

Exhibit D
Altamont Pass Wind Resource Area Scientific Review Committee
September 22, 2005

Purpose:

- To provide the County of Alameda with a balanced and independent panel of five technical experts with knowledge of and experience with avian safety and wind energy issues.
- Represent and collectively balance the fundamental interests and input of all stakeholders, including Permittee(s), the County of Alameda, other governmental agencies, environmental groups and the public at large.
- Ensure the maximum feasible degree of wildlife protection while maintaining the efficient production of renewable energy.
- Provide a neutral forum for open dialogue among experts in the field with different perspectives, reach agreement on analysis and interpretation of data, and ensure sound and objective scientific review of avian safety strategies.
- Evaluate data from monitoring reports and provide reports and recommendations to the Permittee(s), the Planning Director, state and federal wildlife agencies, other agencies and organizations regarding the appropriate specific timing and implementation of the various strategies and steps set forth in the Avian Wildlife Protection Program & Schedule (AWPPS, as set forth in Attachment G), or appropriate revisions to the Program.

Tasks:

The overall work program of the SRC shall be as approved by the Alameda County Planning Director. Subject to a budget to be approved by the Planning Director and as required by the AWPPS and the Permit conditions of approval, the SRC will be responsible for undertaking the following tasks:

- Develop and evaluate scientifically-supported strategies to reduce injury and mortality to avian wildlife associated with wind turbine operations in the APWRA, and assess those strategies using state-of-the-art science, peer-reviewed data, and applicable local, state and federal guidelines.
- Assist with the final characterization of the "Tier 2" turbines, or the classification of turbines according to their relative danger to avian wildlife.
- Develop and/or assess new and more effective strategies for avoiding and reducing avian injury and mortality due to raptor collisions with wind turbines and infrastructure.
- Assist the County and its biological resource monitoring consultant(s) with the conduct of research, and the design of protocols and reporting procedures.
- Assist the County with monitoring Permittees' compliance with the conditions of approval, particularly the AWPPS.
- Utilize an approach under which there is a continual cycle of assessment, design, implementation, monitoring, evaluation, adjustment and re-assessment of strategies, except where the SRC deems experimentation on this basis to be in conflict with the AWPPS.
- Assist the County with evaluating the effectiveness of strategies to reduce avian injury and mortality, including both existing and anticipated repowering projects,

- Review and assess the County consultant's monitoring reports, as well as reports from consultants or others directly employed by one or more of the Permittee(s), federal, state or other governmental agencies, or other researchers or organizations.
- Provide guidance to the Planning Director regarding the scope of work of the monitoring consultants and the EIR consultants, and other issues not currently foreseen.
- Research and develop the parameters of a mitigation program for habitat conservation areas on or off the Permit sites, or other steps to compensate for avian mortality and injury impacts that remain unaffected by the AWPPS.
- Actively participate and advise the County in formulating policies and ordinances for evaluating impacts on avian species and ecosystems for the third- and eighth-year reviews of the Conditional Use Permits, applications for new wind power proposals, and wind repowering projects.
- Assist wind industry operators and the County of Alameda with compliance issues related to State and Federally listed species, State species of special concern and State and Federal fully protected avian species.
- Review and provide recommendations for any adjustments to the baseline fatality rates from existing or new data used to evaluate the effectiveness of the AWPPS.
- Review methods for identifying high risk turbines (Tiers 1 and 2 or other categories), and recommend adjustments or modifications to those methods if necessary.
- Identify when independent peer review is required and assist in the selection of peer reviewers.
- Meet on at least a quarterly basis (schedule to be coordinated by the Planning Director).

Membership:

The SRC will be made up of technical experts with knowledge of and experience with avian safety and wind energy issues, and shall meet minimum qualifications of education and experience with biological resource analysis, wildlife management and/or wildlife science. All members of the SRC should possess some combination of academic training, appointments, certifications, publications, employment history with a relevant governmental agency, specialist consulting firm or academically recognized institution, prior service on a scientific advisory committee, advanced degree(s) in statistics, and other relevant background. The members should have knowledge of scientific protocols, investigative procedures, inferential statistics and avian mortality issues. Availability and willingness to attend meetings, read and study reports, write recommendations and communicate effectively among the SRC members is mandatory.

Each person nominated to the SRC shall submit to the Planning Director and the Board of Supervisors a professional resume documenting their qualifications as set forth above and a statement letter indicating their willingness to serve, ability to attend meetings on at least a quarterly basis, and their conditions for compensation for time and expenses (Federal, state or local governmental employees will be compensated only for out-of-pocket travel expenses). The Board of Supervisors, in consultation with the Planning Director, shall select the members by October 31, 2005, and shall designate a Committee Chair and/or Facilitator to preside over the meetings of the SRC. The first meeting shall be tentatively scheduled to occur before November 15, 2005.

At a minimum, the Board of Supervisors appointments to the SRC shall include one member to represent the following groups or entities:

- The Permittee(s) (i.e., the wind farm companies or turbine operators and their personnel, including consultants with active contracts for services to the operators);
- The environmental community (e.g., the Center for Biological Diversity, Californians for Renewable Energy, Inc., or the Golden Gate Audubon Society);
- The County Planning Department (who may be the County biological resource monitoring consultant as provided for in Condition 6, or one of such consultants);
- A California state resource agency (e.g., the California Energy Commission, or the California Department of Fish and Game); and
- A United States federal resource agency (e.g., the United States Fish and Wildlife Service).

In the event only one state or federal resource agency nominates a representative, a fifth representative shall be appointed by the Board of Supervisors to represent the public-at-large.

Staffing:

The Alameda County Board of Supervisors shall appoint the members of the SRC within 30 days of the granting of the Permit. The membership of the SRC shall be made public, with notification to the Permittees, prior appellants, the East County Board of Zoning Adjustments, the Wind Power Working Group, and media. The membership will be subject to modification on an annual basis at the direction of the Board of Supervisors. The Planning Department will provide the staffing and materials to accomplish the work of the Committee, including technical and logistical support to be provided by either County staff or one or more consultants.

Process & Authority:

The Planning Director shall have the authority to impose new conditions on this Permit to address avian safety and other environmental and operational issues. The Planning Director shall be responsible for communicating the SRC's recommendations to the Permittee(s), the Wind Power Working Group, its members, the public, and the avian mortality and injury monitoring consultant(s). The Planning Director's decisions may be appealed to the Board of Zoning Adjustments, or a rehearing may be set by the Planning Director, on an annual basis after notice as provided for in the initial hearing, for the purpose of modifying such decisions or adding conditions that may be required to guarantee the continuance of the affirmative findings contained herein.

Budget:

The Planning Director shall have the authority to establish and manage the budget of the SRC for monitoring and research costs, and shall submit invoices on an as-needed basis to each Permittee based on the Permittee's prior year's installed production capacity (in megawatts – MW). Funds shall be submitted for the first year on or before the first meeting of the SRC and annually thereafter by September 30 each year to the County, and will be held in an interest-bearing trust account payable to the SRC members pursuant to their individual appointment agreement.