOYA WIND PROJECT AND GENERATION TIE LINE

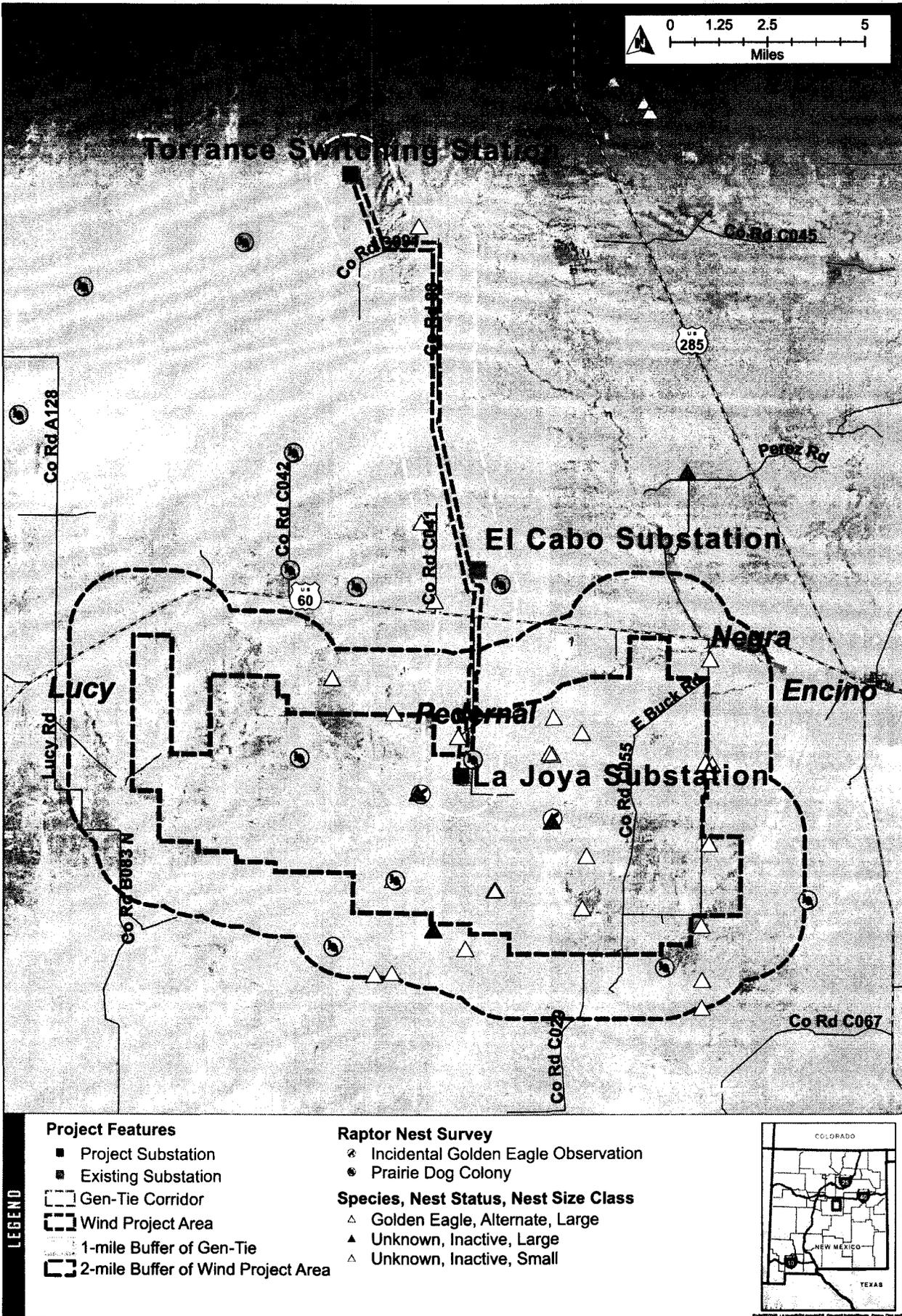


Figure 7: Raptor Nests and Prairie Dog Colonies

LA JOYA WIND PROJECT AND GENERATION TIE LINE

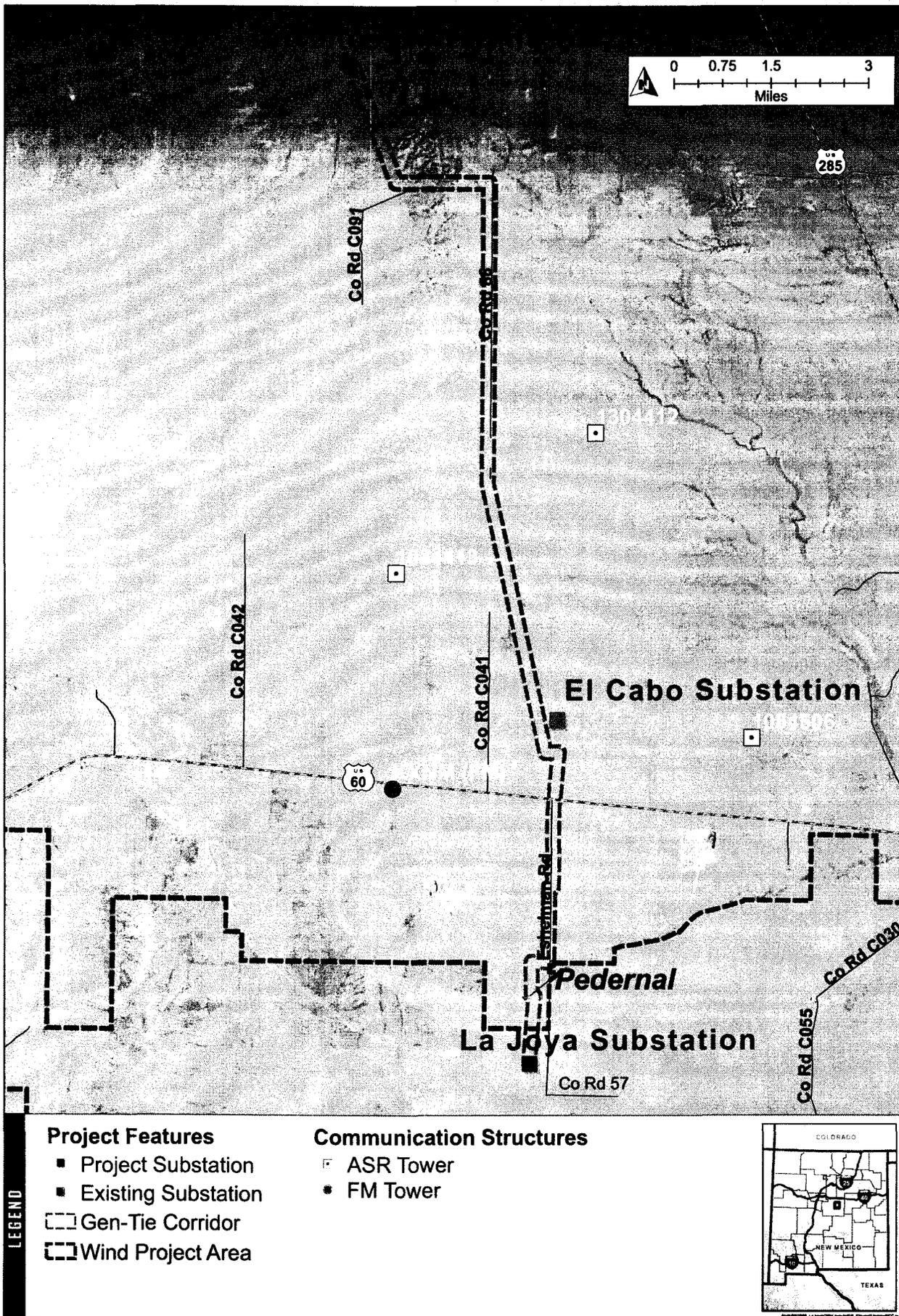


Figure 13: FCC-Registered Antenna Towers



LA JOYA WIND PROJECT AND GENERATION TIE LINE

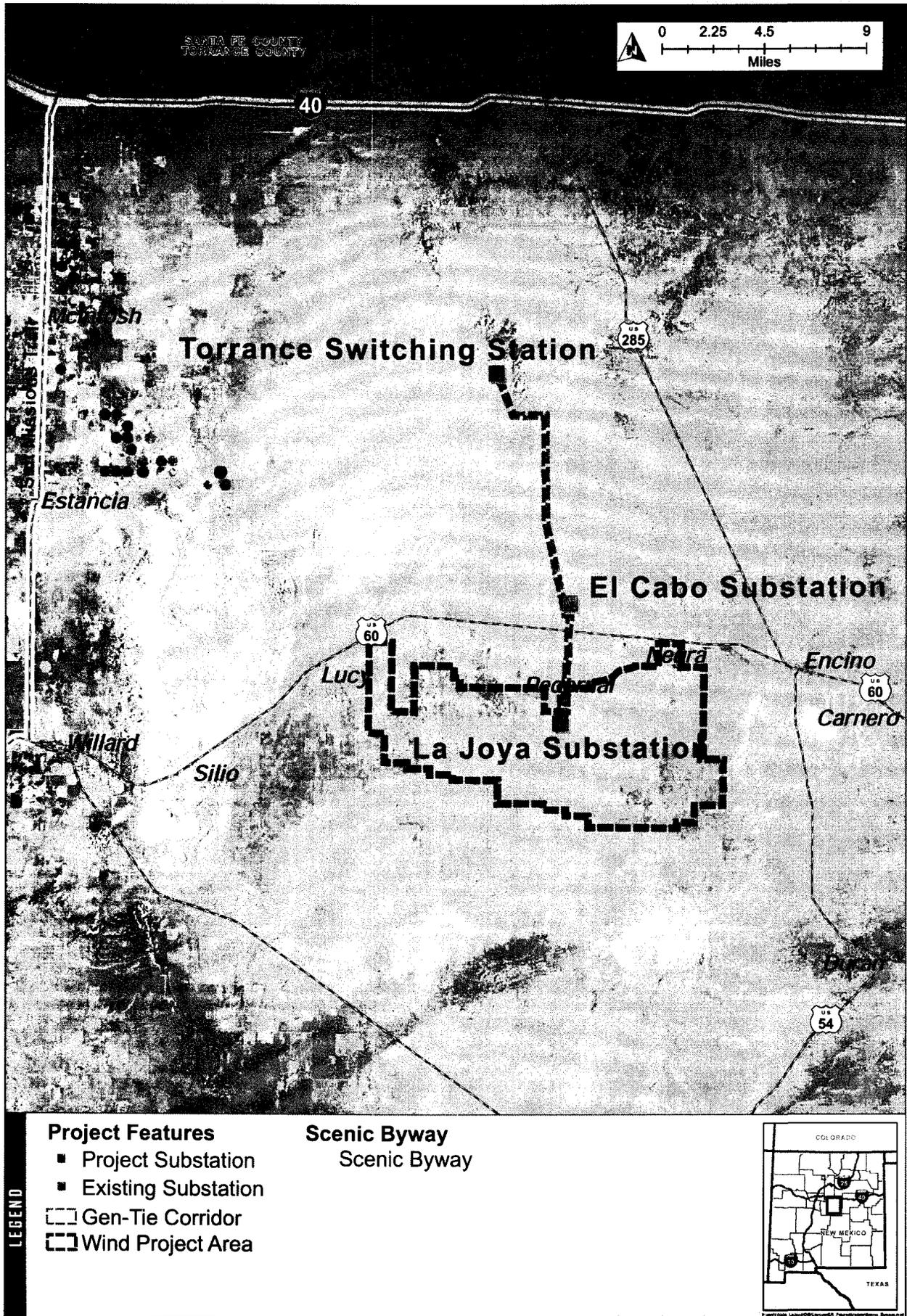


Figure 9: Scenic Byways



LA JOYA PROJECT UNANTICIPATED DISCOVERIES PLAN

The following Unanticipated Discovery Plan outlines the procedures to follow, in accordance with governing law, if cultural/archaeological resources or human remains are discovered during construction of the La Joya Project. Paleontological remains are also addressed.

Cultural Resources/Human Burials

The project is located within an area that contains the potential to encounter cultural resources. Thus, further steps should be taken if, during the course of construction, cultural resources or human remains that may have archaeological significance are discovered. Examples of cultural/archaeological resources may include, but are not limited to, human remains or graves, concentrated buried structures or artifacts, structures or historic materials older than 50 years that do not resemble general, modern household waste. Pictures of possible cultural/archaeological resources are included below in Figure 1. Avangrid Renewables LLC, is requiring that construction personnel take the following measures if cultural resources or human remains are discovered in the project area.

In the event of encountering cultural resources:

1. Stop construction activities in the immediate vicinity of the cultural/archaeological resource.
