

## NOTES | 5/18/2009 Conference Call

### Altamont Pass Wind Resource Area Scientific Review Committee

Prepared by the Center for Collaborative Policy

Reviewed & Approved by the SRC

#### Discussion Topics

**Alameda County Updates on Altamont Issues**

**Monitoring Team Update**

**SRC 2009 Meeting Plan**

#### Action Items

- CCP—Add SRC comments to the existing draft of the monitoring report to the PDF.
- Rivera—Clarify relationship of existing permits and agreement to terminate mediation
- SRC Subcommittee (Shawn Smallwood and Julie Yee) to work with Monitoring Team to discuss analytical issues to finalize reports.

#### Next Conference Call

Date: June 4, 2009, 9-11 a.m.

Agenda: Consider outstanding analytical issues related to the Monitoring Team report.

#### Next In-Person Meeting

Date: July 29-30

### Alameda County Updates on Altamont Issues

#### Related Documents

[S29 Agreement to Terminate Mediation](#)

Sandra Rivera of Alameda County provided an update on mediation and other activities:

- **Mediation:** The Agreement to Terminate Mediation was signed in October-November 2008. (CARE did not sign the agreement.) It calls for removal/relocation of high-risk turbines of certain rating classifications, with requirements varying for different companies. Companies were not allowed to relocate to Tier 1-3 sites. A number of Tier 3 turbines were exchanged for immediate removal of high-risk turbines rated 9-10. The County can provide additional details later.
- **Compliance Monitor:** The agreement calls for hiring a compliance monitor to verify removal and relocation of high-risk turbines, and spot-check removal of derelict turbines, which are now being termed "unproductive turbines," and are defined as turbines that have not operated in 12 months. The monitor used company maps, GIS and completed surveys. The monitor's report will be discussed by settling parties to resolve a few minor questions and made public afterwards, probably in two weeks. The monitor mainly considers ratings and tier guidelines as well as some geographical features. The monitor is Herman Arndt. He was recommended by Bill Wind of the East Bay Regional Park District, the original monitor, who had to remove himself because of a family medical emergency. Because of that personnel change, the new Compliance Monitor was unable to make the March 6 deadline

called for in the Agreement to confirm removal of high-risk turbines. The Monitor completed his surveys last week.

- **Additional Hazardous Turbine Ranking:** One term of the agreement involves possible SRC rating of additional high-risk turbines (in the part of the APWRA not currently monitored).
- **AWI:** There are efforts to incorporate AWI participation in the Habitat Conservation Plan (HCP)/Natural Community Conservation Planning (NCCP) and its required Environmental Impact Report/Statement. The Board of Supervisors was to consider a memorandum of understanding with AWI replacing the Conditional Use Permits EIR process with AWI's participation in the HCP/NCCP process, but because the third-year review of the AWI conditional use permit is underway, the item was continued to respond to comments raised by the public in that process. The hearing will be re-noticed once a date is set.
- **Conservation Planning:** This process started in July 2008. In February 2009, monthly meetings with the wildlife agencies began. The Working Group is developing materials. A public stakeholder meeting will be held June 4, 2009. A website will be set up. The consultant is ICF Jones & Stokes. Steve Citron-Pousty of Jones & Stokes is developing a multivariate model on repowering for the Conservation Plan incorporating fatality data, geographical aspects and other data. SRC members can become part of the stakeholder e-mail group.
- **Additional Studies:** The California Energy Commission approached the HCP working group about potential funding for studies. The working group provided some options, including the Quality Assurance Quality Control program, and the burrowing owl and bat studies. The CEC's preference was to fund the burrowing owl study. It would be conducted by a consultant to the CEC, either Aspen or KEMA. Preliminary discussions are underway now on how much the study can cover. The County will alert the SRC if additional discussion would be helpful.

