



## ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

May 31, 2012

**Chris Bazar**  
Agency Director

**Albert Lopez**  
Planning Director

224  
West Winton Ave  
Room 111

Hayward  
California  
94544

phone  
510.670.5400  
fax  
510.785.8793

[www.acgov.org/cda](http://www.acgov.org/cda)

**FROM:** Sandra Rivera  
Assistant Planning Director  
Alameda County Community Development Agency  
224 W. Winton Avenue, Suite 110  
Hayward, CA, 94544

**SUBJECT:** Notice of Preparation (Notice) of an Environmental Impact Report for  
Modifications to Existing (Year 2005) Conditional Use Permits – Altamont  
Winds Inc. (AWI)

### SUMMARY:

The County of Alameda (County) is issuing this Notice of Preparation to inform agencies and interested parties that the County will be preparing an Environmental Impact Report (EIR) for proposed modifications to existing Altamont Winds Inc. conditional use permits (CUPs) in the Altamont Pass Wind Resource Area (APWRA). Altamont Winds Inc. (the Applicant) has requested CUP modifications related to operational schedules for 85.8 MW of existing wind turbines in the Alameda County portion of the APWRA. The County will serve as the Lead Agency for the EIR, which will be prepared pursuant to the California Environmental Quality Act (CEQA) and in accordance with relevant federal, state and local regulations.

The County is soliciting the views of agencies, organizations, Native American tribes, and interested parties as to the scope and content of the environmental resources and topics to be studied in the EIR and to advise the public that outreach activities conducted by the County and their representatives will be considered in the preparation of the EIR. In accordance with CEQA, agencies are requested to review the project description provided in this NOP and provide comments on environmental issues related to the statutory responsibilities of the agency.

The EIR will be used by the East County Board of Zoning Adjustments in its consideration of approval of the proposed CUP modifications.

CEQA sets the review and comment period for an NOP to end 30 days after publication. The County therefore requests comments on this NOP be received no later than the close of business on June 25, 2012. Written comments on the AWI Permit Modification EIR scope, including the project objectives, the alternatives to be considered, the impacts to be evaluated, and the methodologies to be used in the evaluations, should be sent to:

Sandra Rivera, Assistant Planning Director  
ATTN: AWI Permit Modification EIR  
Alameda County Community Development Agency  
224 W. Winton Avenue, Suite 110  
Hayward, CA 94544

Comments can also be sent via email with subject line "AWI Permit Modification EIR" to: [sandra.rivera@acgov.org](mailto:sandra.rivera@acgov.org). Please include a return address and contact name with your written comments.

## **PUBLIC SCOPING MEETING**

A public scoping meeting will be held at the time and location listed below, in order to inform interested parties about the proposed scope of the analysis in the EIR and to solicit comments on the proposed scope of the EIR. Comments may be provided orally or in writing at the scoping meeting, which is scheduled at the following time and place:

Thursday, June 21, 2012  
5:30 p.m. to 7:30 p.m.

Alameda County Public Works Agency  
Operations Building  
4825 Gleason Drive  
Dublin, CA 94568

The meeting facilities will be accessible to persons with disabilities. If special translation or signing services or other special accommodations are needed, please contact Maria Palmeri at 510-670-5400 or [maria.palmeri@acgov.org](mailto:maria.palmeri@acgov.org) at least 48 hours before the scoping meeting. Scoping materials will also be made available through the County's Internet site:

<http://www.acgov.org/cda/planning/landuseprojects/currentprojects.htm> .

FOR FURTHER INFORMATION, CONTACT: Sandra Rivera, Assistant Planning Director, ATTN: AWI Permit Modification EIR, Alameda County Community Development Agency, 224 W. Winton Avenue, Suite 110, Hayward, CA, 94544, or at (510) 670-5400.

