ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

January 3, 2018

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TO: Interested Parties and Agencies

FROM: Andrew Young, Planner
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224 W. Winton Avenue, Suite 110
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SUBJECT: Notice of Preparation (Notice) of a Subsequent Environmental Impact Report (SEIR) for the Sand Hill Wind Repowering Project, tiered under the Altamont Pass Wind Resource Area Repowering Final Program Environmental Impact Report (PEIR, State Clearinghouse #2010082063), certified November 12, 2014. County Planning Application PLN2017-00201.

SUMMARY:

Notice is hereby given that the County of Alameda (County) will be the Lead Agency and will prepare a Subsequent Environmental Impact Report (SEIR) for the Sand Hill Wind Repowering Project (Project) pursuant to the California Environmental Quality Act (CEQA, 1970, as amended). The Project is an application for a Conditional Use Permit (CUP) to repower (i.e., redevelop) an estimated 671 existing or previously existing wind energy turbine sites with up to 40 new turbines with nameplate production capacity rated between 2.3 and 3.8 megawatts (MW) each (potentially up to 4.0 MW), that together will have a maximum production capacity of 144.5 MW. The Project is proposed on 15 nearly contiguous parcels extending over approximately 2,600 acres within the northeasterly quadrant of the Alameda County portion of the Altamont Pass Wind Resource Area (APWRA) in northern California. The purpose of the SEIR will be to evaluate the specific environmental effects of the Project as proposed by Sand Hill (Sand Hill) Wind, LLC, a subsidiary of sPower (aka Sustainable Power Group).

The purpose of this notice is to request that you or your organization or agency, including Native American Tribes, provide comment on the proposed scope and content of the SEIR as described herein. Although the County has previously provided public notice of the Project proposal, in the form of An Environmental Analysis (EA) and CEQA Implementation Checklist as described below, that has resulted in public and agency comments that will be used to define the scope and content of the SEIR, a formal Notice of Preparation consistent with Sections 15082 and 15375 of the CEQA Guidelines is considered appropriate for an SEIR, and therefore additional comment on the scope of topics to be addressed in the SEIR is requested. The County is particularly interested in hearing from public agencies regarding their objectives for environmental information to be included in the SEIR that is germane to public agencies' statutory responsibilities pertaining to the Project, and how such information in the SEIR will inform such agencies when considering issuing permits or other approvals for Project-related activities.

An Environmental Analysis (EA) and CEQA Implementation Checklist (equivalent to an initial study) for the Sand Hill Wind Project was circulated to public agencies and interested parties and published on the County Planning Department's webpage beginning on September 14, 2018. The EA describes in detail the proposal and anticipated environmental impacts and mitigation measures. A public hearing to take public comment on the EA was held on September 27, 2018, and a hearing to consider approval of the Project was scheduled for October 25, 2018 but was postponed indefinitely on October 22 while the County considered the need for additional study or documentation of

its approach to complying with CEQA. After due consideration of comments received from the California Attorney General, the California Department of Fish and Wildlife and the Golden Gate Audubon Society, the County has determined that a Subsequent EIR is an appropriate means of complying with its obligations under CEQA. The EA and Checklist, together with technical appendices remain available on the webpage for reference purposes pending completion of the SEIR, although some of the assertions and understanding of the Project in the EA will be revised by the SEIR, as described herein.

Due to the time limits mandated by state law, public agencies are requested to send their responses to this Notice to the County at the address and person provided above as soon as possible but not later than 30 days after receipt of this Notice (which the County will assume is January 7, 2019 unless documented otherwise). Members of the public should provide scoping comments by February 6, 2018. Agencies and organizations are requested to provide a contact name in your organization for any further consultation.

