

Exhibit A

Written Findings of Significant Effects

In accordance with California Public Resources Code §21081 and CEQA Guidelines Section 15091 and 15163, the following findings are made and supporting facts provided for each significant environmental effect that has been identified in the 2013 Final EIR (2013 EIR) as revised by the Final Supplemental Environmental Impact Report (SEIR) and for which changes to the project and its conditions of approval are required (including adoption of mitigation measures) to avoid or substantially reduce the magnitude of the effect, as identified in the SEIR. The findings described below are organized by resource issue, in the same order as the effects are discussed in the SEIR. The County's findings regarding the project alternatives follow the individual effect findings. The findings reference the Final SEIR (part of the record upon which the Board bases its decision) and mitigation measures in support of the findings. The *Written Findings of Significant Effects*, adopted as Exhibit A under Resolution Z-13-36 of the East County Board of Zoning Adjustments on July 18, 2013 for the Modifications to Existing (Year 2005) Conditional Use Permits – Altamont Winds Inc., are incorporated herein by reference as they apply to the current application to extend the same use permits to 2018 that is the subject of these Findings. For specific resource mitigation measures, the section and page number in the Final SEIR where the full text of the mitigation measure is provided is noted in each finding.

Record of Proceedings and Custodian of Record

The record upon which all findings and determinations related to the approval of the project are based includes the following:

- The 2013 Final EIR, for Modifications to Existing (Year 2005) Conditional Use Permits – Altamont Winds Inc.
- The SEIR and all documents referenced in or relied upon by the SEIR
- All information (including written evidence and testimony) provided by County staff to the Board relating to the SEIR, the approvals, and the project
- All information (including written evidence and testimony) presented to the Board by the environmental consultants who prepared the SEIR or incorporated into reports presented to the Board
- All information (including written evidence and testimony) presented to the County from other public agencies related to the project or the SEIR
- All applications, letters, testimony and presentations relating to the project
- All information (including written evidence and testimony) presented at any County hearing related to the project and the SEIR
- All County-adopted or County-prepared land use plans, ordinances, including without limitation general plans, specific plans, and ordinances, together with environmental review documents, findings, mitigation monitoring programs, and other documents relevant to land use within the area
- The Mitigation Monitoring and Reporting Program for the project

- All other documents composing the record pursuant to Public Resources Code Section 21167.6(e)

The custodian of the documents and other materials that constitute the record of the proceedings upon which the County's decisions are based is Sandra Rivera, Assistant Planning Director, or her designee. Such documents and other material are located at 224 Winton Avenue, Room 111, Hayward, California, 94544.

Consideration and Certification of the SEIR

In accordance with CEQA, the Board of Supervisors certified that the SEIR has been completed in compliance with CEQA. The Board has independently reviewed the record, the 2013 EIR and the SEIR prior to certifying the SEIR and approving the project. By these findings, the Board confirms, ratifies and adopts the findings and conclusions of the SEIR as supplemented and modified by these findings. The SEIR and these findings represent the independent judgment and analysis of the County and the Board. The Board recognizes the SEIR may contain clerical errors. The Board reviewed the entirety of the 2013 EIR as modified by the SEIR and bases its determination on the substance of the information it contains. The Board of Supervisors certifies that the SEIR is adequate to support the approval of the action that is the subject of the Draft Resolution to which these CEQA findings are attached.

The Board of Supervisors certifies that the SEIR is adequate to support approval of the project described in the SEIR, each component and phase of the project described in the SEIR, any variant of the project described in the SEIR, any minor modifications to the project or variants of the project described in the SEIR, and the components of the project.

Absence of Significant New Information in the Final SEIR

The Board of Supervisors recognizes that the Final SEIR incorporates information obtained and produced after the draft SEIR was completed, and that the SEIR contains additions, clarifications, and modifications. The Board of Supervisors has reviewed and considered the Final SEIR and all of this information. The Final SEIR does not add significant new information to the draft SEIR that would require recirculation of the SEIR under CEQA. The new information added to the SEIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the project. No information indicates that the draft SEIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the draft SEIR. Thus, recirculation of the SEIR is not required. The Board of Supervisors finds that the changes and modifications made to the SEIR after the draft SEIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code Section 21092.1 or Section 15088.5 of the State CEQA Guidelines.

Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable,

the remaining provisions of these Findings, or their application to other actions related to the project, shall continue in full force and effect unless amended or modified by the County.

Findings and Recommendations Regarding Significant and Unavoidable Impacts

Biological Resources

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

Potential Impact: The potential impacts related to special-status avian fatalities are discussed beginning at page 30 of the draft SEIR and is further clarified in Appendix A, *Comment Letters and Response to Comments*, of the Final SEIR. The project would result in increased avian fatalities associated with the additional operating term of the wind turbines.

Mitigation Measure(s): The following mitigation measure(s), discussed in the draft SEIR at pages 37 through 40 are hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

MM BIO-16: Implement Seasonal Shutdowns to Reduce Avian Fatalities

MM BIO-17: Mitigate for the Loss of Individual Golden Eagles by Retrofitting Electrical Facilities

MM BIO-17a: Compensate for the Loss of Special-Status Species, Including Golden Eagles, by Contributing to Conservation Efforts

Findings: Based on the SEIR and the entire record before the County, the County finds that:

Effects of Mitigation: Implementation of the mitigations recommended by Mitigation Measures BIO-16, BIO-17 and BIO-17a will reduce the effects of the proposed project on avian special-status species but will not mitigate this impact to a less-than-significant level. The project applicant will be required to implement seasonal shutdowns, from November 1 to February 15, on all turbines for the remaining operational period. The project applicant also will be required to compensate for impacts to raptors, including golden eagles, as indicated in BIO-17 and BIO-17a. The mitigation method in BIO-17 of retrofitting hazardous electrical poles within 140 miles of the proposed project, the area typically defined by the USFWS as the “local population,” and must occur in an area with eagles at risk from electrocutions as determined through coordination with USFWS, reduces the risk of electrocution to birds (to include eagles, other raptors, and special status avian species). Additionally, mitigation measures in BIO-17a can be implemented in lieu of or in conjunction with BIO-17. BIO-17a provides the option of an Eagle Conservation Plan and Bird and Bat Conservation Strategy or contribution to regional conservation raptor habitat. If the project proponent chooses to implement BIO-17a, they will be required to submit for County approval a Special-Status Species Mitigation Plan outlining the estimated number of special-status species fatalities based on the type or types of compensation options to be implemented. The County Planning Director, in consultation with the Technical Advisory Committee, will consider, based on the Resource Equivalency Analysis, whether the proposed Special-Status Species Mitigation Plan is adequate, including consideration of whether each Special-Status Species Mitigation Plan incorporates a landscape-scale approach such that the conservation efforts achieve the greatest possible benefits. Compensation measures as

detailed in an approved Special-Status Species Mitigation Plan must be implemented within 60 days of the use permit's effective operational date, of February 15, 2016, or no later than April 16, 2016.

Remaining Impacts: Remaining impacts related to avian special-status species will be significant and unavoidable.

Overriding Considerations: As more fully explained in the Statement of Overriding Considerations contained in Exhibit C to the Resolution to which these CEQA Findings are attached, the County finds that there are environmental, economic, or other benefits of the approved project that override the remaining significant and unavoidable impacts from the project related to avian special-status species.

Findings and Recommendations Regarding Growth-Inducing Impacts

CEQA Section 21100(b)(5) and Section 15126.2(d) of the State CEQA Guidelines states that an EIR should discuss a project's growth-inducing impacts, which include "...the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Growth can be induced in a number of ways, including through elimination of obstacles to growth, through the stimulation of economic activity within the region, or through precedent-setting action.

The Project's growth inducing impacts are discussed in the 2013 Final EIR at page 5-8. The project would not induce growth or result in secondary growth-inducing impacts. The project would not result in new employment opportunities, and therefore would not induce a demand for new housing and services. The nature of the facilities is such that there would be no direct customers and no incentive for other residences or businesses to locate nearby.