2. Cordon off the area where the cultural/archaeological resource has been discovered (100 feet in all directions).
3. Contact Leif Bang, Avangrid Environmental Manager (720-357-3190), and Barbara Montgomery, Project Manager with Tierra Right of Way Services (520-319-2106), who will contact appropriate officials, including arranging for the discovery to be evaluated by a qualified archaeologist.
4. Take pictures of the archaeological resource and the surrounding area and email them to Leif Bang at leif.bang@avangrid.com and Barbara Montgomery at bmontgomery@tierra-row.com.
5. Do not resume construction in the area where the resource is located until cleared by Barbara Montgomery.

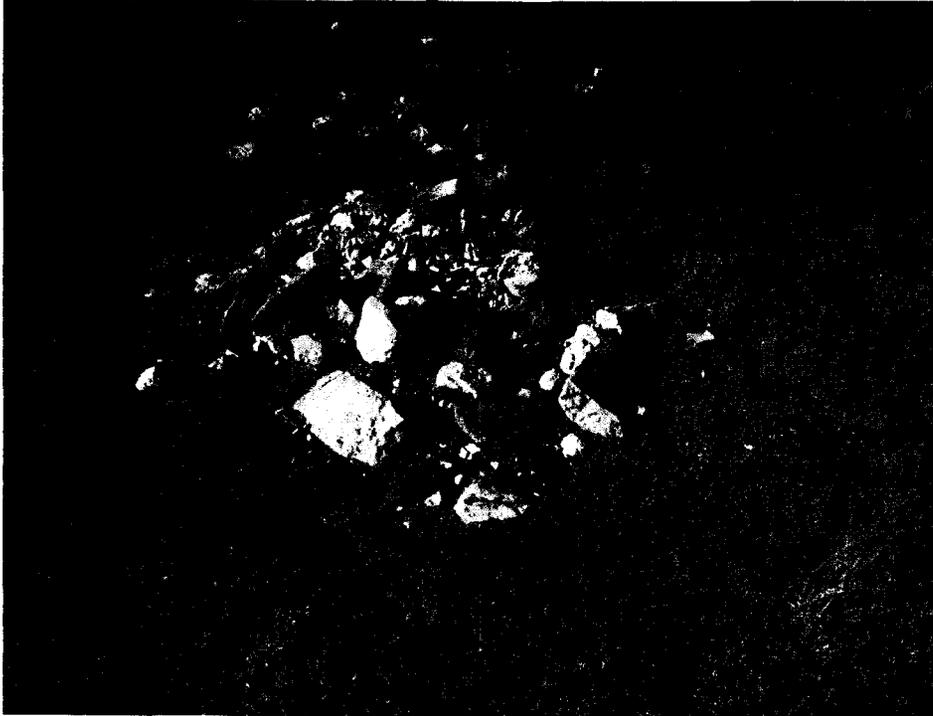
In the event of encountering human remains:

1. Stop construction activities within 100 feet of the area.
2. Cordon off the area where the remains are located, and any burial related materials (100 feet in all directions).
3. Notify the local authorities (county sheriff or police).
4. Contact the local medical examiner.

5. Contact Barbara Montgomery, who will notify, if necessary, the State Historic Preservation Officer.
6. Do not resume construction in the area where human remains and/or burial-related materials are located until cleared by Barbara Montgomery.

We appreciate your efforts on this matter. If you have any questions please contact Leif Bang at 720-357-3190 or Barbara Montgomery at 520-319-2106.

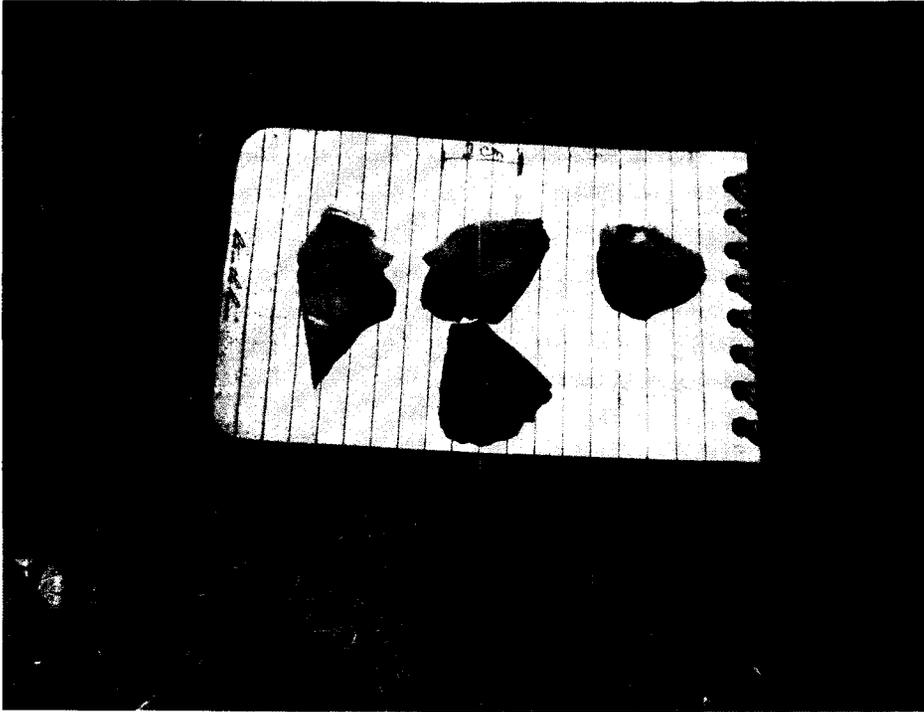
Figure 1. Examples of possible artifacts (historic trash, pottery sherds or flake stone) or possible historic structures or graves that would warrant further investigation:



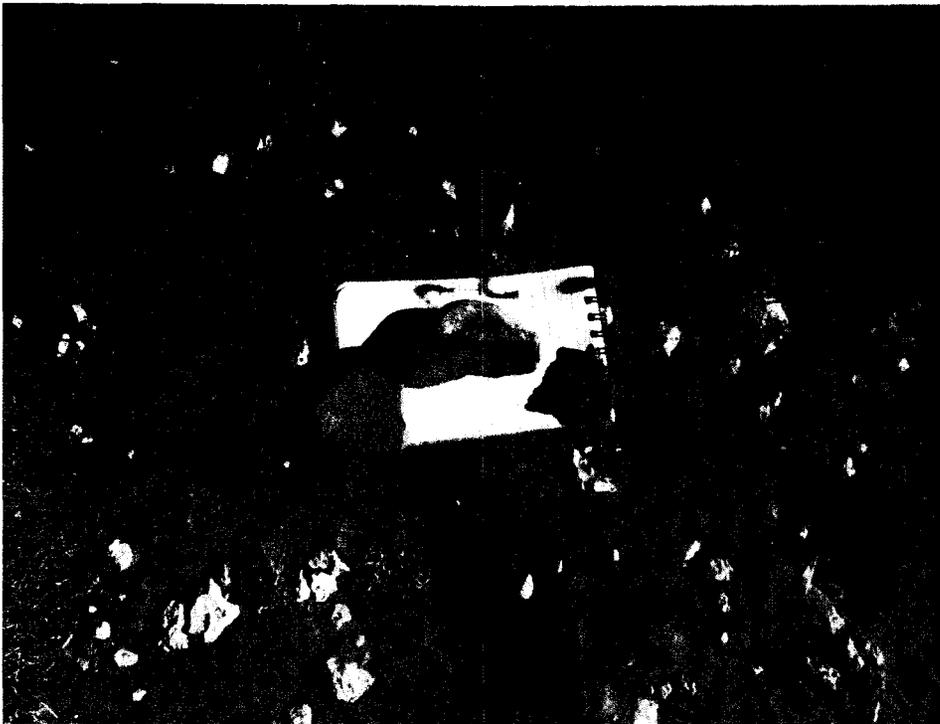
a) possible historic grave



b) historic trash



c) flake stone artifacts



d) ceramic sherds



e) collapsed historic dugout structure.

Paleontology

Paleontological resources are considered to be of scientific interest (thus significant) if they are rare or from previously unknown species, are of high quality and well-preserved, preserve a previously unknown anatomical or other characteristic, provide new information about the history of life on earth, or have an identified educational or recreational value. This includes most vertebrate fossils, traces, or trackways but especially those that are identifiable to taxon and/or element and noteworthy occurrences (rare or unusual) of invertebrate and plant fossils. Paleontological resources that may be considered not to have scientific significance include those that lack context, are highly weathered or eroded, are overly redundant, or are not useful for research.

Occurrences of paleontological resources can be closely tied to geologic formations, members, or beds. This allows the probability of finding paleontological resources to be broadly predicted based on the geologic units present at or near the surface. Therefore, geologic maps can be used to assess the potential to find paleontological resources.

Many fossils, although common and unimpressive in and of themselves, can be important for determining past environments, for determining depositional environment, and as indicators of temporal relationships and for these reasons might be deemed significant.

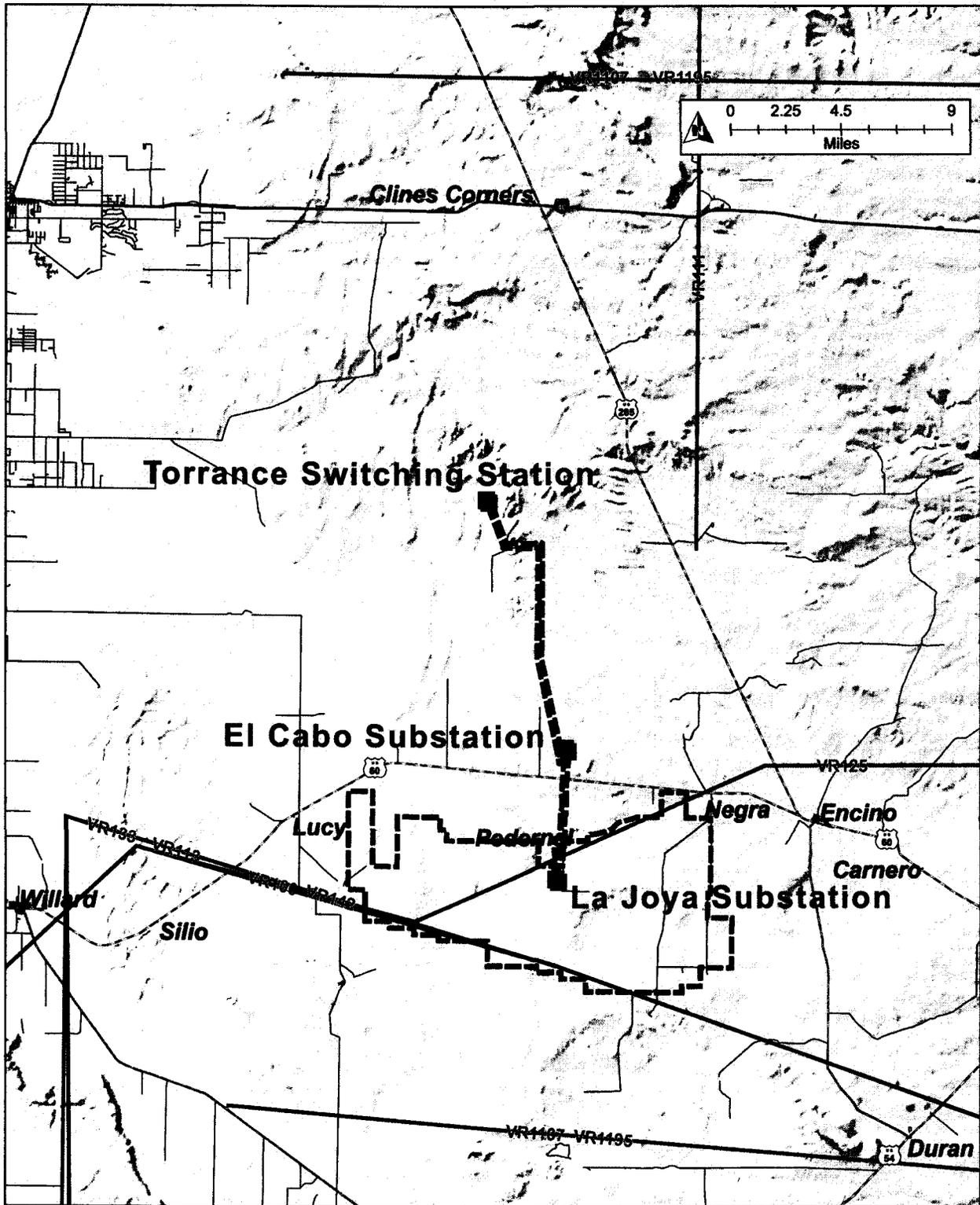
Vertebrate fossil scatters and/or localities, as well as individual fossil occurrences (when deemed unusual, very well-preserved, potentially diagnostic, or potentially significant), should be photographed, recorded using a global positioning system (GPS) receiver (NAD 83 datum), and described. All GPS information should be kept confidential.

Any potential fossils seen during construction should be reported immediately to Leif Bang at Avangrid (720-357-3190) or Barbara Montgomery (520-319-2106) at Tierra, so they can be documented and/or collected.

Areas mapped as Quaternary valley fill, eolian, or volcanic deposits have little potential for producing fossils; however, because their thickness is highly variable and is sometimes not precisely known, these deposits may contain fossils at depth. It is recommended that construction personnel working in these areas notify Avangrid Renewables and/or Tierra immediately should any potential fossils be encountered, so they can be documented and/or collected.