BACKGROUND

The Altamont Pass Wind Resource Area (APWRA) was designated by the state of California as a wind resource area in the late 1970s and was developed with several thousand wind turbines by the mid-1990s operated by several different operating companies under various Conditional Use Permits (CUPs). These "wind farm" operations were approved for continued use through 2018 under 31 CUPs in 2005 with a requirement that phased repowering occur over the period of the CUPs, and that a Program EIR (PEIR) be prepared to evaluate the potential environmental impacts and effects of such repowering. Repowering is the replacement of older generation wind turbines with new turbines, technology and infrastructure, with goals that include greater efficiency, reduced maintenance costs, and lowering avian mortality that had been documented since the 1990s due to wind farm operations.

Consistent with the intent of the conditions of approval for the renewals or permit extensions in 2005, and pursuant to CEQA Guidelines Section 15168, the PEIR was prepared and certified on November 12, 2014. The PEIR represented a program-level evaluation of the planned repowering of the APWRA, with focused attention on two program alternatives of total buildout or complete repowering, either 417 MW (Alternative 1, based on the peak level of production capacity in Alameda County as of 1998) or 450 MW (Alternative 2, based on a modest increase of less than 10 percent in energy production over Alternative 1). The PEIR also incorporated project-level evaluation of two proposed repowering projects, the Golden Hills Wind Project proposed by Next Era Energy Resources and the Patterson Pass Project proposed by EDF Renewable Energy. Additional background, discussion of the prior CEQA evaluation of the Sand Hill Wind Project and why a subsequent EIR appears appropriate is discussed further below.

In May 2016, a previous version of the Project was approved for Sand Hill Wind LLC when it and its wind farm assets were owned by Ogin, Inc. and the proposal was limited to eight of the current Project parcels, containing 433 wind turbines or turbine sites. That project (application PLN2015-00198) would have resulted in 12 new turbines with a maximum capacity of 36 MW. The CEQA project review of the 2016 project was tiered under the PEIR. Another earlier project to repower the same 433 wind turbines and turbine sites with an experimental 'shrouded turbine' design (application PLN2013-00013) was also approved in March 2014, which would have resulted in 40 new turbines with a capacity of 4 MW. Neither of these prior projects were built or obtained any construction permits.

PROJECT DESCRIPTION

Project Location. The Project is proposed on 15 nearly contiguous parcels extending over approximately 2,600 acres in the eastern Altamont Pass area of Alameda County, located north and south of Altamont Pass Road between two-thirds and two miles west of Grant Line Road, east and west of Mountain House

Road between one-quarter and two miles north of Grant Line Road, west of the Delta-Mendota Canal one mile northwest of Mountain House Road, west of Bethany Reservoir and southeast of the intersection of Christensen and Bruns Roads. The 15 parcels are designated with the following Assessor's Parcel Nos. (APNs): 99B-7750-6; 99B-6325-1-4; 99B-6375-1-3; 99B-7375-1-7; 99B-7400-1-5; 99B 7300-1-5; 99B-7050-4-6; 99B-7050-1-9; 99B-7050-4-1: 99B-7350-2-1; 99B-7350-2-15; 99B-7350-2-5; 99B-7500-3-2; 99B-7500-3-1; and 99B-7600-1-1. Two other APNs, 099B-7875-001-02 and 099B-7875-001-03, located approximately one mile south of Altamont Pass Road on the east side of Midway Road, for which Sand Hill Wind LLC previously acquired leases for repowering, require ground-disturbing activities as part of the Project to decommission the turbine sites and infrastructure but will not be repowered.

Proposed Project. The Sand Hill Wind Project would decommission a total of 671 old generation wind turbines or former turbine sites and replace them with up to 40 new wind turbines. The Project proponent sPower, also known as Sustainable Power Group, is jointly owned by AES Corporation and Alberta Investment Management Corporation or AIMCo. The Project proposes to utilize turbines with generating capacities between 2.3 and 3.8 MW, all generally similar in size and appearance, to develop up to 144.5 MW in generating capacity. The applicant also seeks permission to install turbines with a generating capacity of 4.0 MW if such a model is available at the time of planning their installation but would not in any case exceed a total output capacity of 144.5 MW.

