ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

STAFF REPORT *UPDATE*

TO: EAST COUNTY BOARD OF ZONING ADJUSTMENTS
HEARING DATE: APRIL 24, 2014

GENERAL INFORMATION

APPLICATION:	**Sand Hill Wind Project**, **Conditional Use Permit, PLN2013-00013 (Initial Repower only)**
APPLICANT:	**Sand Hill Wind, LLC**, a direct, wholly-owned subsidiary of New Dimension Energy Company, LLC (NDEC), which is a subsidiary of Ogin, Inc. (formerly FloDesign Wind Turbine Corp.).
PROPOSAL:	To repower existing wind farm facilities with 40 shrouded wind turbines.
ADDRESS, LOCATION, ASSESSOR'S PARCEL NOS. AND SIZE OF PARCEL:	14740 Altamont Pass Road (off-site operations and maintenance facility and offices only), and various other addresses for specific gates. Seven parcels will be used for the 40 turbines, including a west area – (APNs 99B-7750-6-0, 99B-6325-1-3 and 99B-7375-1-7); a northeast area (APNs 99B-7500-3-1 and 99B-7600-1-1); and a southeast area (APNs 99B-7875-1-2 and 99B-7875-1-3).
ZONING:	A & A-B-E (Agriculture, 160-acre minimum building site area).
GENERAL PLAN DESIGNATION:	LPA (Large Parcel Agriculture), *East County Area Plan*, adopted in 1994 and amended in November 2000 and May 2002.
ENVIRONMENTAL REVIEW:	The project is subject to the California Environmental Quality Act (CEQA, 1970, as amended) and a Final Environmental Impact Report (FEIR) was prepared to identify the significant impacts of the Project on aesthetics, air quality, biological resources and other topic areas, and which incorporates comments on its analyses, and responses to the comments. The FEIR was certified by the East County Board of Zoning Adjustments at its prior hearing on the project, on March 27, 2014.

RECOMMENDATION

The Board should receive a staff presentation, take final public comment on the proposal, and approve the conditional use permit by adoption of the proposed draft Resolution and *updated* conditions of approval.

UPDATE

The East County BZA considered the matter at a prior hearing on March 27, 2014, and after certifying the FEIR, it voted to continue the matter to the current hearing in order to obtain some additional information on the Project and its effects on avian species in the APWRA, and address questions raised by the BZA.

SRC Summary Report on Avian Mortality: The Monitoring Team has provided annual reports to the SRC on avian mortality since 2006, the last of which indicated that repowering is the management action that will have the most substantial benefit to reducing avian mortality in the APWRA. In 2008, the SRC developed new siting guidelines based on hazardous turbine sites and conditions, that will be used for the

siting of new and relocated turbines. Repowering with focused siting strategies is considered the primary management measure necessary to reduce avian mortality; however, no long-term or extensive research investigation yet exists of repowered turbines, or for which the new siting criteria has been applied.

Representation at the Hearing by a Member of the SRC: There are several reasons why it would be very difficult to have an SRC member present, including, but not limited to the fact that the SRC is a body that is subject to the Brown Act, and when speaking publicly, needs a quorum, for which it is quite difficult and costly to arrange attendance (not only of all members but also the facilitator and consultants), or for even a conference call (which must be publicly noticed) to appoint a representative. More importantly, the Committee has not been comfortable in the past with the act of appointing any one Member as a representative.

Concerned Organizations and Interest: Notice of the hearing and of the availability of the EIR and staff analysis was provided to a wide array of interested parties and organizations, including non-governmental organizations (e.g., Audubon Society, Sierra Club, Center for Biological Diversity, etc.), land-owners, wind-energy operators. Although there were no environmental advocacy organizations present at the hearing on March 27th, there was quite substantial comment from one such organization, *Save Mount Diablo* (SMD). While SMD had been expected to be represented at the prior hearing, a personal matter prevented their representative from attending. However, their comments and concerns were fully represented in the Final EIR/Comments/Response to Comments document. Informally, the Golden Gate Audubon Society is very interested in the results of the Sand Hill Initial Repower Project, and has verbally indicated it supports the Initial Repower, but until the results of the Initial Repower have been made available, will withhold substantial review and comment.