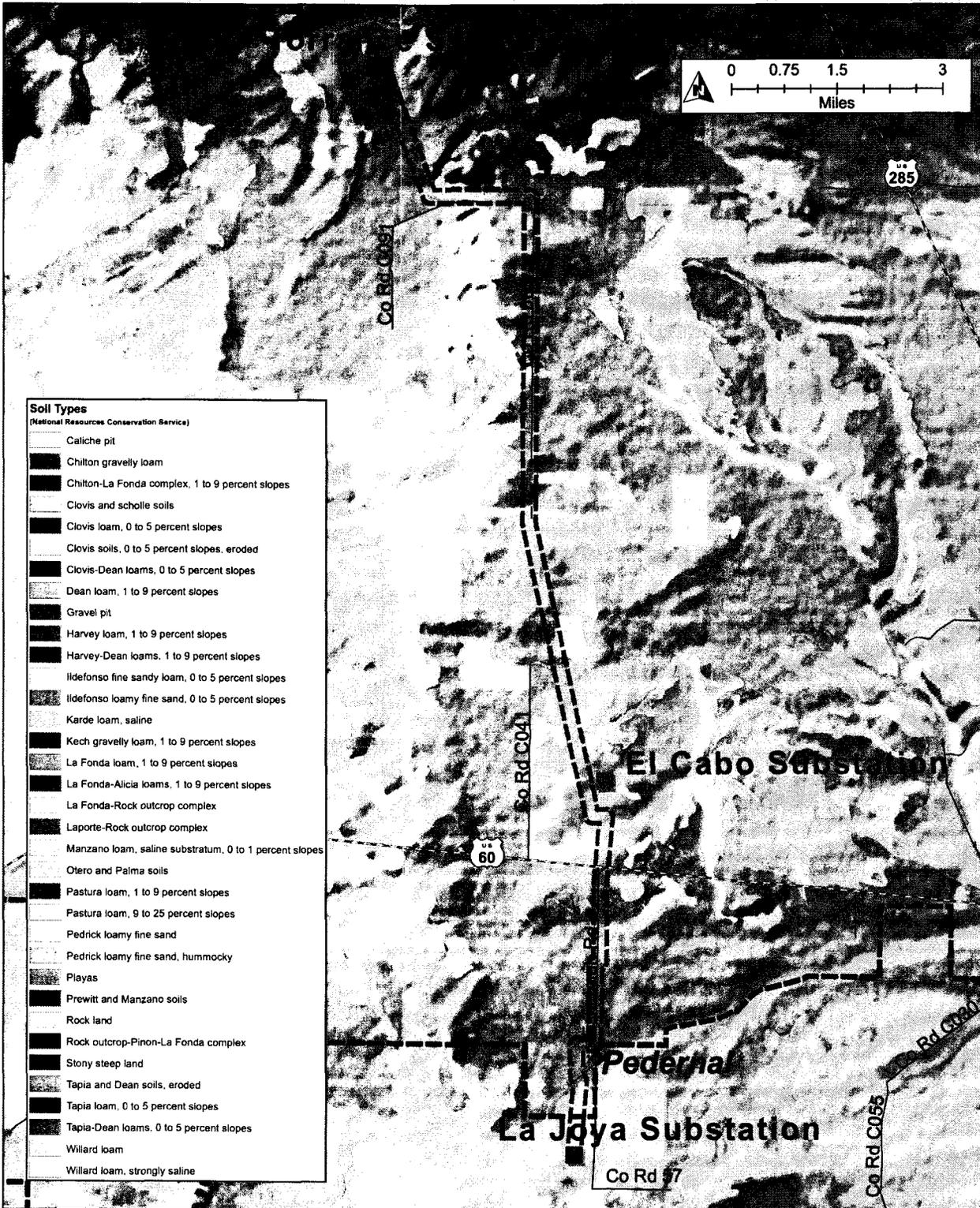
LA JOYA WIND PROJECT AND GENERATION TIE LINE



LEGEND	Project Features	Military Training Routes
	■ Project Substation	— Training Route
	■ Existing Substation	
	□ Gen-Tie Corridor	
	□ Wind Project Area	

Figure 14: Military Training Routes

LA JOYA WIND PROJECT AND GENERATION TIE LINE



Soil Types
(National Resources Conservation Service)

- Caliche pit
- Chilton gravelly loam
- Chilton-La Fonda complex, 1 to 9 percent slopes
- Clovis and scholle soils
- Clovis loam, 0 to 5 percent slopes
- Clovis soils, 0 to 5 percent slopes, eroded
- Clovis-Dean loams, 0 to 5 percent slopes
- Dean loam, 1 to 9 percent slopes
- Gravel pit
- Harvey loam, 1 to 9 percent slopes
- Harvey-Dean loams, 1 to 9 percent slopes
- Ildefonso fine sandy loam, 0 to 5 percent slopes
- Ildefonso loamy fine sand, 0 to 5 percent slopes
- Karde loam, saline
- Kech gravelly loam, 1 to 9 percent slopes
- La Fonda loam, 1 to 9 percent slopes
- La Fonda-Alicia loams, 1 to 9 percent slopes
- La Fonda-Rock outcrop complex
- Laporte-Rock outcrop complex
- Manzano loam, saline substratum, 0 to 1 percent slopes
- Otero and Palma soils
- Pastura loam, 1 to 9 percent slopes
- Pastura loam, 9 to 25 percent slopes
- Pedrick loamy fine sand
- Pedrick loamy fine sand, hummocky
- Playas
- Prewitt and Manzano soils
- Rock land
- Rock outcrop-Pinon-La Fonda complex
- Stony steep land
- Tapia and Dean soils, eroded
- Tapia loam, 0 to 5 percent slopes
- Tapia-Dean loams, 0 to 5 percent slopes
- Willard loam
- Willard loam, strongly saline

Project Features

- Project Substation
- Existing Substation
- Gen-Tie Corridor
- Wind Project Area