### **Project Location**

The proposed project consists of operational modifications to 16 Conditional Use Permits (CUPs) for existing wind turbines within an approximately 14,436.45-acre portion of the 50,000-acre Altamont Pass Wind Resource Area (APWRA) in eastern Alameda County, California (Figures 1 and 2). The project site is bisected by Interstate 580. The portion of the site lying southerly of I-580 constitutes approximately 7,700 acres with the remainder lying northerly of I-580. The lands are currently under permit by AWI or its affiliates either solely or as a shared arrangement with other wind farm operators. In preparation for repowering, AWI is in discussions with another wind farm operator in the APWRA regarding a contemplated wind turbine exchange, whereby AWI would exchange some of its wind turbines for an equal number of wind turbines owned and operated by another wind farm operator. Such an exchange would result in AWI operating wind turbines on different parcels of land than those on which it presently operates. Under no circumstances, however, will any such exchange augment the capacity or quantity of AWI's operating turbines. Table 1 below outlines existing CUPs, landowners, Assessor's Parcel Numbers (APNs), and approximate acreage for the lands that may be included either in whole or in part in the project, including lands on which AWI may operate following an exchange scenario as contemplated above. Partial involvement for some parcels will be necessary because AWI does not have control of all turbines on all parcels.

### **Project Background**

On November 13, 2003 and on January 29, 2004, the East County Board of Zoning Adjustments (EBZA) approved Conditional Use Permits (CUPs) for the continued maintenance and operation of wind turbines (or "wind farms") by four different operating companies, including among others, Altamont Winds Inc. (AWI, also operating on behalf of its affiliate WindWorks Inc.) in the Altamont Pass Wind Resource Area (APWRA) in Alameda County. Those permits are all set to expire on September 22, 2018. The EBZA concluded that its decision to issue the CUPs was categorically exempt from the California Environmental Quality Act (CEQA). The Center for Biological Diversity (CBD), Californians for Renewable Energy (CARE), and Golden Gate Audubon Society appealed these approvals to the County of Alameda

(County) Board of Supervisors (BOS) primarily on the grounds that the CUPs were not exempt from CEQA, due to special circumstances represented by high levels of avian mortality.

Table 1. Existing Conditional Use Permits (CUPs C-8239 and C-8231 are not currently owned by AWI or its affiliates).

<b>CUP No.</b>	<b>Landowner</b>	<b>Assessor's Parcel Numbers</b>	<b>Approximate Acres</b>
C-8036	Frick/Costa	99B-5680-15	207.12
C-8037	Pombo	99B-6300-2-1, 99B-6300-2-2, 99B-6425-1-6, 99B-6325-2-4 and 99B-6400-1-7	224.26
C-8134	Rooney	99B-6125-2	160.21
C-8137	Mulqueeney	99B-7900-1-5, 99B-7900-1-7, 99B-7890-2-4, 99B-7890-2-5, 99B-7890-2-6, 99B-7925-2-4, 99B-7925-2-1, 99B-7925-2-5, 99B-7950-2, 99B-7975-1, 99B-7980-1, 99B-7985-1-6, 99B-7985-1-4, 99B-7985-1-3, 99B-7985-1-5, 99A-1800-2-4, 99A-1800-2-3 and 99B-8050-1	4,447.50
C-8191	Mulqueeney	99B-7910-1-1	592.84
C-8243	ACWMA	99A-1780-1-4, 99A-1770-2-1, 99A-1770-2-2, 99A-1770-2-3, 99A-1810-1 and 99A-1790-3	1,324.83
C-8216	ACWMA	99A-1810-1	240.81
C-8231	Altamont Landfill	99B-6225-1, 99B-6250-1, 99B-6275-1-1	1,547.80
C-8232	Egan	99B-6125-3	160.47
C-8233	Elliott	99B-6125-4	157.54
C-8235	Corbett	99B-5650-1-4 and 99A-1785-1-14	284.96
C-8236	Dunton	99B-5680-1	330.46
C-8237	Valhalla (Devincenzi)	99B-5610-1 and 99B-6075-3	665.98
C-8238	Ralph (north)	99B-7300-1-5 and 99B-7375-1-7	766.57
C-8239	Jackson	99B-6125-5	325.59
C-8241	Walker	99B-6100-2-10, 99B-6100-2-11, 99B-6100-2-12, 99B-6100-3-10, 99B-6100-3-15, 99B-6100-3-11	1,314.55
C-8242	Gomes (north)	99B-6150-4-10, 99B-6150-3 and 99B-6150-2-7	635.48
C-8244	Gomes (south)	99B-6425-2-3, 99A-1790-2 and 99A-1795-1	1,049.48
		<b>TOTAL ACREAGE</b>	<b>14,436.45</b>

