

**Request from Golden Gate Audubon Society, Alameda County and Settling Party Wind Companies
to the Scientific Review Committee
for the August 20, 2009 SRC teleconference**

The 2007 Settlement Agreement among the Audubon chapters, CARE, the County and the settling Wind Companies sets forth the following requirements:

1. That the Wind Companies are to achieve a 50% reduction in avian mortality within 3 years of the Effective Date of the Settlement Agreement ;
2. In the event that the presumed scaling factors exceed 2.5, the Settling Parties, in consultation with the SRC, would determine a mutually acceptable baseline for determining raptor mortality and/or reduction percentage in raptor mortality that triggers adaptive management measures;
3. If the 50% reduction is not met, by June 1, 2009, the SRC will prioritize management measures, including an evaluation of management measures that have not reduced raptor mortality at the expense of energy production, after analyzing field monitoring data;
4. By August 1, 2009, the settling Wind Companies and Audubon shall propose an adaptive management plan to the County/SRC designed to achieve an 50% reduction in avian mortality; and
5. The SRC shall act on the proposed adaptive management plan by November 1, 2009.

Because the monitoring data and reports have not been available, and because the SRC has not been regularly convened during the last year, we believe the timeline laid out by the Settlement Agreement has not and cannot be met. Already, the SRC did not prioritize management measures by June 1 and the settling Wind Companies and Audubon did not submit a proposed management plan by August 1, 2009.

Golden Gate Audubon Society (GGAS), the County and settling party Wind Companies anticipate having to amend the Settlement Agreement (in writing) to extend the deadline until such time as the Parties in consultation with the SRC have sufficient time to review the monitoring data and reports, prioritize management measures, and draft and submit a management plan.

Therefore, GGAS, the County and settling party Wind Companies would like the advice from the SRC as to how much time it anticipates needing to answer the following questions and complete the following tasks:

1. In light of the scaling factors that have been utilized, whether the presumed baseline in the Agreement is a suitable baseline for measuring the effectiveness of avian mortality reduction in the Altamont over the last three years and whether a different baseline or other means of measuring the effectiveness of avian mortality reduction is more suitable;
2. Whether the wind companies reduced avian mortality by 50% during the term of the Settlement Agreement;
3. Assuming the 50% reduction was not met, what are the priority management measures to reach that goal;
4. How much time will the SRC need to review and comment on the settling Wind Companies' and Audubons' draft adaptive management plan once submitted; and
5. Assuming the adaptive management plan is acceptable to the SRC, how much time will it need to "act on" the proposed plan as anticipated by paragraph 3(c)(ii) of the Settlement Agreement.

We understand that it is difficult to estimate the time needed given that the monitoring reports have not yet been released and because the SRC has not yet seen a draft of the Parties' proposed management plan. But, we need to at least estimate the time needed so that we can complete a written amendment to the Settlement, to extend the November 2009 deadline, and extend the associated APWRA contracts.

Therefore, even a broad estimate by the SRC would be helpful. This decision need not be during the August 20, 2009 SRC teleconference but GGAS, the County and settling party Wind Companies ask the SRC to consider these questions as soon as possible so that the Parties may begin the process to formally amend the Settlement Agreement.