### SRC Comments/Questions

- In response to questions, Rivera said the SRC should schedule the annual meeting with settling parties and public workshop well after the reports come out.
- One SRC member asked that the County prepare a list of changed terminology (derelict to unproductive).
- An SRC member asked if Arndt is familiar with Altamont area issues. Rivera said he is not a biologist and has a logistical background. If the SRC rates additional turbines, that process could be used as an additional check on the monitoring.
- An SRC member expressed concern that the County staff report for the AWI permit review was not accurate in its discussion of SRC recommendations and would prefer that the SRC communicate its own recommendations.
- Shawn Smallwood announced that he and Lee Neher were awarded a grant that would fund digitizing of the behavior data.
- In regards to Section 7 of the agreement, which discusses the SRC rating additional high-risk turbines, an SRC member said the SRC will likely be willing to do so, and asked if there is a commitment to relocate additional high-risk turbines. Rivera said that issue may be part of

the county's compliance decision. SRC members emphasized that their initial ratings were partially based on Monitoring Team data, which does not exist for non-rated turbines, as well as physical conditions viewed during site visits. A new method would need to be used for rating non-monitored turbines. SRC members also asked which sites turbines are being relocated to.

- SRC members expressed concern that under the new agreement many derelict turbines remain in place. These derelict turbines provide perching opportunities that create high-risk situations at adjacent turbines.
- In response to a question, Rivera clarified that while the Agreement says SRC relocation guidelines will be used, the guidelines may not be sufficient. SRC members expressed concern that relocation sites are therefore only being evaluated by the Tier 1-3 system, which may be out of date.
- SRC members asked for more specifics on the HCP/NCCP process. One SRC member questioned the value of the NCCP/HCP process as a majority of species will not be covered by a take permit due to the no-take provision in the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. In the meantime, the older turbines are causing fatalities. He said a new committee will unlikely formulate substantially different mitigation measures than those recommended by the SRC. Rivera said that SRC-recommended management and mitigation measures are helpful, as will be the more solid data analysis coming from the monitoring process, which would speak to these measures. She clarified that the focus of the HCP process is repowering, but it also covers the older turbines.

### **Public Comment/Questions**

Tara Mueller, State Attorney General's Office, asked if Alameda County is going to amend the conditional use permits for the settling parties. Rivera said amendments for the settling parties would occur after the HCP outcomes, anticipated in 2011. The agreement would govern in the meantime. It is an add-on to the settling parties' permits (G-1), and in some cases a replacement. For example, high-risk turbine removal replaced the Tier 3 requirement. Mueller asked about the status of compliance with the agreement, as high-risk turbine removals were to have been confirmed by March 6. Rivera said the change in monitoring personnel caused a delay, but the information will hopefully be out in two weeks.

In response Mueller's question, Rivera confirmed that seasonal shutdown commenced November 1. Information on the high-risk turbine removal, random checks of unproductive turbine removals and seasonal shutdown will be presented as part of the compliance report.

Janice Gan of the California Department of Fish and Game asked if the plans would extend the timeline for the AWI EIR. Rivera said incorporating AWI into the HCP process will allow for a more comprehensive look at the area and repowering. The deadline for the CUP EIR is passed so it would have to be done immediately if AWI does not become part of the HCP.

Gan said her Department is working through the planning agreement, which was initiated by the settling parties. The current process is very important and valuable, but decisions on related matters should continue without delay. In response, Rivera agreed that the current collection of monitoring data and its analysis by the Monitoring Team and the SRC is important and supported by everybody involved. It will be helpful to have more solid data analysis.

Mike Boyd of CARE said his organization participated in the mediation but is not a party to the Agreement to Terminate Mediation. CARE assumes it is still part of the original settlement agreement. CARE believes AWI is in breach of its CUP conditions in regards to the EIR, and has not posted a restoration bond for derelict turbines. CARE also believes the Settlement Agreement has been breached because derelict turbines have not been removed, so the CUP is in effect for those parties. Without evidence of compliance, the organization feels it must go back to court. CARE recommends the permit be revoked, or brought back when there is compliance or a schedule of compliance. CARE favors integrating the SRC into the NCCP process and believes the process isn't effective without that participation. The organization is keeping an open mind on the NCCP, but does not support take permits. He suggested plans are underway to significantly expand Altamont Wind Resource Area.

Rivera said she would check with County Counsel and return to the SRC with clarification on the relationship of the various permits and agreements: G1, G2, and the new agreement.