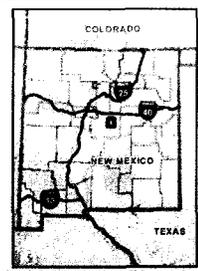


Figure 11: Soils

LA JOYA WIND PROJECT AND GENERATION TIE LINE

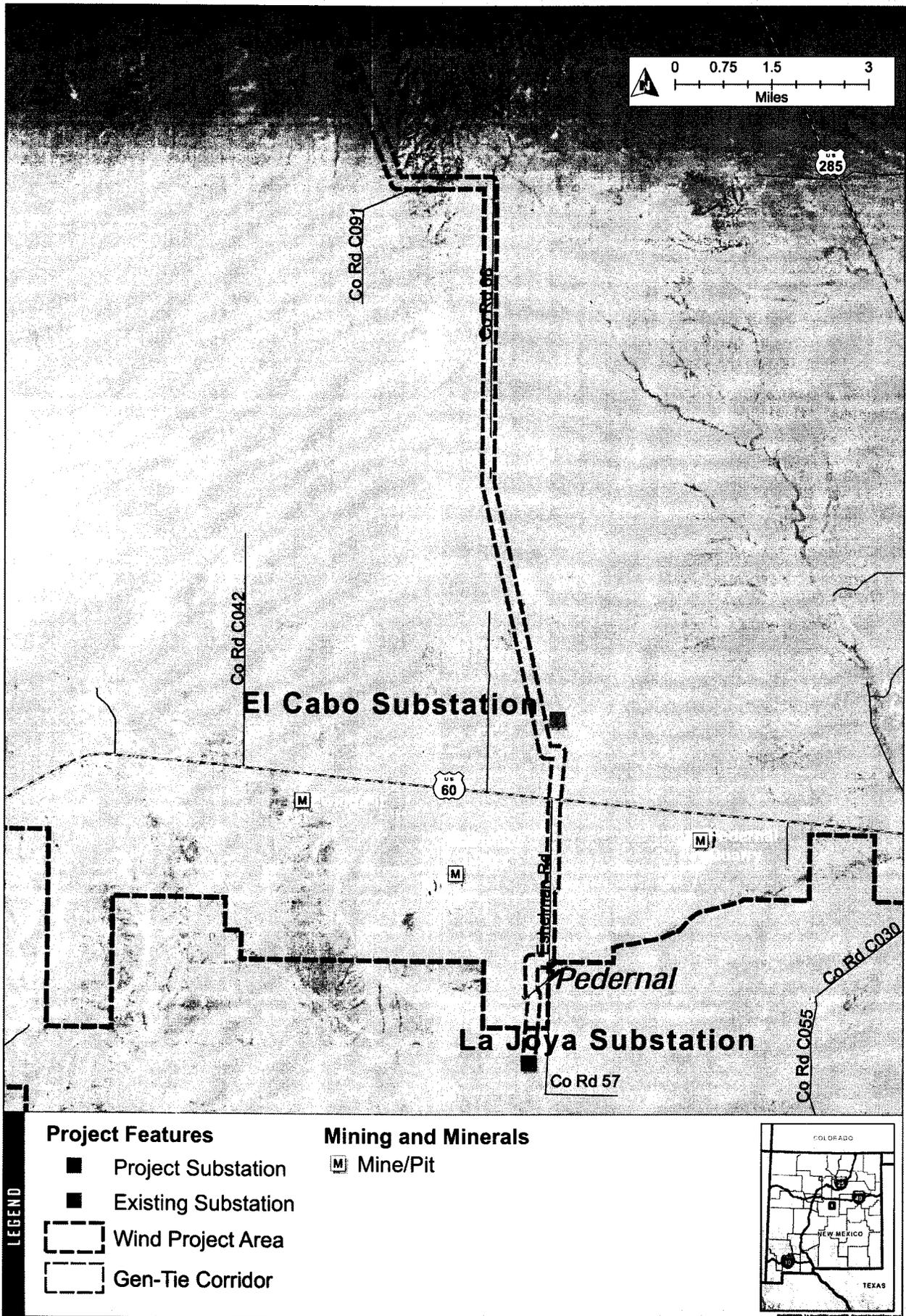


Figure 12: Mining Operations

LA JOYA WIND PROJECT AND GENERATION TIE LINE

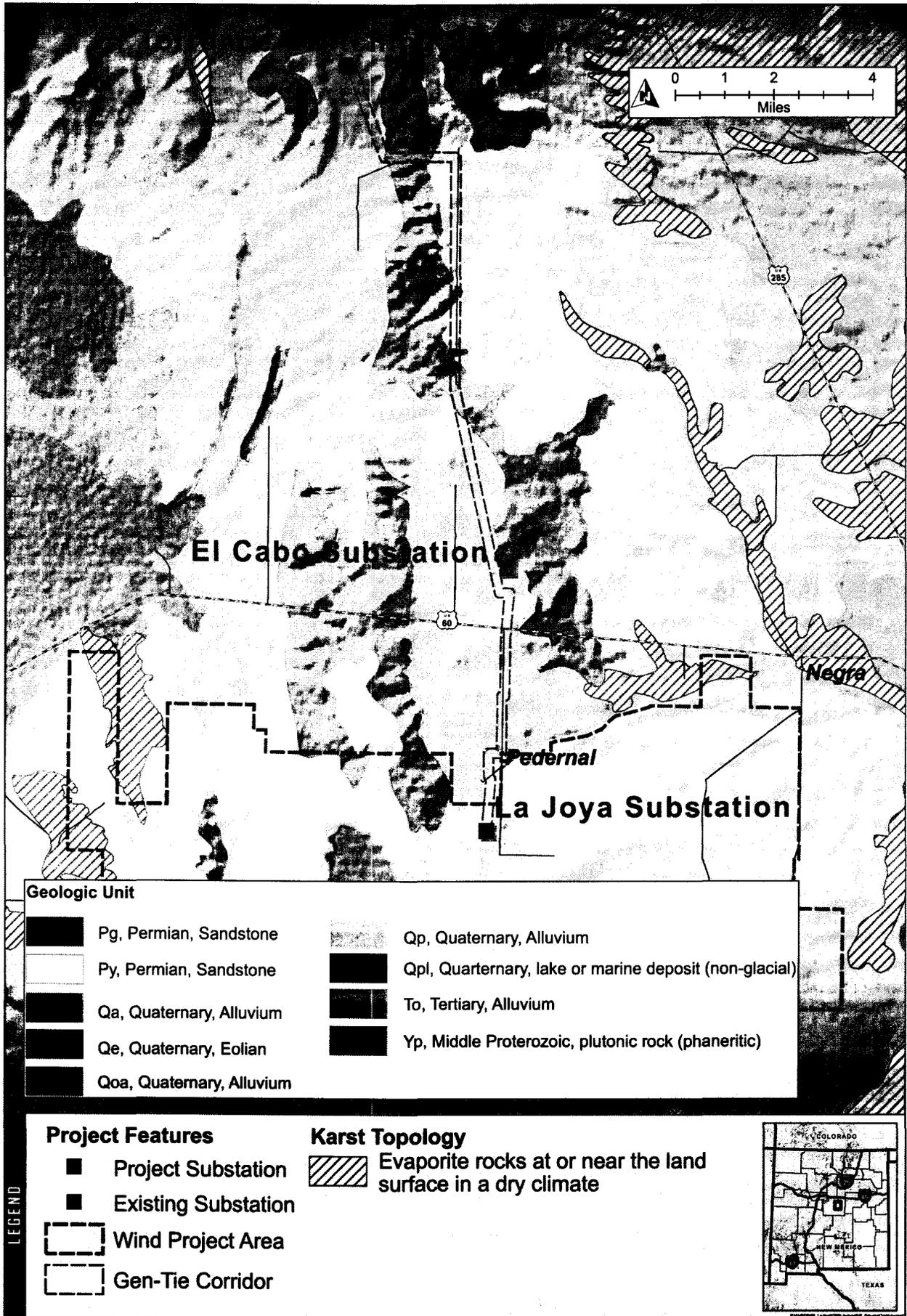


Figure 10: Geology

EXAMPLE HAZARDOUS MATERIALS MANAGEMENT PLAN

1. Introduction

Contractor is committed to preventing accidents and ensuring the safety and health of our employees. We will comply with all applicable federal and state health and safety rules. Under this program employees are informed of the contents of the OSHA Hazard Communications Standard, the hazardous properties of chemicals with which they work, safe handling procedures and measures to take to protect themselves from these chemicals. These chemicals may be physical or health-related.

2. Identifying Hazardous Chemicals

A list will be attached to this plan that identifies all hazardous chemicals with a potential for employee exposure at this workplace. Detailed information about the physical, health, and other hazards of each chemical is included in a Safety Data Sheet (SDS); the product identifier for each chemical on the list matches and can be easily cross-referenced with the product identifier on its label and on its Safety Data Sheet.

3. Identifying Containers of Hazardous Chemicals

The labeling system to be used will follow the requirements in the 2012 revision of the OSHA Hazard Communication Standard to be consistent with the United Nations Globally Harmonized System (GHS) of Classification of Labeling of Chemicals. The label on the chemical is intended to convey information about the hazards posed by the chemical through standardized label elements, including symbols, signal words and hazard statements.

All hazardous chemical containers used at this workplace will have:

1. The original manufacturer's label that includes a product identifier, an appropriate signal word, hazard statement(s), pictogram(s), precautionary statement(s) and the name, address, and telephone number of the chemical manufacturer, importer, or other responsible party
2. A label with the appropriate label elements just described
3. Workplace labeling that includes the product identifier and words, pictures, symbols, or combination that provides at least general information regarding the hazards of the chemicals.

The site Superintendent will ensure that all containers are appropriately labeled. No container will be released for use until this information is verified. Workplace labels must be legible and in English. Information in other languages is available at: **(to be determined)**.

Small quantities intended for immediate use may be placed in a container without a label, provided that the individual keeps it in their possession at all times and the product is used up during the work shift or properly disposed of at the end of the work day. However, the container should be marked with its contents.

4. Keeping Safety Data Sheets (previously known as Material Safety Data Sheets)

The manufacturer or importer of a chemical is required by OSHA to develop a Safety Data Sheet (SDS) that contains specific, detailed information about the chemical's hazard using a specified format. The distributor or supplier of the chemical is required to provide this SDS to the purchaser.

SDS's are readily available to all employees during their work shifts. Employees can review SDS for all hazardous chemicals used at this workplace. (File locations to be determined.)

The SDS's are updated and managed by (to be determined). If a SDS is not immediately available for a hazardous chemical, employees can obtain the required information by calling (to be determined).

5. Training Employees about Chemical Hazards

Before they start their jobs or are exposed to new hazardous chemicals, employees must attend a hazard communication training that covers the following topics:

- An overview of the requirements in OSHA's Hazard Communication Standard.
- Hazardous chemicals present in their workplace.
- Any operations in their work area where hazardous chemicals are used.
- The location of the written hazard communication plan and where it may be reviewed.
- How to understand and use the information on labels and in Safety Data Sheets.
- Physical and health hazards of the chemicals in their work areas.
- Methods used to detect the presence or release of hazardous chemicals in the work area.
- Steps we have taken to prevent or reduce exposure to these chemicals.
- How employees can protect themselves from exposure to these hazardous chemicals through use of engineering controls/work practices and personal protective equipment.
- An explanation of any special labeling present in the workplace.
 - What are pictograms?
 - What are the signal words?
 - What are the hazard statements?
 - What are the precautionary statements?
- Emergency procedures to follow if an employee is exposed to these chemicals. (Name of person or job title responsible for managing the training program) is responsible to ensure that employees receive this training. After attending the training, employees will sign a form verifying

that they understand the above topics and how the topics are related to our hazard communication plan.

Prior to introducing a new chemical hazard into any department, each employee in that department will be given information and training as outlined above for the new chemical hazard.

6. Informing Employees who do Special Tasks

Before employees perform special (non-routine) tasks that may expose them to hazardous chemicals, their supervisors will inform them about the chemicals' hazards. Their supervisors also will inform them about how to control exposure and what to do in an emergency. The employer will evaluate the hazards of these tasks and provide appropriate controls including Personal Protective Equipment all additional training as required.