Three conceptual alternative layouts are proposed, each using up to 40 wind turbines. The layouts are substantially similar, mainly varying according to the location of 11 turbines in the center of the Project area, south and west of Bethany Reservoir, and their relative distance from the main access or service road. The final layout would be selected based on site constraints (e.g., avian siting considerations, also known as micro-siting), data obtained from meteorological monitoring of the wind resources, and turbine availability. Each of these factors would be considered when micro-siting turbines, with the final layout reflecting one or some combination of the alternative layouts. A new maintenance and operations building is planned south of Altamont Pass Road on APN 99B-7750-006-00. Existing roads would be used where possible, and temporary widening and some new roads would be necessary. The Project would also require three generation-tie (gen-tie) lines connecting the Project to two substations.

The Project will repower the 433 turbines or turbine sites that were approved in 2016 for repowering, as well as three parcels that contained 238 turbines or turbine sites, and four other parcels that contained an estimated 200 turbines that were removed in the late 1990s. The current Project therefore represents a substantial increase in its area from the 2016 approval, while also eliminating two parcels bordering Midway Road from the repowering plan. The replacement of 671 turbines and turbine sites (not including those removed in the 1990s) with 40 new turbines represents a replacement ratio of nearly one new turbine installed per 17 old-generation turbines removed.

Other Project components or major tasks include grading and construction of new or expanded roads (using existing road networks as much as possible), installing wind turbine foundations and pad-mounted transformers, erecting the turbine towers and installing the generators and rotor blades, installing a power collection system (using existing electrical power transmission lines and substation infrastructure wherever possible), and constructing a new operations and maintenance (O&M) facility.

Decommissioning the existing turbines will involve removing the old generation turbine blades, generators, towers and foundations, old transformer equipment and power lines (above and below ground) and salvaging any useful components or materials. Recycling and disposal of material will be subject to the County's waste ordinances. Old foundations are typically excavated and removed to a depth of 3 feet and remaining components buried in place. State and federal resource agencies will review the decommissioning plans to assess the potential need to leave some foundations in place for terrestrial habitat usage,

and landowners will also assist in determining which and to what extent existing access roads – primitive or more developed – should be retained, allowed to go to seed, or recontoured for grassland restoration. A substantial degree of decommissioning has already taken place in the form of turbine generator and tower removals, partly as required by the prior CUPs to remove turbines rated most hazardous to avian safety.

The proposed turbines would be three-blade, upwind turbines on tubular towers, generally similar to those analyzed in the PEIR. **Table 1** below shows the maximum dimensions of this range for comparison with the largest of three turbine types under consideration for the Project.

Table 1. Turbine Specifications Contemplated in the PEIR and for Use with the Proposed Project

Turbine Model	PEIR Maximum—3.0 MW	General Electric 3.6 MW[1]
Rotor type	3-blade/horizontal axis	3-blade/horizontal axis
Blade length	62.5 m (205 ft)	67.2 m (220 ft)
Rotor diameter	125 m (410 ft)	137 m (449 ft)
Rotor-swept area	12,259 m^2 (131,955 ft^2)	14,741 m^2 (158,671 ft^2)
Tower type	Tubular	Tubular
Tower (hub) height	96 m (315 ft)	83.6 m (274 ft)
Total height (from ground to top of blade)	153 m (502 ft)	152 m (499 ft)

[1] 3.8 and potentially 4.0 MW turbines are also under consideration; however, the 3.6MW turbine is the largest turbine in all dimensions based on current information and is therefore presented here as the largest under consideration.

As shown in **Table 1**, the proposed Sand Hill turbines would be comparable to the specifications provided in the PEIR for rotor type, tower type, tower (hub) height, and total height. However, blade lengths would be up to 15 feet longer (approximately 7%), rotor diameters up to 39 feet greater (approximately 9%), and rotor-swept area up to 2,482 m^2 larger (approximately 20%).