On September 22, 2005, the BOS upheld the decision of the EBZA to grant the CUPs with modifications to include several conditions advocated by CBD, CARE, and the Golden Gate Audubon Society to address avian mortality. Some of the major conditions imposed in the BOS approval to mitigate avian mortality in the APWRA included the following:

1. Preparation of an environmental impact report (EIR) to evaluate existing operations of the wind farms and a program of repowering the APWRA with new turbines.
2. Expiration of permits for existing turbines after 13 years (in September of 2018).

3. Formation of an APWRA Scientific Review Committee.
4. Implementation of an Avian Wildlife Protection Program & Schedule (Exhibit G of the 2005 CUPs), including seasonal shutdown and removal of high risk turbine requirements, and a schedule for phased decommissioning (shut down and removal) of existing turbines in anticipation of repowering, beginning with 10% removal by September 2009, 35% by 2013, 85% by 2015, and 100% by the end of the CUP term in 2018.
5. Periodic reviews of progress to affirm the findings of the CUPs (e.g., required by the public need, no adverse effects on the health or safety of persons residing or working in the vicinity, etc.) in Years 3 and 8.

A subsequent lawsuit by CARE and a coalition of Audubon groups led to mediation for a settlement agreement between the petitioners, the County and some of the wind farm operators in 2007, but to which AWI was not a “settling party.” The settlement agreement applied only to turbines owned by the “settling” wind power companies, but not those owned by AWI. The primary results of the settlement agreement for the settling parties included changes to Exhibit G, elimination of progress reviews in Years 3 and 6, and acceleration of habitat conservation strategies or components. For AWI as the “non-settling party,” the progress reviews and original requirements of Exhibit G were not changed, including requirements related to habitat conservation strategies, requirements for an EIR, a repowering program, the scheduled removal of turbines and other conditions. For the settling parties, a Natural Community Conservation Plan (NCCP), or similar document that could be reviewed by the California Department of Fish and Game, was planned to be prepared to address avian impacts. AWI agreed with the County to participate in the NCCP (a habitat conservation plan [HCP] in addition to the NCCP was later proposed by the County), and in the period in which the NCCP and HCP were being developed, the County put the Year 3 progress review in abeyance, until such time as those plans were adopted.

AWI is currently operating turbines under the 2005 CUPs, including two CUPs which are held by an AWI affiliate itself (C-8191 and C-8216) and numerous other turbines under 14 other CUPs that are held by Altamont Infrastructure Company. Key requirements from Exhibit G of the 2005 CUPs required the following:

- By September 30, 2009, AWI (and each of the other turbine operators) shall have ceased operation and permanently removed 10% of its individually owned existing turbines in preparation for installation of repowered turbines.
- By September 30, 2013, AWI shall have ceased operation and permanently removed an additional 25% (a total of 35% of all turbines covered by the 2005 CUPs are required to be removed) of its individually owned existing turbines.
- By September 30, 2015, AWI shall have ceased operation and permanently removed an additional 50% of its then-existing individually owned turbines (a total of 85% of all turbines covered by the 2005 CUPs are required to be removed).
- By September 30, 2018, AWI shall have ceased operation and permanently removed the remainder of its turbines such that 100% of AWI’s turbines covered by the 2005 CUPs are permanently removed.
- Between October 2009 and September 2018, from November 1 of each year to the following February 15 (3 ½ month shutdown), AWI shall cease operations of its existing (non-repowered) turbines on a one-time universal basis per season in lieu of the cross-over design winter shutdown. (The 2005 condition was modified by the Planning Director based on the recommendations of the SRC.)

