

EXHIBIT G-2

AVIAN WILDLIFE PROTECTION PROGRAM & SCHEDULE

September 22, 2005

The Avian Wildlife Protection Program & Schedule (Condition 7, AWPPS) is to be implemented together with all of the conditions as set forth in Attachment B, and in particular is linked to the Scientific Review Committee, the monitoring by the County consultant, and the preparation of an environmental impact report in the third year of the Program. Throughout all years of the Program, the Scientific Review Committee (SRC) shall investigate, monitor and evaluate the effectiveness of the Program, using input from the Permittee(s), the County consultant and state-sponsored research, and subsequently recommend adjustments, and design and implementation of alternative strategies. The County consultant, as a neutral third party, shall also continue to report on avian mortality and injury using methods approved by the SRC through the life of the Permit(s), although changes in the nature and scope of the required reporting are expected after the third and eighth year reviews of the Permit. The Planning Director shall have the authority to directly institute minor, non-substantive changes to timing or implementation of the Program and Schedule or its general scope. On the basis of recommendations by the SRC, the Planning Director may impose more substantive changes to the manner of the Program's implementation; however, major substantive or material changes outside the general scope of the AWPPS shall be subject to a duly-noticed public hearing, if such modifications will serve the fundamental objectives of the Program for progressive and substantial reductions in avian mortality and injuries. The Permittee(s) shall consider the following AWPPS steps and criteria to be a minimum base or "floor level" which the companies are strongly encouraged to exceed to the extent that additional reductions in avian mortality and injury can be achieved. This Exhibit G-2 applies to turbines not subject to Exhibit G-1.

YEAR ONE – September 2005 to August 2006

1. By October 31, 2005, and subject to confirmed determination by the SRC, the Permittee shall shutdown or relocate the individual turbines specifically identified by BioResource Consultants, Inc. in their research for the California Energy Commission, as "Tier 1" hazardous turbines (approximately 1 percent of all turbines).
2. By November 30, 2005, the Permittee shall provide a schedule for implementing the on-site strategies to reduce avian mortality as identified by the California Energy Commission-sponsored research, including the following (and in general accordance with the timetable below).

Strategy or technique

Implementation Time

- a. Retrofitting electrical power poles and power lines to be compliant with the Edison Electric Institute's Avian Power Line Interaction Committee (APLIC), in order to prevent electrocution of birds;
- b. Removing derelict and non-operating turbines, allowing towers to remain at ends of rows if deemed beneficial as flight diverters by the SRC, and replacing turbines only with SRC approval;

Within 180 days of the Permit approval

50% removed within 180 days, 100% within one year

<u>Strategy or technique</u>	<u>Implementation Time</u>
c. Subject to approval by the US Fish & Wildlife Service, relocating all artificially-created rock piles away from turbines;	Within 180 days of FWS approval
d. Implement other on-site management measures identified in the CEC-sponsored research, if recommended by the SRC and approved by the Planning Director or the Board of Zoning Adjustments if applicable, including, but not limited to 1) retrofit tower platforms to prevent under-burrowing by small mammals; 2) cease rodent control program activities on all sites; 3) paint turbine blades according to the Hodos scheme on a trial or larger basis; 4) use turbine designs and concentrated siting to discourage raptor use; 5) reduce or eliminate vertical and lateral edges; 6) replacement of guyed turbine and meteorological towers; 7) restrict cattle from grazing near turbines on a seasonal or more extended basis; 8) install accelerometers; and 9) install improved turbine monitoring equipment.	Within 180 days
3. From November 1, 2005 until December 31, 2005, the Permittee(s) shall cease operations for approximately ½ of the existing (non-repowered) turbines, after which operation of this ½ of the turbines may recommence. From January 1, 2006 to February 28, 2006, the Permittee(s) shall cease operations of the other half of the existing (non-repowered) turbines, after which operations may recommence.	
4. By May 31, 2006, using data and other information from the Permittee(s), the County consultant shall provide a report to the SRC on the seasonal shutdown of all turbines between November 1 and February 28 of the previous winter.	
5. By March 31, 2006, the Permittee shall provide a first annual letter report to the Planning Director regarding first steps and progress toward repowering of 10 (ten) percent of the Permittee's total number of turbines on all sites by the end of the fourth year.	
6. By September 22, 2006, the SRC shall have reported to the Planning Director with recommendations for potential on- or off-site strategies for conservation of critical wildlife habitat.	

