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PLANNING DEPARTMENT

December 30, 2014

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**AMENDED* Notice of Availability of a
Draft Supplemental Environmental Impact Report for
Modifications to Existing Conditional Use Permits –
Altamont Winds Inc. (AWI): 2018 CUP Extension
Amended Notice to Extend the Comment Period
Planning Case PLN2014-00028 / SCH# 2014092057**

SUMMARY:

Notice is hereby given by the County of Alameda, Community Development Agency, Planning Department, as the lead agency pursuant to the California Environmental Quality Act (CEQA), that the above-named Draft Supplemental Environmental Impact Report (DSEIR) is available for public review and comment. Comments on the DSEIR will be received for a 45-day period, **plus an additional 10 (ten) days** between ~~November 18, 2014 and~~ January 2, 2015 **and January 12, 2015**, after which a Final SEIR will be prepared containing comments and responses to comments, that together with the DSEIR will form the Final SEIR. The Final SEIR will be used by the East County Board of Zoning Adjustments in its consideration of approval of the proposed CUP modifications, described below.

PROJECT LOCATION:

Within the approximately 14,436-acre Alameda County portion of the Altamont Pass Wind Resource Area (APWRA), in the eastern portion of Alameda County, bisected by Interstate I-580. The subject Conditional Use Permits (CUPs) apply to 828 existing wind turbines and supporting infrastructure owned by Altamont Winds, Inc. (AWI, Applicant), and which have a total footprint of approximately 233 acres distributed across the Alameda County portion of the APWRA. The AWI facilities are intermixed with other wind turbines and facilities not owned by AWI, as well as with ongoing ranching and other land uses.

As part of this extension, AWI is in discussions with another wind farm operator in the APWRA that shares common infrastructure with AWI, regarding a contemplated wind turbine exchange. In such a scenario, AWI would exchange approximately 300 wind turbines it presently owns south of I-580 for an equal number of wind turbines owned and operated by another company, Green Ridge Power LLC, north of I-580. As proposed, and under assurances from both companies, such an exchange will not increase the capacity or quantity of AWI's operating turbines. The result would be that after such an exchange AWI would no longer own or operate any wind turbine energy assets south of I-580.

PROJECT DESCRIPTION:

AWI has applied to Alameda County to modify its CUPs, specifically related to operational and decommissioning schedules for its 828 existing wind turbines, which have a nameplate generating capacity of 85.8 MW. The AWI application requests that the existing CUPs, set to expire on October 31, 2015 under modifications approved in July 2013, be extended for three (3) years, through October 31, 2018 under specified conditions, for operation of its estimated 828 turbines.

* Amendments to the Notice are shown in **bold underline** and ~~strike out~~. Please note that some additional information is provided separate from the extension of the comment period.

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The SEIR is intended to supplement an Environmental Impact Report (EIR), certified in July 2013, that evaluated the application made by AWI in 2011 to modify these same CUPs as they had been approved in September of 2005. The 2013 FEIR is available on the County Planning Department website at <http://www.acgov.org/cda/planning/landuseprojects/awipermit-pln2011-102.htm>.

The prior 2013 EIR evaluated AWI's application to replace the schedule adopted in 2005 for phased decommissioning (shut down and removal) of existing turbines in steps in 2009, 2013, 2015 and 2018, in anticipation of repowering (replacement with current generation turbines), with full operation through October 2015 only, and without any partial or phased decommissioning. The 2013 EIR included as Alternative 3 the potential full operation of the turbines through October 2018, at a limited level of analysis, as provided for in the CEQA Guidelines (Section 15126.6(d)), to provide "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project."

The County determined that a Supplement to the 2013 EIR should be prepared in order to address the environmental impact of AWI's proposed project modification because, among other reasons, the 3-year extension requested by AWI is a substantial change to the project, which will cause a substantial increase in the severity of previously-identified significant environmental impacts. The Supplemental EIR is the appropriate mechanism to make the required revisions to the 2013 EIR; the consideration of operations through 2018 as one of four project alternatives in the 2013 EIR does not adequately address the scope and detail of revisions necessary to evaluate the changed project scope.