Examples of special tasks that may expose employees to hazardous chemicals include the following: (include examples of special (non-routine) tasks).

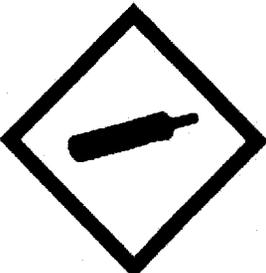
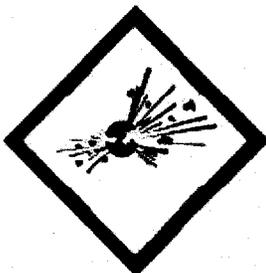
7. Informing contractors and other employers about our hazardous chemicals

If employees of other employer(s) may be exposed to hazardous chemicals at our workplace (for example, employees of a construction contractor working on-site) It is the responsibility of (name of person or job title) to provide contractors and their employees with the following information:

- The identity of the chemicals, how to review our Safety Data Sheets, and an explanation of the container labeling system.
- Safe work practices to prevent exposure.

(Name of person or job title) will also obtain a Safety Data Sheet for any hazardous chemical a contractor brings into the workplace.

HCS Pictograms and Hazards

 <ul style="list-style-type: none">▪ Carcinogen▪ Mutagenicity▪ Reproductive Toxicity▪ Respiratory Sensitizer▪ Target Organ Toxicity▪ Aspiration Toxicity	 <ul style="list-style-type: none">▪ Flammables▪ Pyrophorics▪ Self-Heating▪ Emits Flammable Gas▪ Self-Reactives▪ Organic Peroxides	 <ul style="list-style-type: none">▪ Irritant (skin and eye)▪ Skin Sensitizer▪ Acute Toxicity▪ Narcotic Effects▪ Respiratory Tract Irritant▪ Hazardous to Ozone Layer (Non-Mandatory)
<p>Gas Cylinder</p>  <ul style="list-style-type: none">▪ Gases Under Pressure	<p>Corrosion</p>  <ul style="list-style-type: none">▪ Skin Corrosion/Burns▪ Eye Damage▪ Corrosive to Metals	<p>Exploding Bomb</p>  <ul style="list-style-type: none">▪ Explosives▪ Self-Reactives▪ Organic Peroxides
<p>Flame Over Circle</p>  <ul style="list-style-type: none">▪ Oxidizers	<p>Environment (Non-Mandatory)</p>  <ul style="list-style-type: none">▪ Aquatic Toxicity	<p>Skull and Crossbones</p>  <ul style="list-style-type: none">▪ Acute Toxicity (Fatal or Toxic)

La Joya 345 kV Gen-Tie Facilities Protection Measures

I. Protection Measures Identified in the La Joya Environmental Report:

Air Quality

- Air-1 – Maintaining all fossil fuel-fired construction equipment in accordance with manufacturer recommendations to minimize construction-related combustion emissions.
- Air-2 – Limiting the idling time of fossil fuel-fired construction equipment, unless idling must be maintained for proper operation (e.g., drilling, hoisting, and trenching).
- Air-3 – Limiting the speed of vehicles within construction sites and along the utility ROW during construction to help reduce the amount of fugitive dust generated.
- Air-4 – Utilizing water trucks or other dust suppression measures as necessary to help reduce fugitive dust from construction activities.

Water Resources

- Water-1 – Develop and implement a SWPPP. The SWPPP may include measures such as: silt barrier fences to control runoff, sediment traps and basins, and minimizing exposed soils by using temporary and permanent seeding and mulching.
- Water-2 – Disturbed areas will be restored to its original condition to the extent practicable. Seed mix and seeding rates will be developed through consultation with the local agency, experts, or landowner preference.
- Water-3 – Equipment will be properly maintained for fluid leaks.
- Water-4 – Fuels and petroleum will be stored away from excavated areas.
- Water-5 – Spills will be cleaned up immediately.
- Water-6 – Matting and other temporary protective measures will be used on jurisdictional wetlands that cannot be avoided.
- Water-7 – Establish an appropriate buffer zone around wetlands as necessary to reduce disturbance.
- Water 8 – Span and avoid placing structures in ephemeral streams and other surface water features.

Biological Resources

- Bio-1 – Properly disposing of trash and food debris.

- Bio-2 – Allowing wildlife that has entered the work area to leave the area on their own.
- Bio-3 – Providing environmental awareness training to all construction personnel working on the project.
- Bio-4 – Checking trenches, excavations, and uncapped pipe segments for wildlife.
- Bio-5 – Complying with posted and established project speed limits.
- Bio-6 – Conducting vegetation clearing outside the nesting season where feasible to discourage birds from establishing nests in project work areas.
- Bio-7 – Conducting pre-construction nest searches prior to initiating ground disturbing activities unless vegetation clearing is completed outside of the nesting season.
- Bio-8 – Establishing buffers around occupied raptor nests, as necessary, to minimize disturbance; buffers will be determined based on variables such as species sensitivity to human activity, topography and vegetation near the active nest in relation to construction activities, and stage of nesting/fledging, which may affect sensitivity to disturbance.
- Bio-9 – Design proposed Gen-Tie Facilities to APLIC guidance to minimize avian risk.
- Bio-10 – Micrositing will be completed during engineering design to minimize impacts to sensitive biological resources to the extent practicable

Land Use

- Land-1 – Coordinate with landowners and managers for potential measures, including routing, to reduce impacts on uses on specific properties.
- Land-2 – Plan and conduct construction activities to reduce temporary disturbance and interference with agricultural activities.
- Land-3 – Restore compacted soils as close as possible to pre-construction conditions.
- Land-4 – Compensate landowners at market value for any new land rights required for ROW easements or acquired for new temporary or permanent access roads on private lands. This should include compensation for agricultural production and market values lost during the construction period.

Visual Resources

- Visual-1 – Collocate (where possible) transmission facilities adjacent to other transmission ROWs to help reduce the effect on visual and aesthetic resources.
- Visual 2 – Leave natural vegetation wherever possible.

- Visual-3 – Keep the ROW free of construction debris and other litter during construction to further reduce visual intrusion to the surrounding landscape.

Cultural Resources

- Cul-1 – Avoid known NRHP eligible archaeological sites.
- Cul-2 – Complete surveys in areas with high probability for resources.
- Cul-3 – Follow a project-specific Unanticipated Discoveries Plan.

Religious Resources

- Rel-1 – Follow a project-specific Unanticipated Discoveries Plan.

Geology and Paleontology

- Geo-1 – Follow a project-specific Unanticipated Discoveries Plan.

Soils

- Soil-1 – To the extent possible, topsoil will be placed separately from sub-soils/bedrock during excavation and not comingled and will be replaced in reverse order of excavation.
- Soil-2 – Erosion will be reduced by applying and maintaining standard erosion and sediment control methods. These may include using certified weed free straw wattles and bale barriers and silt fencing. Specific erosion and sediment control measures will be specified in a SWPPP (see Water-1).

Socioeconomics

- Socio-1 – Initiate discussions with the local fire and police district prior to construction and work with the districts and other appropriate emergency response providers to ensure fire and emergency response procedures are in place.
- Socio-2 – Work with individual landowners to try to minimize short-term impacts on rangeland.

Roads

- Road-1 – Pre-construction conditions will be documented and a road use agreement will be developed with Torrance County as necessary.
- Road-2 – Construction speed limits will be established.

- Road-3 – Proper construction techniques and BMPs will be employed to minimize impacts to local roads.

Military

- Mi1-1 – Coordinate with military bases and aviation facilities as needed.

Hazardous Materials

- Haz-1 – Prepare a Spill Prevention, Containment, and Countermeasure Plan.
- Haz-2 – Hazardous materials will not be drained onto the ground or into streams or drainage areas.
- Haz-3 – Construction waste including trash, other solid waste, petroleum products and other potentially hazardous materials will be removed to a disposal facility authorized to accept such materials.

Safety

- Safe-1 – Pacific Wind and its contractors, as appropriate, will initiate discussions with local fire districts and regional fire prevention staff prior to construction to discuss emergency procedures and to provide transmission line safety training, including safety procedures for conducting fire suppression activities near a power line.
- Safe-2 –As appropriate, vehicles will be equipped with fire suppression tools and equipment. Fire suppression equipment may include, but will not be limited to, shovels, buckets, and fire extinguishers.
- Safe-3 – Smoking and equipment parking will be restricted to approved areas.
- Safe-4 – Pacific Wind and /or its contractors will fuel all highway-authorized vehicles off-site or in approved areas to minimize the risk of fire. Fueling of construction equipment that is transported to the site and is not highway authorized will be done in accordance with regulated construction practices and applicable federal, state, and local laws.
- Safe-5 –A safety plan will be developed prior to construction. The plan will include items such as location of nearest medical emergency facilities, agency contacts and procedures, and inclement weather procedures.