All the proposed wind turbines would require appropriate nighttime lighting to comply with Federal Aviation Administration (FAA) requirements for obstruction lighting on structures over 200 feet in height. Although it had been the goal for the number of lights to be minimized to avoid attracting birds during nighttime migrations, and to provide lights only on strategically located turbines to adequately mark the extent of the proposed Project, compliance with the FAA Obstruction Marking and Lighting Advisory Circular (AC70/7460-1K) may require lighting of each individual wind turbine. Intensity of the lights would be based on a level of ambient light, with illumination below 2 foot-candles being normal for the night and illumination of above 5 foot-candles being the standard for daytime.

CEQA BACKGROUND

Section 15168 of the CEQA Guidelines provides for a Program EIR to be used for a series of actions that are characterized as one large project, related geographically, logically, or as individual activities carried out under the same authority with generally similar environmental effects that can be mitigated in similar ways. The overall repowering of the APWRA within Alameda County was therefore appropriately evaluated in a PEIR. CEQA Guidelines Section 15168(b) lists the advantages of a PEIR as allowing the lead agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts. On this basis, the County is able to apply consistent and similar mitigation measures to each repowering project that may be proposed until repowering is considered complete. Additionally, Section 15152 of the Guidelines describes the use and advantages of tiering, wherein the analysis of general matters contained in a broader

EIR (including a Program EIR per Section 15152(h)) is used with later EIRs and negative declarations on narrower projects, incorporating by reference the general discussions from the prior, broader EIR and concentrating the later CEQA analysis solely on the issues specific to the later project.

As set forth in Section 15168(d), a PEIR can be used to simplify the task of preparing environmental documents on later parts of the program (such as a repowering project not evaluated at a project level in the PEIR), and to provide a basis within an Initial Study to determine if the later activity would have significant effects that were not recognized in the PEIR. Since the PEIR was certified in 2014, three other repowering projects have been evaluated at a project level with environmental checklists or an initial study, including a second Next Era project (Golden Hills North), the Summit Wind Energy Project approved for development by AWI, and a prior version of the proposal for repowering by Sand Hill Wind LLC when its assets were owned by Ogin, Inc.

Alternatively, Section 15162 of the CEQA Guidelines (and additionally in Public Resources Code 21166, in the CEQA Statutes) provides that after an EIR for a project has been certified no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, the presence of one or more of three conditions, listed below:

1) Substantial changes have been made to the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2) Substantial changes in the circumstances under which a project would occur will result in one or more new significant or substantially more significant environmental effects; or
3) New information, which was not and could not have been known at the time the previous document was completed, indicates potentially new significant or substantially more significant environmental effects, new feasible mitigation that could reduce a significant effect of the project, or significant effects will be substantially more severe than previously identified.

Section 15163 of the CEQA Guidelines provide that a lead agency may prepare a supplemental EIR instead of a subsequent EIR if it determines that although one of the above conditions has occurred, only minor additions or changes to the prior EIR would be necessary to make it adequate to apply to the Project currently proposed. Furthermore, Section 15164 provides that an addendum to a prior certified EIR is to be prepared if none of the above conditions have occurred, and only minor technical changes or additions are necessary to make the prior EIR adequate.

As noted above, the County previously issued an Environmental Analysis (EA) in September 2018 that provided public agencies and the public with a detailed Project description and an analysis of how the Sand Hill Wind Project would fit within the scope of the PEIR and would not require either a subsequent or supplemental EIR. The EA and Checklist also provided a detailed description of the environmental impacts of the Project and identified the mitigation measures that would be required to be implemented, all of which (both impacts and mitigation measures) had previously been identified in the PEIR.