When the County certified the EIR in July 2013 for the modifications that provided for full operations through 2015, a finding was made regarding this alternative that: "Alternative 3 would better serve the project objectives of renewable energy, but would also very substantially increase the avian mortality impacts compared to the project and all other alternatives. For the purpose of meeting the project objectives and minimizing significant impacts on special status avian wildlife, Alternative 3 is considered infeasible." On the basis of this determination, the County has determined it is necessary to provide additional information, which this SEIR is intended to provide, together with the same kind of notice and public review as provided for a draft EIR under Section 15087 of the CEQA Guidelines. The SEIR supplements the prior EIR with additional analysis beyond that included in the Alternatives analysis to provide a basis for making the findings required by CEQA. In addition, although the County has determined that there are no new substantial changes to the project that were not evaluated in the prior 2013 EIR that require preparation of a subsequent EIR, but rather that only relatively minor additional information and changes are required for the 2013 EIR to adequately apply to the current proposal. However, to the extent new information has become available since the prior FEIR, the County CDA has incorporated that information into the DSEIR. As such, the SEIR is intended to comply with the standards established in the CEQA Guidelines for supplemental EIRs (Section 15163).

The SEIR does not address repowering. At the time that AWI proposes repowering, a separate project EIR will be required, which may 'tier' from the separate Program EIR that was recently completed and certified (November 2014) and which evaluated overall repowering of the Alameda County portion of the APWRA on a program level, as well as serving as the project EIR for two repowering projects south of I-580, which were also approved at that time.

The 2013 FEIR provided a full discussion of the prior project's potential environmental effects on the following resource areas: Air Quality and Greenhouse Gases (GHGs); Biological Resources; Noise; and Hazards and Hazardous Materials. Impacts were distinguished as those resulting from continued operations of the turbines through 2015 (and as alternatives, through 2016 and 2018), and from planned decommissioning activities to shut down and remove the turbines. Because the current project is limited in

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scope to changes in the operational schedule – the three-year extension to 2018 – and would have no effect on decommissioning activities, which will remain subject to the findings and mitigation monitoring and reporting program of the 2013 EIR, impacts resulting solely from decommissioning activities are not discussed, and the County CDA will instead rely entirely on the analyses and mitigation measures as described in the 2013 FEIR for operational impacts, and not any decommissioning-related impacts.

ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS:

The 2013 FEIR's analysis of biological resources indicated that extending the term of the CUPs through October 31, 2018 would have significant and unavoidable adverse impacts on both common and special-status avian species (Impact BIO-1), including the four focal raptor species: American kestrel, burrowing owl, golden eagle, and red-tailed hawk. The 2014 DSEIR's analysis of current project impacts identifies the following impact on biological resources to be *significant and unavoidable*:

- Impact BIO-1: Potential to cause a substantial adverse effect, either directly or through habitat modifications, on a special-status species.

With respect to an issue raised during the scoping period following the Notice of Preparation, of potential releases of lubricant oil into the environment from the extended operation of existing turbines, the DSEIR determined there would be *no impact* on the following:

- Impact HAZ-1: Result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

PUBLIC REVIEW:

One of the purposes of CEQA itself is in large part to inform the public of the likely environmental consequences of public and private projects such as the proposed modifications to the CUPs. The purpose of this Notice, consistent with Sections 15086 and 15087 of the CEQA Guidelines, is to consult with and request comments on the DSEIR from responsible agencies, organizations, Native American tribes, and interested parties as to its environmental analyses.

