

Notice of Exemption

Form D

To: [X] Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

From: (Public Agency) Alameda Co. Planning Dep.
224 West Winton Avenue, Rm. 111
Hayward, CA 94544

[X] County Clerk
County of ALAMEDA
1101 Madison St. 1st Fl.
Oakland, CA 94612

ENDORSED
FILED
ALAMEDA COUNTY
SEP 27 2005

PATRICK O'CONNELL, County Clerk
By T.A. Deputy

Project Title: Altamont Pass Wind Power Projects - Use Permit Extensions

Project Location - Specific:

Altamont Pass area in unincorp. Alameda Co., E. of Livermore, W. of San Joaq. Co. line

Project Location - City: unincorporated Project Location - County: ALAMEDA

Description of Project:

Extensions of 54 Conditional Use Permits to allow continued operation of existing wind energy projects in the Altamont Pass Wind Resource Area. Prior permits consolidated into 31 permits based on operating companies and landowners. Extensions approved with expiration in 13 years and other modified conditions to address on-going operations and initiate activities to reduce the effects of the existing facilities on wildlife.

Name of Public Agency Approving Project: Alameda Co. Planning Dept.

Name of Person or Agency Carrying Out Project: Altamont Infrastructure Co./Altamont Power Co./
EnXco / Seawest Power Resources/Windworks, Inc.

Exempt Status: (check one)

- [ ] Ministerial (Sec. 21080(b)(1); 15268);
[ ] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[ ] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Class 1-Existing Project; Sec. 15301(b)(f)
[ ] Statutory Exemptions. State code number:

Reasons why project is exempt: see Attachment A -

The project consists of operation, repair, maintenance, permitting, leasing, licensing and minor alterations of existing public and/or private structures, facilities, mechanical equipment, of both investor and publicly-owned utilities used to provide electric power, involving negligible expansion (and some reduction) of use beyond that existing at the time of the lead agency's determination; addition of safety devices.

Lead Agency

Contact Person: Chris Bazar (Pl. Director) Area Code/Telephone/Extension: (510) 670-5400

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [ ] Yes [ ] No

Signature: [Signature] Date: Sept. 26, 2005 Title: Planning Director

- [X] Signed by Lead Agency Date received for filing at OPR:
[ ] Signed by Applicant

## **ATTACHMENT A TO NOTICE OF EXEMPTION**

### **WIND POWER CONDITIONAL USE PERMIT RENEWALS**

#### **ALTAMONT PASS WIND RESOURCE AREA**

The approved project consists of the renewals of previously-approved Conditional Use Permits (“CUPs”) for existing wind power facilities. The CUP renewals authorize the continued operations of the existing wind power facilities, with no expansion or other substantial changes to the physical facilities, operations, or land. The Class 1 exemption (State Guidelines Section 15301) applies to the “operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment,” including “existing facilities of both investor and publicly-owned utilities used to provide electric power.” Guidelines, Section 15301(b). Under the approved project, there would be no expansion of permitted uses beyond those now in existence. When measured against existing conditions, the extension of the wind power CUPs would not result in any new significant impacts. Thus, while the existing wind power facilities affect certain avian species, the issuance of the renewed CUPs does not result in physical changes to the existing facilities and does not cause any new significant impacts. To the extent that replacement or reconstruction of some wind turbines or ancillary facilities is necessary over time, those activities would be covered by the Class 2 exemption. State Guidelines, Section 15302.

The County included additional conditions of approval in the renewed CUPs based on the best available scientific information. As a result of concerns raised regarding the impacts of the wind power facilities on various avian species, the County has required, as a condition of permit renewal, that an environmental impact report (“EIR”) be prepared within three years for “the purpose of evaluating the environmental impacts of the repowering program and the continued operation of existing turbine facilities.” The EIR will include scientific information provided through the monitoring to be conducted by the County and through the Scientific Review Committee. While not required under CEQA, the EIR will provide the County with an opportunity to consider this additional scientific information in its review of the existing facilities and impose appropriate conditions on operations to address any such identified impacts.

# ALAMEDA COUNTY PLANNING DEPARTMENT

224 W. Winton Avenue, Hayward, CA 94544 (510) 670-5400 FAX (510) 785-8793

## ENVIRONMENTAL DECLARATION

*California Fish and Game Code Sec. 711.4*

NAME AND ADDRESS OF APPLICANT OR LEAD AGENCY

Alameda County Planning Department

224 West Winton Ave. Rm. 111

Hayward, CA 94544

PROJECT TITLE: Altamont Pass Wind Power – Use Permit Extensions

Conditional Use Permits - C-8161, C-8191, C-8201, C-8203, C-8233, C-8234, C-8235, C-8236, C-8237, C-8238, C-8239, C-8241, C-8242, C-8244, C-8023, C-8031, C-8036, C-8037, C-8134, C-8136, C-8137, C-8173, C-8182, C-8224, C-8225, C-8231, C-8232, C-8240 & C-8263

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION  
 A - STATUTORILY OR CATEGORICALLY EXEMPT  
\$25.00 (Twenty-five Dollars) - CLERK'S FEE  
  
 B - DE MINIMUS IMPACT - CERTIFICATE OF FEE EXEMPTION REQUIRED  
\$25.00 (Twenty-five Dollars) - CLERK'S FEE
2. NOTICE OF DETERMINATION - FEE REQUIRED  
 A - NEGATIVE DECLARATION  
\$1,250.00 (Twelve Hundred Fifty Dollars) - STATE FILING FEE  
\$25.00 (Twenty-five Dollars) - CLERK'S FEE  
  
 B - ENVIRONMENTAL IMPACT REPORT  
\$850.00 (Eight Hundred Fifty Dollars) - STATE FILING FEE  
\$25.00 (Twenty-five Dollars) - CLERK'S FEE
3.  OTHER (Specify) \_\_\_\_\_  
\$25.00 (Twenty-five Dollars) - CLERK'S FEE

**ENDORSED  
FILED  
ALAMEDA COUNTY**

SEP 27 2005

PATRICK O'CONNELL, County Clerk  
By T.A. Deputy

05-530

FILING NO:

CLERK'S

USE ONLY

PLU 117

PLU 117

PLU 116

PLU 115

PLU 117

\* THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

FOUR COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING PURPOSES.

APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING AN ENVIRONMENTAL DOCUMENT WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

MAKE CHECK PAYABLE TO: TREASURER, ALAMEDA COUNTY