



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

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Date: October 26, 2007
To: Altamont Windplant Settling Parties
From: Chris Bazar, Alameda County Planning Director
Subject: Modification of Seasonal Shutdown Requirement

In recognition of the need to immediately begin the avian monitoring team's synchronization process for the upcoming seasonal shutdown so that the monitoring team can obtain better data, the County hereby modifies the conditional use permit implementation to require a two month universal winter shutdown for the period beginning November 1 and ending December 31, 2007. This shutdown will occur in lieu of the cross-over design winter shutdown (which requires half of the settling wind farm companies to shut down wind turbines from November 1 through December 31, 2007, and the other half from January 1 through February 28, 2008) that is described in Section 4 of the Terms and Conditions of the Settlement and Section 3.c. of Exhibit G-1 of the Permit. This modification is a minor scheduling/implementation modification pursuant to Section 5 of the Conditional Use Permits Conditions.

The steps outlined above (which, to the best of our knowledge, are supported by of the Settling Parties) do not, in the view of County staff, preclude nor supplant the broader need for further discussions regarding alternative actions to achieve the 50 percent reduction in raptor mortality by November 1, 2009. As you know, the Settlement Agreement provides that the Settling Parties, through the meet and confer process, will seek to negotiate mutually acceptable mid-course corrections predicated on the SRC's evaluation of the prior year's monitoring data (Section 3. (b) of the Settlement Agreement). Based on the recommendation from the SRC and comments from other agencies, there is significant concern that avian mortality in the Wind Resources Area may not be on track to meet the Settlement Agreement requirements. Therefore, the County is directing the Settling Parties to expeditiously engage in discussions, in consultation with the SRC and other technical experts, as needed, to examine additional mid-course corrections that could be expeditiously implemented to assess a broad range of approaches to further reduce avian mortality.

County staff supports and approves the additional mid-course correction actions outlined by the settling companies in their October 25, 2007 letter as they will contribute to the overall array of measures to reduce avian mortality. The County is pleased to move these measures forward and welcomes the proposed incorporation of the SRC into the Tier 3 removal/relocation process. This proposed permit modification to engage the SRC members to assess the accelerated removal and relocation of the Tier

3 turbines (including implementation of their detailed recommendations) is considered a minor scheduling modification pursuant to Section 5 of the Conditional Use Permits Conditions.

While these additional mid-course corrections are positive steps, it is important and necessary for the Settlement Parties to simultaneously confer (as previously described) to address the need for additional mid-course corrections. Intensive discussions on this subject must continue to occur among the Settling Parties concurrent with the Tier 3 assessment process with the SRC. At the conclusion of the Tier 3 assessment exercise (which is expected to occur within the next 4-6 weeks, schedules permitting), Settling Parties will determine whether the array of newly-identified mid-course corrections appear sufficiently on track to meet the mandated deadline for the 50% reduction in avian fatalities. If there is not mutual agreement on this point as of that time, the parties will need to immediately initiate a more formal process to resolve their differences (per provisions contained within the Settlement Agreement).

Cc: AWPRA Scientific Review Committee
 Interested Parties