The DSEIR is available for review during normal business hours (8:30 a.m. to 5:00 p.m.), Monday through Friday, at the Alameda County Community Development Agency, Planning Department, at 224 West Winton Avenue, Room 111, Hayward, California, 94544. It is also available at the Livermore Public Library, Civic Center Branch, 1188 South Livermore Ave, Livermore, CA 94550-9315, 10:00 a.m. to 9:00 p.m. Monday to Thursday; 10:00 a.m. to 6:00 p.m. Friday 10:00 a.m. to 5:00 p.m. Saturday and 10:00 a.m. to 5:00 p.m., Sunday. The DSEIR may also be viewed or downloaded at the Alameda County website: (<http://www.acgov.org/cda/planning/landuseprojects/awipermit.htm>), or select Pending Land Use Projects – Current Development Projects – Wind Turbine Projects - Altamont Winds, Inc. Permit Modification – Application No. PLN2014-28, at <http://www.acgov.org/cda/planning>. Comments on the DSEIR may be submitted 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

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

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Although CEQA does not require formal hearings at any stage of the environmental review process (State CEQA Guidelines Section 15202[a]), it does encourage “wide public involvement, formal and informal... in order to receive and evaluate public reactions to environmental issues” (State CEQA Guidelines Section 15201) and requires the lead agency to provide the public with the opportunity to provide comments. The County, as lead agency, circulated an NOP of a SEIR (SCH # 2014092057) for the proposed project on September 16, 2014. The NOP was distributed for a 30-day comment period that ended on October 15, 2014. Comments received on the NOP were considered in the preparation of the DSEIR. Appendix A of the DSEIR contains the NOP and written comments received on the NOP.

The DSEIR incorporates public and agency responses to the NOP. Like the NOP, the DSEIR is being circulated for review and comment by appropriate agencies, as well as organizations and individuals who have requested notification. In accordance with Section 15205(d) of the CEQA Guidelines, the County has scheduled a 45-day public review period for the DSEIR, **now expanded to a 55-day review period** beginning on November 17, 2014 and ending on ~~January 2, 2015~~ **January 12, 2015**, at 5:00 p.m., **allowing an additional 10 (ten) days for comments in recognition of the Winter holiday period.** Within ~~that~~ **the original** 45-day period, the County ~~will hold~~ **has held** one public hearing to request verbal comments on the DSEIR, at the following time and place:

Thursday, December 18, 2014, 1:30 p.m.
Meeting of the East County Board of Zoning Adjustments
City of Pleasanton Council Chambers,
200 Old Bernal Avenue, Pleasanton

~~The m~~Meeting facilities ~~will be~~ **are** accessible to persons with disabilities. If special translation or signing services or other special accommodations are needed, please contact Nilma Singh at 510-670-5400 or nilma.singh@acgov.org at least 48 hours before the meeting.

Following the close of the public review period for the DSEIR, the County will prepare a Final EIR, incorporating all comments received during the public comment period, for consideration **of its certification** by the East County Board of Zoning Adjustments (EBZA), tentatively scheduled for ~~Thursday~~ **Tuesday, January 22, 2015, February 3, 2015.** As required by CEQA (Section 21092.5), the Final EIR, including written responses to the comments submitted by public agencies, will be available at least 10 days prior to certification.

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**ATTACHMENT: Assessor Parcel Numbers
SCH# 2014092057**

LIST OF CUPS, LANDOWNERS AND APNS

CUP NO.	LANDOWNER	ASSESSOR'S PARCEL NUMBERS	APPROXIMATE ACRES
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	Mulqueeny	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	Mulqueeny	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 (parcel acreage included in C-8243)
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
TOTAL ACREAGE			14,195.64

Source: AWI, 2014

Notes:

1. The above table includes those parcels and CUPs on which AWI currently has installed wind turbines, as well as those parcels and CUPs on which turbines owned by other wind companies are presently installed and whose wind turbines may be obtained in exchange on a turbine-for-turbine basis with turbines currently owned by AWI.
2. Many of the wind farms in the APWRA overlap, with different wind energy facility operating companies on a single parcel of land. Therefore, other wind companies beside AWI currently operate wind farms within the project area described above.
3. Two additional CUPs, C-8231 and C-8239 (landowners Waste Management Inc. and Jackson, respectively), apply to turbines proposed to be acquired by AWI or its affiliates in a proposed asset exchange, and would contain turbines subject to the proposed modifications.