II. Additional Measures Known to be of Interest to Commission Staff:

- Add-1 – Pacific Wind's contractors shall implement a hazard communication program for any onsite hazardous materials to include training, labeling and posting of Material Safety Data Sheets ("MSDS"). Fuels and petroleum-based products shall be stored in approved containers and away from excavated areas. Waste motor oil, hydraulic fluid and liquid gear lube shall be stored in approved containers in isolated areas and removed to an authorized disposal facility monthly and in accordance with regulations of the New Mexico Environment Department (NMED). All equipment using hydraulic hoses and cylinders shall be inspected for leaks. Any equipment found to have petroleum leaks that cannot be repaired immediately shall be removed from service and replaced.
- Add-2 – Pacific Wind's construction crews shall have proper training, there will be spill kits on site, and any leaking equipment shall be repaired immediately. In the event contaminants are released, in addition to the requirements outlined in the environmental report, Pacific Wind shall adhere to the notification policies contained in 20.6.2.1203 NMAC.
- Add-3 – Construction is unlikely to but could lead to the inadvertent excavation of asbestos-containing pipes, or soils contaminated with asbestos fines/fragments. In the event such fragments/soils are excavated, Pacific Wind shall analyze such fragments/soils by Polarized Light Microscopy, or a more accurate method, and if the fragments/soils exceed more than 1% asbestos, the asbestos waste will be disposed of by an approved commercial hauler in accordance with New Mexico Solid Waste Rules.
- Add-4 – Pacific Wind shall comply with Sections 401 and 404 of the Clean Water Act (CWA) and obtain all necessary permits. All impacts to Waters of the U.S. shall be evaluated against the requirements of the U.S. Army Corps of Engineers for nationwide permit no. 12, as applicable.
- Add-5 – Prior to commencement of construction activities, Pacific Wind shall develop a Storm Water Pollution Prevention Plan (SWPPP) and obtain coverage under a National Pollution Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA) pursuant to Section 402 of the Clean Water Act, 33 U.S.C. § 1342.
- Add-6 – Any new water wells drilled or diversions of existing water rights in the Project Area for the Project shall be appropriately permitted with the New Mexico Office of the State Engineer, and with the agreement of the water rights holder.
- Add-7 – Construction activities in areas within 1/2 mile of non-participating residents shall be conducted during daylight hours, generally between 6:00 am and 8:00 pm, unless necessary due to weather, safety, or schedule constraints. Non-participants are defined as landowners in the Project Area who do not have a contractual agreement with Pacific Wind. If required,

nighttime construction will be allowed but shall not exceed two consecutive nights for that residential area.

- Add-8 – Pacific Wind shall minimize, as is practicable, all construction related earthwork activities required to complete the Project including excavation, cutting, scraping, scarifying, grading, cutting and filling. Wet suppression techniques or dust palliatives shall be used, as appropriate, to control airborne fugitive dust in construction areas, along the utility right of way (ROW), and on temporary haul roads and access roads. Pacific Wind shall post and enforce a speed limit of 25 miles per hour on all unpaved private access roads in the Project Area for use by Pacific Wind employees or its contractors. Construction personnel shall be provided training in dust suppression best practices for construction operations, in particular during the dry season and high wind events. The ROW shall be maintained free of construction debris and litter.
- Add-9 – Compressor engines for generators and associated equipment used for the Project shall be compliant with the air emissions standards of the New Source Performance Standards (NSPS) found at 40 CFR Part 60 subparts IIII and JJJJ for spark ignition and compression ignition engines, respectively, as applicable. Pre-NSPS generators and associated equipment not meeting applicable NSPS air emissions standards shall not be used for the Project. At least 90 days prior to the use of any diesel-, natural gas- or propane- fired generator engine(s), Pacific Wind or its representative shall apply for either a general construction permit (GCP) or a Part 72 air quality construction permit, as applicable, pursuant to the New Mexico Air Quality Control Act NMSA 1978, §§ 74-2-1 et seq., and 20.7.72 NMAC, Construction Permits.
- Add-10 – Crushing and screening plants and their associated equipment shall be compliant with the air pollution emissions standards of 40 CFR 60 Subpart 000 NSPS for Non-Metallic Mineral Processing Plants, as applicable. Pre-NSPS crushing and screening plants and associated equipment not meeting applicable emissions standards shall not be used for the Project. At least 90 days prior to the use of crushing and screening plants and associated equipment, Pacific Wind or its representative shall apply for either a GCP or a Part 72 air quality construction permit, as applicable, pursuant to the New Mexico Air Quality Control Act NMSA 1978, §§ 74-2-1- et seq., and 20.7.72 NMAC, Construction Permits. Any crushing and screening plant previously permitted at a different location by the New Mexico Environment Department (NMED) and is seeking to relocate to provide services to the Project shall apply for applicable relocation approvals at least 90-days in advance.
- Add-11 – At least 90 days prior to the use of concrete batch plants and associated equipment, Pacific Wind or its authorized representative shall apply for either a GCP or a Part 72 air quality construction permit, as applicable, pursuant to the New Mexico Air Quality Control

Act NMSA 1978, §§ 74-2-1- et seq., and 20.7.72 NMAC, Construction Permits. Any concrete batch plant that was previously permitted by the NMED at a different location in the state and is seeking to relocate to provide services to the Project shall apply for relocation approval, if applicable, at least 90-days prior to use.

- Add-12 – All wetlands, ponds, playas and ephemeral drainages shall be avoided or spanned by the Gen-tie line, where practicable. No substations or switchyards shall be placed in wetlands or playas. To the extent practicable, staging areas, laydown yards, wire pulling, tensioning sites and other work areas shall use existing disturbed areas, sited in proximity to existing roads, where practicable, and also sited to avoid ponds, wetlands, playas and ephemeral drainages. Where wetlands cannot be avoided, matting or other temporary measures should be used to minimize impacts.
- Add-13 – In areas of soil disturbance that are in proximity to USACE jurisdictional wetlands, ponds, playas and ephemeral drainages, straw wattles, bale barriers or silt fencing, as appropriate, shall be placed as erosion and sediment control measures, or as provided in the SWPPP. Such areas shall be reseeded and reclaimed after completion of construction. Reseeding shall use native grasses, shrubs or forbs or as agreed to with landowner.
- Add-14 – No wind turbines, substations or switchyards shall be located in areas mapped as a 100-year floodplain by the Federal Emergency Management Agency (FEMA) unless floodplain development permits have been obtained from Torrance County. Collection lines, cables and access roads shall be designed to minimally intersect the floodplain and shall not change the base flood elevation or otherwise affect the floodplain. The placement of poles and structures for overhead collection shall minimally intersect the flood plain without affecting the base flood elevation. If practicable, at the end of construction, underground collection cable trenches shall be reclaimed to pre-existing contours without affecting the floodplain.
- Add-15 – To the extent practicable, access roads shall be designed to be at right angles to streams, and the hydrology flow of stream courses shall not be changed. Pacific Wind shall implement appropriate erosion control measures in areas with slopes, as provided in the SWPPP. To the extent practicable, temporary access roads shall be designed following existing landform contours, where practicable, and revegetated with native or similar grasses, shrubs or forbs, or as agreed to with landowner.
- Add-16 – If sanitary sewer systems do not already exist at the Project locations where service is needed, Pacific Wind or its representative shall apply for liquid waste disposal (septic) systems permits from the NMED pursuant to 20.7.3 NMAC, as applicable. Applications for liquid waste disposal permits shall be submitted to the NMED at least ninety days (90) prior

to the system installation date(s). In the event any proposed discharges to ground water equal or exceed five thousand (5,000) gallons per day, Pacific Wind shall apply for ground water discharge permit(s) at least one hundred and eighty (180) days prior to the system installation date(s).

- Add-17 – Pacific Wind shall perform preconstruction surveys of raptor, eagle and other migratory bird habitat and all existing nests shall be preserved, if practicable, or relocated if necessary. Where practicable, Gen-tie lines, turbines and associated facilities shall not be located near active raptor nests. During construction, Pacific Wind shall establish protection measures for active nests. Active nests shall not be relocated until the New Mexico Department of Game and Fish (NMDGF) has been consulted and given approval for the relocation.
- Add-18 – Pacific Wind shall complete burrowing owl surveys in appropriate habitat during the burrowing owl breeding season prior to ground disturbing activities. If active burrows are found mitigation measures will be used. Mitigation measures may include buffering and avoidance as determined in consultation with qualified biologist.
- Add-19 – Prior to commencement of construction, crews shall be given proper training in identifying cultural, ecological, archeological and paleontological resources that may be expected within the area. Additionally, construction crews shall be trained in an Unanticipated Discoveries Plan.
- Add-20 – To reduce visual and aesthetic impacts on the ROW, where practicable, Pacific Wind shall leave vegetation to the extent practicable within the 150-foot-wide ROW. No turbines, Gen-Tie lines, or associated facilities shall be placed in a location that would block the view of a major portion of a scenic vista or byway, as viewed from a public road, park, trail or open space.
- Add-21 – Beginning 90-days from the date the Commission issues a final order granting approval for the Project, Pacific Wind shall file quarterly compliance reports with the Commission (1) identifying progress made with respect to any phase of the Project and the applicable terms and conditions included in the Order, (2) reporting any deviations from the terms and conditions, reasons for the deviation and alternative measures implemented, and (3) providing notice of the date the Project becomes operational.