Currently, a separate Program EIR (PEIR) is under development that will comply with the requirements of AWI's 2005 CUPs with regard to the requirement for an EIR to evaluate its repowering program. In addition to a PEIR, an Avian Wildlife and Bat Protection Program (AWBPP) is being developed as an appendix to the PEIR to consolidate all of the requirements related to birds and bats that will be developed through the PEIR analysis. The AWBPP will provide guidelines for operation of turbines that will be incorporated into project-specific AWBPPs developed by each wind company prior to commencing repowering construction. The preparation of the PEIR and AWBPP will support the review of new CUPs for operation of the wind turbines by all the operators (under the Repowering Program). The PEIR is also expected to evaluate specific projects for three repowering projects currently proposed by AWI, NextEra Energy Resources, and enXco, Inc. However, AWI's progress in developing a repowering program for its turbines is constrained by ongoing difficulties in securing easements from landowners and the expiration of federal renewable energy tax credits, among other obstacles affecting the viability of the project. In addition, the Federal Aviation Administration (FAA) previously indicated that a portion of the turbines proposed under the repowering program would conflict with maximum structure height requirements associated with the Livermore Airport.

### **Proposed Project**

The proposed project consists of operational modifications to the Applicant's existing CUPs for wind power operation and maintenance activities within the Alameda County portion of the APWRA. The project facilities consist of approximately 883 existing, operational wind turbines on concrete foundations, plus support facilities, occupying approximately 155 acres within a 14,436.45-acre area. The turbines have a nameplate capacity of 85.8 MW and rest on lattice and tubular towers that range in height from 60 to 82 feet and are sited in strings along ridgelines. Support facilities include existing gated, graveled access roads, a power collection and transmission interconnection system, 32 meteorological towers ranging from 60 to 100 feet in height, communication systems, maintenance equipment areas, and offsite facilities including AWI's wind farm offices and main service yard (located near Tracy, CA), and the main wind farm control center, shared with other wind farm operators (located in Livermore, CA). The power collection and transmission interconnection system consists of pad-mount transformers, underground cables, overhead cables on poles, circuit breakers and switches, electrical metering/protection devices, and the existing Dyer, Frick, Ralph and Midway substations. Electrical power is collected from the turbines and transmitted to the substations, where its voltage is increased for interconnection with Pacific Gas and Electric's (PG&E) transmission lines. Operation of these project facilities is subject to the operational requirements outlined above.

Due to difficulties mentioned above, AWI anticipates that it may not be able to repower all of its turbines within the schedule prescribed by the 2005 CUPs. AWI is requesting a modification to its 2005 CUPs that would accomplish the following.

1. Remove the requirement for phased decommissioning.
2. Remove the seasonal shutdown requirements.
3. Provide for 100% of AWI's turbines be decommissioned by the end of 2015.