## Report from the Monitoring Team

### Related Documents

[M31\\_Carcass Removal/Scavenging Trial Draft Memo, 10/16/08](#)

Doug Leslie, a senior wildlife biologist at ICF Jones & Stokes who has replaced Kort Clayton as Monitoring Team project manager, provided an update on fieldwork, the database, and reports.

- **Fieldwork:** The Monitoring Team has had a stable crew of seven since August, helping to maintain a consistent four-week search interval. In regards to scavenger removal, seven carcasses are in the field now.
- **Database:** There are still some issues with the overall database. The Monitoring Team has certified all the data in the Kestrel Burrowing Owl Study and has almost completed verification of the baseline study data.
- **Reports:** The draft scavenging memo was released in October. The Kestrel Burrowing Owl Report should be released in 1 to 2 weeks. The seasonal shutdown report is just getting started and should be completed in about one month.

SRC members agreed the subcommittee of Julie Yee and Shawn Smallwood could review work in progress and hold discussions with the Monitoring Team to help finalize reports. Doug Leslie said those discussions will be helpful in resolving outstanding analytical issues related to scavenger removal and the seasonal shutdown and kestrel burrowing owl reports. Monitoring Team members said it will be particularly important to confer with Shawn Smallwood on his baseline data to make sure his data and that of the Monitoring Team's are presented consistently.

Brian Karas of the Monitoring Team reviewed [M31\\_Carcass Removal/Scavenging Trial Draft Memo, 10/16/08](#). The Monitoring Team used 32 fresh carcasses found in the field, mostly large raptors. The findings are that most carcasses were scavenged, but sufficient evidence allowed the team to classify the fatalities. The actual rate was very similar to the rates currently being used. Karas emphasized that these are mainly large raptors, and that the Kestrel Burrowing Owl Study will provide more information about small raptors.

Sue Orloff noted that her rates, obtained with frozen carcasses, were much higher. There was a great deal of variation between season and year.

Shawn Smallwood said he also got higher rates at Vasco Caves and saw seasonal variation with the birds remaining on the ground longer in winter.

SRC members asked the Monitoring Team about the status of power output data. The Team has operating hour data. Jesse Schwartz said he believes he'll be able to develop a useful product that would not trigger proprietary concerns.

In regards to SRC members reviewing the power output data, Rivera said Monitoring Team members using the data signed confidentiality agreements. At this point, the companies are comfortable with that. It's possible the subcommittee could also take that step. She will leave it to the Monitoring Team to consider whether additional confidentiality agreements need to be signed.

### **Public Comment/Questions**

Mike Boyd of CARE said market participants cannot view data. He raised a concern about what role Jones & Stokes has in the market. In response, Jesse Schwartz said the data is not shared within Jones & Stokes.

Emre Ergas asked when baseline data would be clean and available on the web. Doug Leslie said he expected it would be available in three weeks, assuming no additional discrepancies are found. Ergas also asked when the last one and a half years of mortality data will be available. Leslie said it would hopefully be made public after the database cleanup, in about 1.5 months.

## **SRC 2009 Meeting Plan**

### **Related Documents**

[P81 Draft Altamont Pass SRC Meeting Plan in 2009](#)

Facilitator Gina Bartlett reviewed P81, the draft 2009 meeting plan.

In response to a question, Rivera said that the SRC is not directly involved in the HCP/NCCP process. If the companies fail to reach agreement on a conservation plan, the SRC would be involved with the EIR process. The scientific panel for the HCP process will be worked out with the wildlife agencies. It will involve another facilitator and committee.

Rivera also clarified that there will likely be a need for contract extensions for the SRC to review the final Monitoring Team report, which will be completed after October.

**ATTENDEES**

**SRC**

Jim Estep  
Joanna Burger  
Julie Yee  
Shawn Smallwood  
Sue Orloff

**Consultants**

Doug Leslie  
Jesse Schwartz  
Brian Karas  
Ed West  
Steve Citron-Pousty  
Levin Nathan

**Identified Public**

Dick Anderson  
Mike Boyd  
Renee Culver  
Emre Ergas  
Janice Gan  
Jim Hopper  
Jay Houghton  
Tara Mueller  
Steve Mullen  
Joan Stewart  
Mark Welther, Golden Gate  
Audubon

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