County Commission

James "Jim" Frost
Commissioner
District 1

Julia DuCharme
Commissioner
District 2

Javier E. Sanchez
Commissioner
District 3



PO Box 48 ~ 205 Ninth Street
Estancia, NM 87016
(505) 544-4700 Main Line (505) 384-5294 Fax
www.torrancecountynm.org

County Manager
Belinda Garland

Deputy County Manager
Annette Ortiz

County Attorney
Dennis Wallin

October 22, 2018

New Mexico Public Regulation Commission
P.O. Box 1269
Santa Fe, NM 87501

Dear Commission Members:

Please consider this letter of support submitted on behalf of the Torrance County Commissioners for the La Joya Wind Project and transmission line proposed to be constructed in Torrance County by Avangrid Renewables and its project company Pacific Wind Development. As a predominantly rural County, we welcome the substantial investment in these facilities in our County. This development will result in new jobs and economic development in the County, will provide direct benefits to participating landowners, and will benefit energy consumers in New Mexico.

Torrance County reviewed and approved this project with respect to our land use, planning and zoning ordinances and policies. In February, 2011 the County approved a Special Use District for an area that includes Avangrid's now-operational El Cabo Wind Project and a portion of the project area for the La Joya Wind Project. The County reviewed and included the remaining portion of the project area for the La Joya Wind Project and the transmission line in a Special Use District in May, 2017. We look forward to construction and operation of the project.

Torrance County strongly supports the La Joya Wind Project and Avangrid's continuing investment in the future of New Mexico's rural areas that are well positioned to contribute to the generation of renewable energy. We encourage the Commission to approve the location of the La Joya Wind Project and its transmission line.

Thank you for your time and consideration.

Best Regards:

Belinda Garland
Torrance County Manager

Chairman Sandy Jones
Commissioner Patrick H. Lyons
Commissioner Valerie Espinoza
Commissioner Cynthia B. Hall
Commissioner Lynda Lovejoy

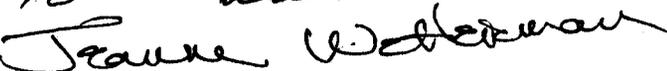
New Mexico Public Regulation Commission
PERA Building
1120 Paseo de Peralta
Santa Fe, NM 87501

Dear Commissioners:

As a landowner, it is my pleasure to welcome La Joya Wind Project to our area. We are pleased to support the wind industry developing in Torrance County. The La Joya Project will benefit the local area and the state of New Mexico by generating revenues and jobs, while supporting continued ranching and agricultural uses of the land. Wind generation projects like La Joya help sustain rural communities like ours. The Project will take advantage of our tremendous wind resource to produce sustainable and renewable energy. Some of this renewable energy will be used to supply Facebook, a welcome addition to our state, and will encourage more use of renewable resources within and outside New Mexico.

I encourage you to support and approve the location of the La Joya Wind Project in Torrance County.

Yours Sincerely,

Nov. 8, 2018

Chairman Sandy Jones
Commissioner Patrick H. Lyons
Commissioner Valerie Espinoza
Commissioner Cynthia B. Hall
Commissioner Lynda Lovejoy

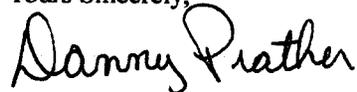
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I encourage you to support and approve the location of the La Joya Wind Project in Torrance County.

Yours Sincerely,



Estancia Valley Economic Development Association

P.O. Box 3209 Moriarty, NM 87035 505-252-0252 or 505-832-5428 director@vedam.com

V

September 21, 2018

E

New Mexico Public Regulation Commission
1120 Paseo De Peralta
Santa Fe, NM 87501

D

To the Office of the Clerk of the Public Regulation Commission:

The Estancia Valley Economic Development Association, EVEDA, would like to extend our complete support for the La Joya wind farm project in Eastern Torrance County.

A

Infrastructure projects, such as renewable energy, enhances the economic viability in many areas of our state, and we are excited to be a part of this renewable energy project in Central New Mexico.

All Citizens of New Mexico benefit from a diversification of state economic development opportunities, that provide state and local tax revenues. Renewable energy development is a major opportunity for projects like the La Joya Wind farm that help support New Mexico for decades to come.

This wind project will provide millions of dollars of investment into the state and will provide tax revenues to local governments, services and schools. Additionally, the project is estimated to provide hundreds of constructions jobs and full time employment both direct and indirect.

Renewable energy projects also provides collaboration with our local schools and colleges, allowing students and adults opportunities to obtain certifications for employment opportunities in their communities.

The Estancia Valley Economic Development Association would encourage a favorable review of the La Joya Wind Farm project application at the New Mexico Public Regulation Commission.

Respectfully,



Myra Pancazio, Exec. Director

Executive Officers

Betty Callier - Chairman Dave Tixier - Vice-Chairman Steve Jones - Secretary Bill Williams - Treasurer
Torrance Commission - Jim Frost Santa Fe County Commission - Robert Anaya Moriarty Council - Steve Anaya Edgewood Council - John Abrams
Estancia Trustee - Morrow Hall EMW Gas Assoc. - Ronnie Reynolds CNMEC - Matthew Collins Magnum Land & Bldg. Dev. - Skip Pascoe
Executive Director - Myra Pancazio

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The Storage & Office Solution Specialists

5328 Edith Boulevard NE
Albuquerque, New Mexico 87107
office 505.792.1380
fax 505.792.1377
www.mobilemini.com

11-9-18

Chairman Sandy Jones
Commissioner Patrick H. Lyons
Commissioner Valerie Espinoza
Commissioner Cynthia B. Hall
Commissioner Lynda Lovejoy

New Mexico Public Regulation Commission
PERA Building
1120 Paseo de Peralta
Santa Fe, NM 87501

Dear Commissioners:

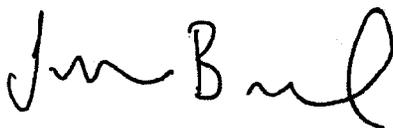
This is to express support for the La Joya Wind Project in Torrance County. The Project will benefit the communities, businesses and landowners in our area and in the state. Wind generation projects like La Joya help sustain rural communities like ours. We understand the Project could create up to 400 jobs and contribute millions of dollars to our economy during construction and around a dozen jobs and millions of dollars annually during operations. The Project will bring business to suppliers and vendors, will enhance household resources for employees, and stimulate economic activity in the area. We look forward to the economic benefits this Project will bring to our area and to the state.

With the interest of projects like La Joya and its neighbor, El Cabo, wind energy is becoming one of Torrance County's most important economic resources. We support the encouragement of these developments in our rural area, which is extremely well suited to wind energy generation. The La Joya Project will support continued ranching and agriculture on project lands, will provide jobs and revenues, and will provide sustainable and renewable energy for use within and outside New Mexico.

As a local business owner that has benefitted from previous wind development in Torrance County, we look forward to doing business with the La Joya Project, and we encourage you to support and approve the location of the La Joya Wind Project in Torrance County.

Yours Sincerely,

Jordan Bernal
Mobile Mini Branch Manager
5328 Edith Blvd NE
Albuquerque, NM 87109



November 9, 2018

Chairman Sandy Jones
Commissioner Patrick H. Lyons
Commissioner Valerie Espinoza
Commissioner Cynthia B. Hall
Commissioner Lynda Lovejoy

New Mexico Public Regulation Commission
PERA Building
1120 Paseo de Peralta
Santa Fe, NM 87501

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Yours Sincerely,


Victor and Tracie Gallegos
The Encino Firehouse Mercantile and Deli

VERIFICATION

STATE OF Oregon)
COUNTY OF Multnomah) ss.

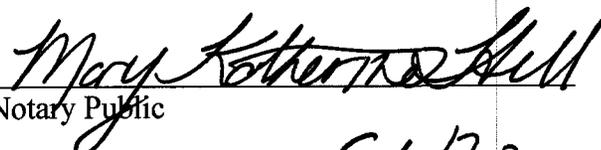
Mark Stacy, first being sworn on his oath, states:

I am the witness identified in the foregoing Direct Testimony of Mark Stacy. I hereby verify that I have read the foregoing Direct Testimony of Mark Stacy and the statements contained therein are true and correct to the best of my knowledge and belief.



Mark Stacy

Subscribed, sworn to, and acknowledged before me on this 13th day of November, 2018.



Notary Public
My commission expires Feb 13, 2022