YEARS TWO & THREE – October 2006 to September 2008

1. From November 1, 2006 to January 1, 2007 the Permittee(s) shall cease operations for approximately ½ of the existing (non-repowered) turbines, after which operation of this ½ of the turbines may recommence. From January 1, 2007 to February 28, 2007, the Permittee(s) shall cease operations of the other half of the existing (non-repowered) turbines, after which operations may recommence. (Year Two)
2. From November 1, 2007 to January 15, 2008 (an increase of half a month over the prior winter), or for a different 2-½-month minimum period if agreed to by the SRC based on the monitoring results from the prior two winters, the Permittee(s) shall cease operations of approximately ½ of the existing (non-repowered) turbines. From December 15, 2007 until

February 28, 2008, or for a different 2-½-month minimum period also based on monitoring results as above, the Permittee(s) shall cease operations of the other half of the turbines (also increasing their total shutdown by half a month over the prior winter, and overlapping with the shutdown of the first half of the turbines). (Year Three)

3. By March 31, 2007, the Permittee shall provide a second annual letter report to the Planning Director regarding additional progress toward repowering of 10 percent of the Permittee's turbines by the end of the fourth year. By March 31, 2008, the Permittee shall provide the third annual letter regarding such progress.
4. By March 31, 2007, the County shall have obtained detailed repowering proposals from the Permittee(s), and with input from the SRC shall have completed a draft scope of work for the preparation of an Environmental Impact Report (EIR), initiated a request for proposals from qualified consultants, and have selected an EIR consultant.
5. By September 30, 2007 (end of Year Two), and subject to confirmed determination by the SRC, the Permittee shall shutdown or relocate approximately one-quarter of all the turbines identified as the second most hazardous turbines (Tier 2 turbines, approximately 0.5 percent of all turbines), and by September 30, 2008 (end of Year Three), also subject to SRC review, shutdown or relocate an additional one-quarter of all such turbines.
6. By March 31, 2008, the Draft EIR shall have been circulated for the minimum period of time for public comment. By September 30, 2008, public hearings shall be held on the Draft EIR, and a Final EIR, with responses to comments from the public and interested government agencies, and any revisions to the Draft EIR, with a Mitigation Monitoring and Reporting Program if required, shall be adopted and certified. The EIR shall have addressed the environmental impacts of the repowering program (including both specific proposals and the overall repowering program set forth herein), the continued operation of existing turbine facilities, and the effectiveness of the various strategies to reduce and minimize avian mortality and other adverse impacts on wildlife (such as new wind turbine technology, site-specific measures, grazing management, etc.). The EIR shall also study siting in the Altamont as a whole, and review on- or off-site mitigation and its best use to reduce avian mortality and enhance raptor and other wildlife habitat in appropriate locations within Alameda County. The EIR may also address how to provide incentives for an increased rate of repowering, including expanding areas where wind power facilities may be permitted.
7. By September 30, 2008, or no later than 60 days thereafter, the County shall have completed a review of all the Permits and their conditions of approval, and have held a public hearing, at which time the conditions of approval may be modified or supplemented with new conditions based on the findings of the EIR, and/or recommendations of the SRC.

YEARS FOUR & FIVE – October 2008 to September 2010

1. By September 30, 2009 (end of Year Four), and subject to confirmed determination by the SRC, the Permittee shall shutdown or relocate approximately one-quarter of the second most hazardous turbines (Tier 2 turbines, approximately 0.5 percent of all turbines), and by September 30, 2010 (end of Year Five), also subject to SRC review, shut down or relocate all (100 percent) such turbines.