Decision Tree / Flow Chart: The Applicant, Ogin, Inc., prepared a schematic "If-Then" decision diagram (see attachment) as a simple illustration of when and on what basis the Applicant will implement mitigation for the Initial Repower Project. More specifically, the diagram refers to the Applicant Proposed Measures (APMs, as described in the EIR) that would be implemented depending on the data results of the CEC-sponsored Avian Validation Study. The diagram shows two basic alternative outcomes at the top and bottom, of reduced avian mortality that may be evident after one, two or three years (the top bar), or alternatively, no reduction in avian mortality, also after one, two or three years (the bottom bar). The outcome at the top indicates that no APMs would be implemented, and the 40-Turbine Initial Repower would operate for 30 years; the alternative outcome (bottom bar) indicates that the APMs would be carried out for the 30-year life of the Project.

An important aspect of the diagram is that it shows the Applicant may decide after the first of monitoring (the third and final year of the Avian Validation Study), or after one or two years of additional monitoring to be sponsored by the Applicant (APM-1 in the EIR) to implement winter season shutdowns (APM-2), i.e., after the first, second or third year. A variety of other key factors are not illustrated in the diagram, however, such as that the reductions in mortality that would trigger a decision to complete additional years of study (APM-1) would be based on comparison with *existing baseline* mortality rates, while the decision to initiate winter seasonal shutdowns would be based on whether or not the threshold targets set for each of the four focal raptor species were met (e.g., 0.190 birds/MW/year for red-tailed hawk, or 3.126 birds/MW/year for burrowing owl). Staff will present a supplemental diagram at the hearing which may further clarify the decision process involved in the APMs and the other mitigation measures identified in the EIR

Estimated Fatality Calculations. The EIR authors prepared a supplemental table showing the total number of focal species fatalities that are projected to occur under the proposed Project, based on existing mortality rates for the APWRA and as used in the EIR. The table is provided below.

Estimated Focal Species Fatalities

Species	Adjusted Rate of Fatalities[1] (birds/MW/yr)	Number of MW under the Initial Repower	Projected number of fatalities under the proposed project (birds/yr)[2]
American kestrel	0.56	4	2.24 (3)
burrowing owl	3.13	4	12.52 (13)
golden eagle	0.06	4	0.24 (1)
red-tailed hawk	0.19	4	0.76 (1)

Peer Review: After the Avian Validation Study has been completed, or after any subsequent years of study or monitoring as proposed or required by the Applicant, the County will require a scientifically-supported peer review of the results, to validate and confirm the findings, to support the implementation of mitigation measures and to guide future decisions on the Full Repower. A new condition of approval (15) has been added to the draft Resolution to approve the use permit, which establishes this requirement.

Integrated Approach to Biological Mitigation Measures. The conditions of approval have been supplemented with a requirement to coordinate the implementation of mitigation measures using a "Landscape-Scale" approach, to account for secondary impacts or effects on management of resources. This strategy, endorsed by the U.S. Department of the Interior, will benefit from input and consultation with local land and resource management organizations such as Natural Resources Conservation Service (NRCS), the Alameda County Resource Conservation District (RCD), East Bay Regional Park District (EBRPD) and others.

RECOMMENDATION

The Board should receive a staff presentation, take final public comment on the proposed Project, and approve the Project by adoption of the proposed draft Resolution and conditions of approval.