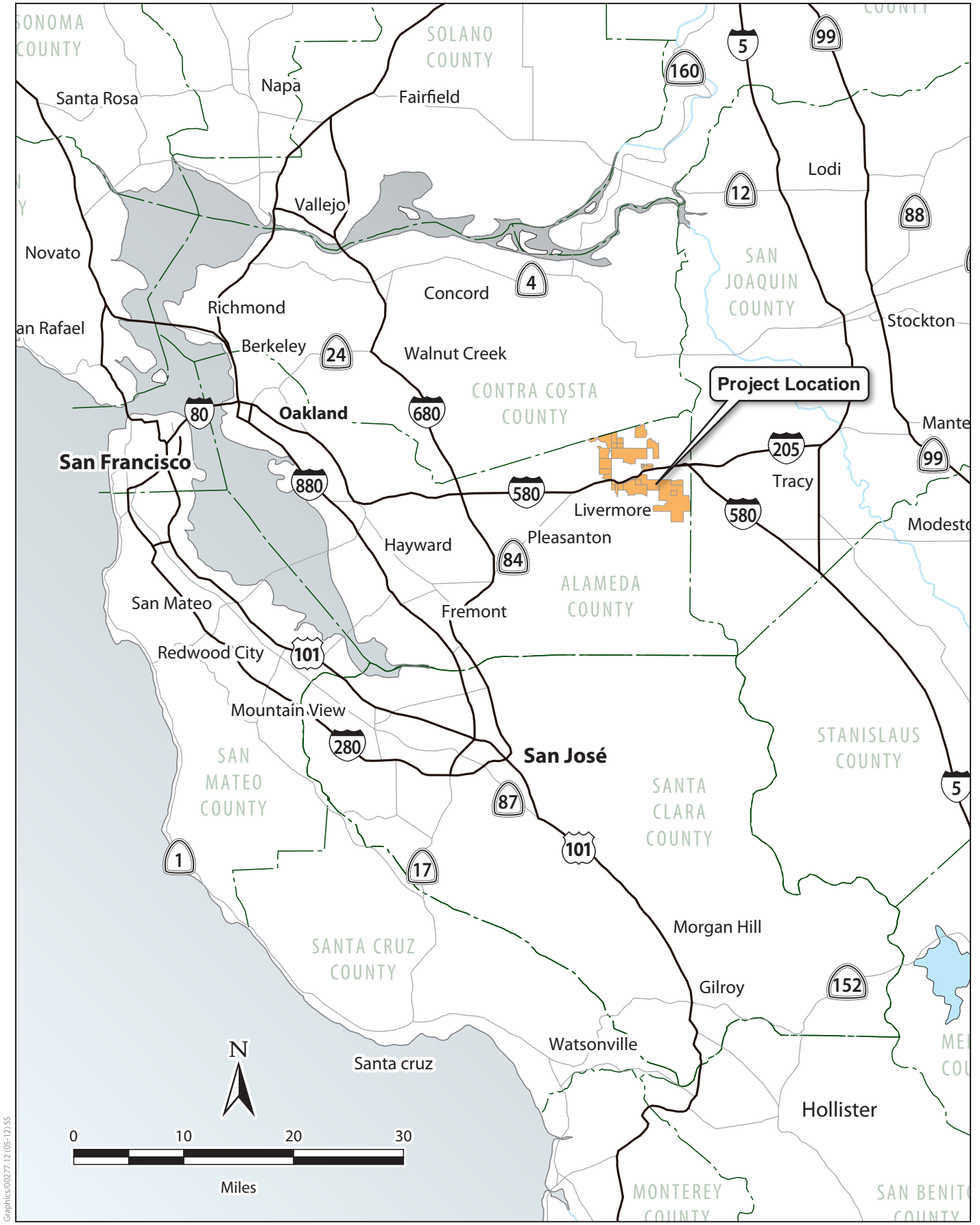
In accordance with the CEQA Guidelines and the terms of AWI's 2005 CUPs, the County is requiring an EIR to evaluate the environmental effects of such a modification and to propose mitigation measures to reduce any significant effects identified, before considering AWI's request.

## **Probable Environmental Effects**

In accordance with CEQA Guidelines Section 15161, the AWI Permit Modification EIR will examine the environmental impacts of the requested CUP modifications, focusing primarily on the changes in the environment that would result from the proposed modifications to the wind farm's operational schedule. The EIR will consider the physical changes to the environment that would likely result from operational modifications to the existing AWI facilities, including direct, indirect and cumulative impacts.

The EIR will discuss the potential for impacts to all resources required to be considered under CEQA. However, based on the project description and the County's understanding of the environmental issues associated with the project, the following topics will be analyzed in greatest detail in the Draft EIR:

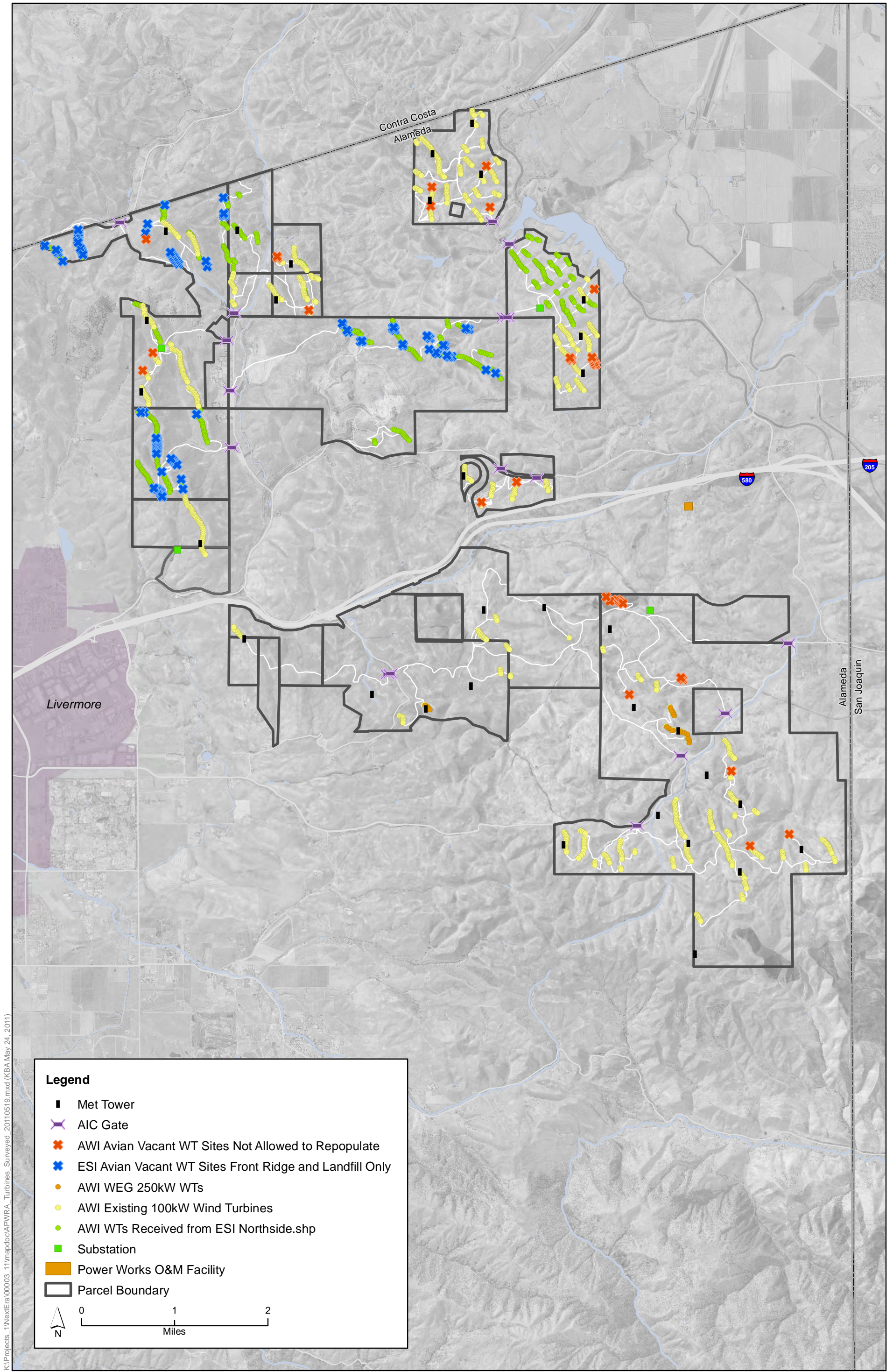
- **Air Quality and Climate Change.** The EIR will evaluate improvements or impairments to air quality and greenhouse gas emissions that may occur as a result of operating turbines on a different schedule than currently required.
- **Biological Resources.** The EIR will evaluate the impacts the proposed CUP modifications may have on biological resources, including impacts on listed plant and animal species, as well as special-status plant and animal species, and potentially sensitive natural communities and wetlands. Based on results of the Alameda County Avian Fatality Monitoring Program, the biological resources evaluation will pay particular attention to potential impacts to avian and bat species associated with the project's proposed changes in operation of wind turbines.
- **Noise.** Changes in noise level that may occur as a result of operating turbines on a different schedule than currently required will be evaluated, as well as any changes in noise levels that may be associated with aging of the existing turbines.
- **Public Services and Utilities.** Fire safety and related fire protection services will be analyzed in the EIR to address any effects of operating turbines on a different schedule than currently required.



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**Figure 1**  
**Project Location**



**Legend**

- Met Tower
- ✕ AIC Gate
- ✕ AWI Avian Vacant WT Sites Not Allowed to Repopulate
- ✕ ESI Avian Vacant WT Sites Front Ridge and Landfill Only
- AWI WEG 250kW WTs
- AWI Existing 100kW Wind Turbines
- AWI WTs Received from ESI Northside.shp
- Substation
- Power Works O&M Facility
- ▭ Parcel Boundary

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Miles

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**Figure 2**  
**Project Boundary**