2. From November 1, 2008 to February 1, 2009 (an increase of half a month over the prior winter), or for a different 3-month minimum period if agreed to by the SRC based on the monitoring results from the prior three winters, the Permittee(s) shall cease operations of approximately ½ of the existing (non-repowered) turbines. From December 1, 2008, until February 28, 2009, or for a different 3-month minimum period also based on monitoring results as above, the Permittee(s) shall cease operations of the other half of the turbines (also increasing their total shutdown by half a month over the prior winter, and overlapping with the shutdown of the first half of the turbines). (Year Four)

From November 1, 2009 to February 15, 2010 (an increase of half a month over the prior winter), or for a different 3-½-month minimum period if agreed to by the SRC based on the monitoring results from the prior four winters, the Permittee(s) shall cease operations of approximately ½ of the existing (non-repowered) turbines. From November 15, 2009 until February 28, 2010, or for a different 3-½-month minimum period also based on monitoring results as above, the Permittee(s) shall cease operations of the other half of the turbines (also increasing their total shutdown by half a month over the prior winter, and overlapping with the shutdown of the first half of the turbines). (Year Five)

3. Based on the completed and certified EIR, the County, with the input of the SRC, shall implement the Mitigation Monitoring and Reporting Program set forth therein, to modify or expand on those strategies implemented in the prior three years, provide other methods to achieve further, substantial reductions in avian mortality beyond that achieved in the prior three years, which will be added to the conditions of approval for the existing turbines for the remaining years of the Permit, subject to review in the eighth year of the permit.
4. The County, through the SRC, will establish an on- or off-site mitigation program based on the findings of the EIR, for use within Alameda County to the greatest extent possible.
5. By March 31, 2009 (the middle of the fourth year) each Permittee shall have initiated applications for repowering of ten (10) percent of their individually-owned existing turbines (which may include the Tier 1 and Tier 2 turbines removed through the fourth year, or derelict or other turbines permanently removed since January 1, 2004).
6. By September 30, 2009 (end of the fourth year), subject to a new conditional use permit and a development agreement (granting certain vested rights to the new Permittee to operate for a new term of 20 years with permit reviews in 5-year increments) consistent with the EIR and AWP Program, the Permittee(s) shall have ceased operation and permanently removed 10 percent of their individually-owned existing turbines in preparation for installation of the replacement, repowered turbines. Permanent removal of currently existing (non-repowered) turbines will be considered to constitute compliance with this measure as the first step in repowering and is not necessarily dependent upon approval of the new conditional use permit and construction of the new turbines. If a new permit for repowering has not been granted due to delays by state or federal agencies or other factors outside of the Permittees' control, the Permittee must provide acceptable evidence of such factors to the Planning Director and the SRC in order to permit the continued operation of existing turbines.