The County originally held the position, expressed in the EA, that the Project did not represent substantial changes to the project (or program described in the PEIR) which would require a subsequent or supplemental EIR, and further that no new significant effects or severity of identified impacts were anticipated, and no new information existed that could not have been known at the time the PEIR was certified showing that new mitigation measures or alternatives existed that would reduce the significant effects of the Project. However, after careful consideration of the comments received from the state Attorney General, Department of Fish and Wildlife and the Golden Gate Audubon Society regarding the EA, the County has

determined that one or more of the three conditions that require a subsequent or supplemental EIR by CEQA Guidelines Section 15162 listed above apply.

PROPOSED SCOPE OF THE SUBSEQUENT EIR

The project-level analysis will address all resource topics; other topics for which there is new information that requires additional analysis are primarily related to biological resources, as outlined below:

1. Avian impacts
    a. Considerations regarding recent studies
    b. Consideration of fatality estimates
    c. Considerations of turbine size and turbine blade risk or swept area
    d. Considerations of micro-siting and detailed consequences of grading
    e. Consideration of candidate species and changes in status
    f. Mitigation measures
2. Bat impacts

The SEIR will also address a range of program-level issues, including:

- How the previously certified PEIR evaluated the construction of up to 450 MW of wind power in the APWRA and the extent to which the Sand Hill Wind Project was adequately evaluated before within the PEIR.
- Technological advances represented by the Project (larger turbines and longer blades) and their potential to result in construction of fewer, larger turbines, and the benefits and impacts of their use.
- The latest science and monitoring results from operational projects in the APWRA and the implications for mortality of bird and bat species and changes to avian and bat fatality estimates.
- Updating a PEIR mitigation measure concerning funding of the U.C. Davis Raptor Center, by clarifying and revising how mitigation costs are determined, and identifying other appropriate avian mitigation related to the Raptor Center or other research and raptor recovery programs.
- Clarifying how the County's setback requirements are applied and how alternative minimum setbacks are appropriate with supporting studies of blade throw, noise or flicker studies, as needed.
- Clarifying that FAA-required lighting must be used and that such lighting is necessary despite having night-time visual effects.
- Updating the requirements for site development review of wind projects.
- Updating annual reporting requirements for projects as necessary.
- Summarizing the extent of temporary and permanent disturbed land and terrestrial species impacts under the program to date and comparing the totals with those presented in the PEIR.

COMMENTS. Comments submitted should focus on mitigation measures or alternatives that may be less costly or have fewer environmental impacts while achieving similar conservation and wind repowering objectives, and the identification of any significant social, economic, or environmental issues related to alternatives and mitigation measures.

DATES: Written comments on the scope of the SEIR, including the Project objectives, the impacts to be evaluated, and the methodologies to be used in the evaluations, should be provided to the County by February 6, 2019.

ADDRESS: Written comments on the Project scope should be sent to Andrew Young, Planner, ATTN: SEIR, Alameda County Community Development Agency, 224 W. Winton Avenue, Suite 110, Hayward, CA, 94544, or via email with subject line "Sand Hill Wind Repowering Project SEIR" to: andrew.young@acgov.org.

The Project objectives and description of the Project is available at the County's Internet site: www.acgov.org/cda/planning/landuseprojects/currentprojects/ or see www.acgov.org/cda/planning, then successive links from Pending Land Use Projects, Current Development Projects, Wind Farm Projects and Sand Hill Wind Project, Application No. 2018-00201

FOR FURTHER INFORMATION CONTACT: Andrew Young, Alameda County Planning Dept., 224 W. Winton Avenue, Suite 110, Hayward, CA, 94544, or at (510) 670-5400, or andrew.young@acgov.org.