PREPARED BY: Andrew Young Planner III
REVIEWED BY: Sandra Rivera Assistant Planning Director
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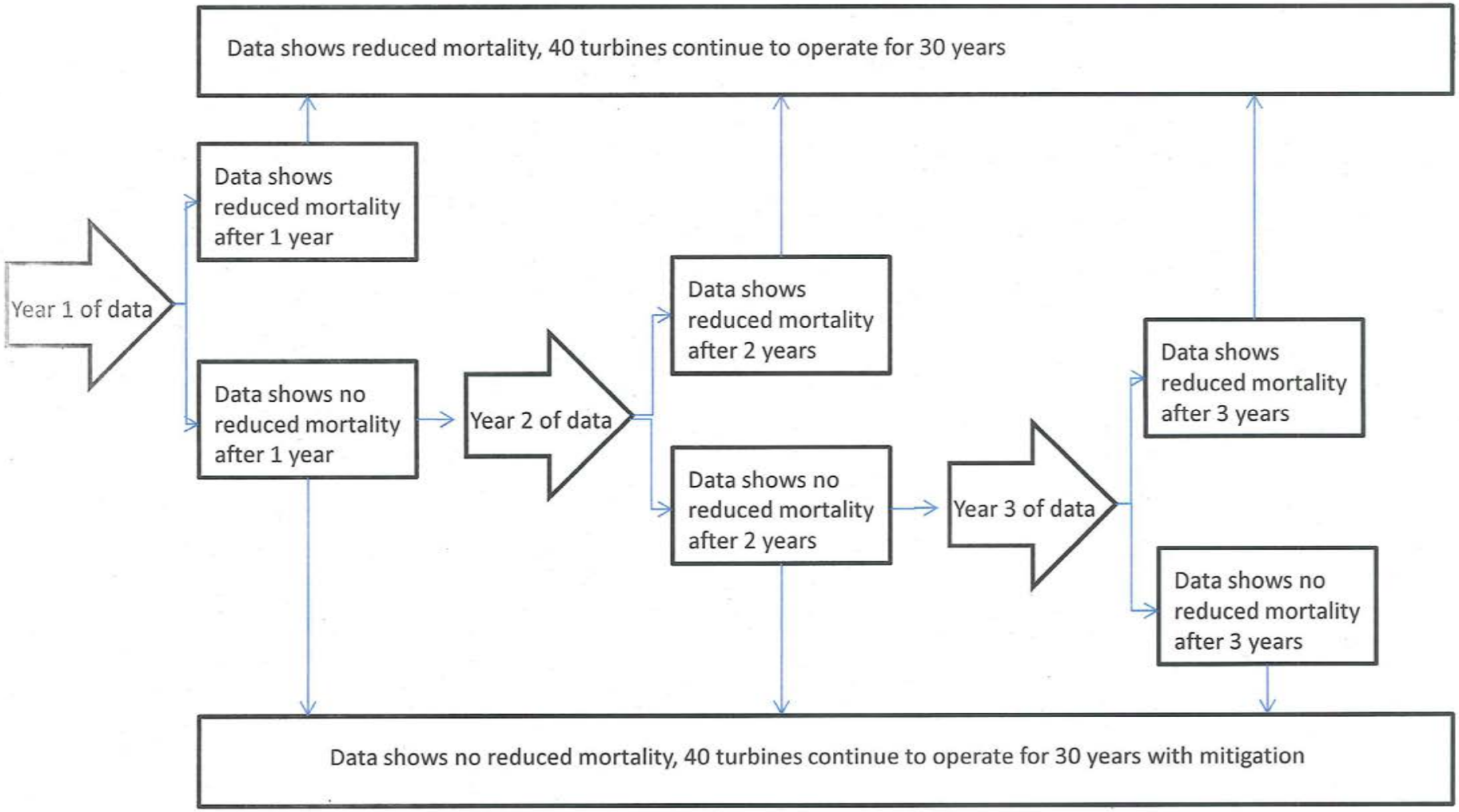
[1] Based on rates from Smallwood (2013) and Alameda County Monitoring Team (ICF International 2013).
[2] Numbers of fatalities provided are an estimate only and are considered "worst-case". Actual numbers of fatalities will be determined through monitoring and are expected to be less than the numbers provided.

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