YEARS SIX THROUGH EIGHT – OCTOBER 2010 TO SEPTEMBER 2013

1. The County will continue and expand as appropriate the on- or off-site mitigation program in accordance with the findings of the EIR and with guidance from the SRC.
2. The Permittee(s) and County will continue to implement the Mitigation Monitoring and Reporting Program based on the EIR, and based on continued monitoring by the County consultant and input from the SRC, and subject to review and approval by the SRC and in the event of substantial alterations to the conditions, Planning Director and/or a duly noticed public hearing by the Board of Zoning Adjustments, may modify or expand on those strategies implemented in the prior five years, provide other methods to achieve further, substantial reductions in avian mortality beyond that achieved in the prior five years.
3. From November 1 of each year to the following February 15 (the maximum period of the 3-½ month shutdown), or for a different 3-½-month minimum period if agreed to by the SRC based on the monitoring results from the prior five winters, the Permittee shall cease operations for approximately ½ of the existing (non-repowered) turbines. From November 15 until February 28 of each year, or for a different 3-½-month minimum period also based on monitoring results, the Permittee(s) shall cease operations of the other half of the turbines (also consistent with the maximum period of the 3-½ month shutdown).
4. By March 31, 2012 (the middle of the seventh year) the Permittee(s) shall have initiated applications for repowering of an additional twenty-five (25) percent of their currently existing individually-owned turbines (which may include Tier 1, Tier 2 or other turbines removed in accord with the Program if not already replaced by repowering projects) such that a total of 35 percent of the Permittee's individually owned, existing turbines approved for operation as of September 22, 2005 will be permanently removed. Permanent removal of currently existing (non-repowered) turbines will be considered to constitute compliance with this measure as the first step in repowering and is not necessarily dependent upon approval of the new conditional use permit and construction of the new turbines.
5. By September 30, 2013, barring delays by state or federal agencies, action by the Planning Director, or other factors outside of the Permittees' control, and subject to a new conditional use permit and a development agreement under similar terms to repowering projects in the prior two years, the Permittee(s) shall have ceased operation and permanently removed an additional 25 percent of their individually-owned existing turbines in preparation for installation of the replacement, repowered turbines.
6. By September 30, 2013 (or five years after certification of the EIR), based also on continued monitoring by the County consultant and input from the SRC, the County will review the Permits and hold a public hearing, for consideration of the effectiveness of the components of the Program and consideration of other strategies to be added to the conditions of approval for the pre-existing turbines for the remaining years of the Permit.

YEARS NINE THROUGH THIRTEEN – OCTOBER 2013 TO SEPTEMBER 2018

1. The County will continue and expand as appropriate the on- or off-site mitigation program in accordance with the findings of the EIR and with guidance from the SRC.

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2. The Permittee(s) and County will continue to implement the Mitigation Monitoring and Reporting Program based on the EIR, and based on continued monitoring by the County consultant and input from the SRC, and subject to review and approval by the SRC and in the event of substantial alterations to the conditions, Planning Director and/or a duly noticed public hearing by the Board of Zoning Adjustments, may modify or expand on those strategies implemented in the prior eight years, provide other methods to achieve further, substantial reductions in avian mortality beyond that achieved in the prior eight years.
3. From November 1 of each year to the following February 15 (the maximum period of the 3-½ month shutdown) or for a different 3-½-month minimum period also based on monitoring results as in prior years, the Permittee shall cease operations for approximately ½ of the existing (non-repowered) turbines. From November 15 until February 28 of each year, or for a different 3-½-month minimum period also based on monitoring results as in prior years, the Permittee(s) shall cease operations of the other half of the turbines (also consistent with the maximum period of the 3-½ month shutdown).
4. By March 31, 2015 (the middle of the tenth year), the Permittee(s) shall have initiated applications for repowering of an additional fifty (50) percent of their currently existing individually-owned turbines (which may include any turbines or turbine capacity previously removed that has not been replaced by repowering projects), such that a total of 85 percent of the Permittee's individually owned, existing turbines approved for operation as of September 22, 2005 will be permanently removed.
5. By September 30, 2015, barring delays by state or federal agencies, action by the Planning Director, or other factors outside of the Permittees' control, and subject to a new conditional use permit and a development agreement under similar terms to repowering projects in the prior ten years, the Permittee(s) shall have ceased operation and permanently removed an additional 50 percent of their individually-owned existing turbines in preparation for installation of the replacement, repowered turbines.
6. By March 31, 2018 (the middle of the thirteenth year), the Permittee(s) shall have initiated applications for repowering of an additional fifteen (15) percent of their currently existing individually-owned turbines (which may include any turbines or turbine capacity previously removed that has not been replaced by repowering projects), such that a total of 100 percent of the Permittee's individually owned, existing turbines approved for operation as of September 22, 2005 will be permanently removed.
7. By September 30, 2018, barring delays by state or federal agencies, action by the Planning Director, or other factors outside of the Permittees' control, and subject to a new conditional use permit and a development agreement under similar terms to repowering projects in the prior thirteen years, the Permittee(s) shall have ceased operation and permanently removed all 100 percent of their individually-owned turbines approved for operation as of September 22, 2005, in preparation for installation of the replacement, repowered turbines.