Exhibits

Distribution:
United States Fish and Wildlife Service
United States Army Corps of Engineers
California Department of Fish and Wildlife
California Water Boards – San Francisco Regional Water Quality Control Board
California State Native American Heritage Commission
California Department of Justice/Office of the Attorney General, Oakland office
California State Clearinghouse, Office of Planning & Research
Golden Gate Audubon Society
sPower, attn. Korina Cassidy

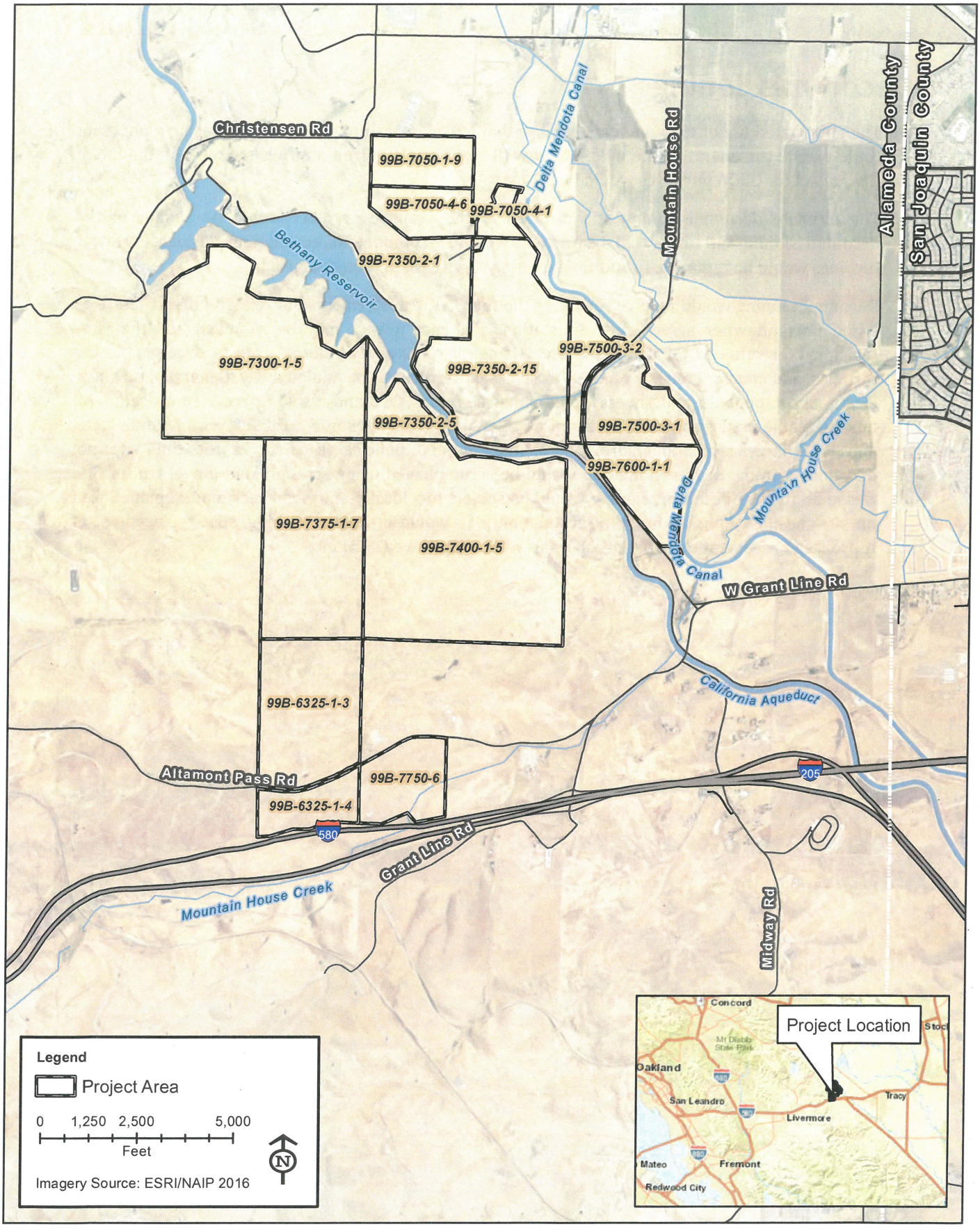

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Figure 1
Project Location

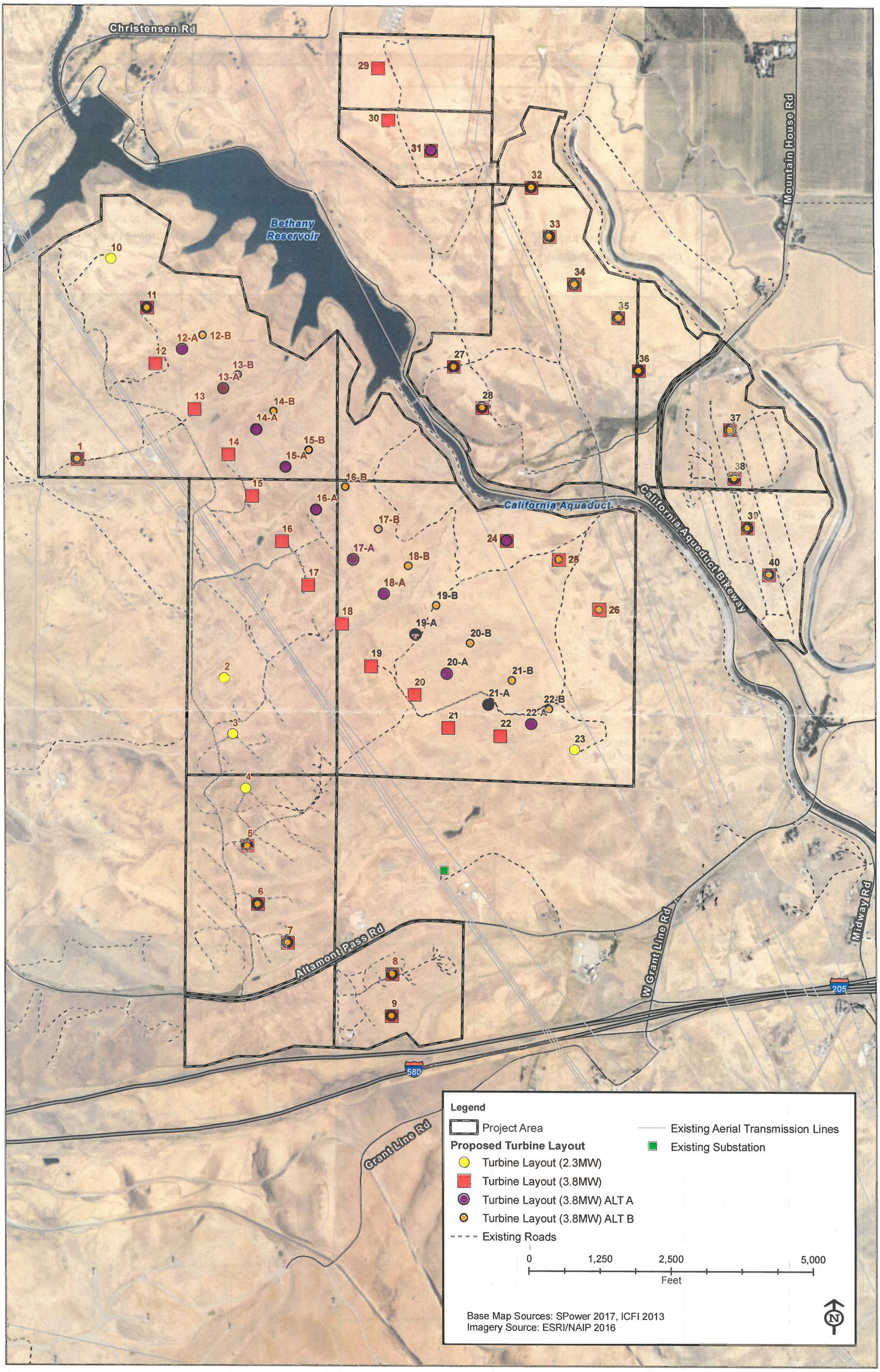

Figure 2
Sand Hill Wind Project Overview