

**COUNTY OF ALAMEDA  
ALTAMONT PASS WIND RESOURCE AREA  
ADAPTIVE MANAGEMENT PLAN PROPOSAL**

This Adaptive Management Plan Proposal (the “County Plan”) has been prepared by the County of Alameda (the “County”) for review by the Altamont Pass Wind Resource Area (“APWRA”) Scientific Review Committee (“SRC”) and the County pursuant to Condition 5 of the Conditional Use Permits. The County Plan is based, in part, upon two separate Adaptive Management Plan Proposals submitted to the County on March 15, 2010 by and on behalf of Golden Gate Audubon Society, Ohlone Audubon Society, Mount Diablo Audubon Society, Santa Clara Valley Audubon Society, and Marin Audubon Society (collectively, “Audubon”) and CALifornians for Renewable Energy (“CARE”)(referred to as the “Audubon/CARE Plan”) and by and on behalf of ESI Bay Area GP, Inc., ESI Altamont Acquisitions, Inc. on behalf of Green Ridge Power, LLC, and ESI Tehachapi Acquisitions on behalf of Altamont Power, LLC (collectively, “ESI”), enXco, Inc., and SeaWest Power Resources, LLC (collectively, along with ESI, the “Wind Power Companies”)(referred to as the “Wind Companies’ Plan”).

**RECITALS**

The County Plan is submitted with respect to the following recitals of fact:

1. On September 22, 2005, the Alameda County Board of Supervisors approved conditional use permits (“CUPs”) for the operation of wind turbines by the Wind Power Companies, among other entities, at the APWRA. The Alameda County Board of Supervisors, County of Alameda concluded that its decision to issue the CUPs was categorically exempt from the California Environmental Quality Act (“CEQA”).

2. On or about October 31, 2005 and as amended on or about November 29, 2005, Audubon and CARE petitioned the Alameda County Superior Court for a writ of mandate (Case Nos. RG05239552 and RG05239790) to set aside the County’s issuance of the CUPs on various grounds, including that such action violated the County’s General Code and CEQA. The Audubon/CARE writ petitions are collectively referred to as the “Action”. The Wind Power Companies were Real Parties in Interest in the Action. Audubon, CARE, the Wind Power Companies, and the County are referred to individually as a “Party” and collectively as the “Parties” to the Action.

3. On January 2007, the Parties entered into a settlement agreement (“Settlement Agreement”) that resolved the Action. Also, on January 11, 2007, the County modified the CUPs for the Wind Power Companies consistent with the terms of the Settlement Agreement. The Settlement Agreement applies to the wind turbines for which the Wind Power Companies hold CUPs with the County and that are owned beneficially solely by the Wind Power Companies, with no non-settling party beneficial interest (the “Applicable Turbines”). Settlement Agreement, § 2(a).

4. Altamont Winds, Inc. (“AWI”) did not participate in the Settlement Agreement and the only wind power company operating in the Alameda County portion of APWRA who is not subject to the terms and conditions provided in Resolution No. 2007-111 or of this proposed

Adaptive Management Plan, but is subject to the terms and conditions of Resolution No. 2005-453.

5. The Settlement Agreement states, “The Wind Power Companies shall achieve a 50% reduction in raptor mortality within three (3) years of the effective date of this Agreement. [] The baseline for determining the percentage reduction in raptor mortality at the APWRA is thirteen hundred (1300)...The percentage reduction in raptor mortality shall be determined using field monitoring data collected in accordance with the CUPs and scaling factors for searcher efficiency and scavenging as approved by the ...SRC. [] In the event the above-referenced scaling factors exceed 2.5, the Wind Power Companies, Audubon, and the County, in consultation with the SRC, along with any other individuals or entities that both the Wind Power Companies, Audubon and the County agree to, shall meet and confer to re-determine a mutually acceptable baseline for determining raptor mortality and/or reduction percentage in raptor mortality that triggers adaptive management measures as specified in section 3(c) of this Agreement.” Settlement Agreement, § 3(a)(ii) and (iii).

6. The Settlement Agreement further states, “Adaptive management measures will be implemented if a 50% reduction in raptor mortality is not achieved by November 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. The SRC shall use its best efforts to achieve prioritization of management efforts by June 1, 2009. [] By August 1, 2009, Wind Power Companies and Audubon will propose an adaptive management plan to the SRC/County for review pursuant to Condition 5 of the CUP if a 50% reduction in raptor mortality has not previously been achieved and is not projected to be achieved by November 1, 2009. The adaptive management plan will be designed to achieve a 50% reduction in raptor mortality with the least impact on energy production, and may include the elimination or reduction of seasonal shutdowns. The SRC shall act (pursuant to Condition 5 of the CUPs, as necessary) on the adaptive management plan for the Applicable Turbines by November 1, 2009.” Settlement Agreement, § 3(c)(ii) and (iii).

7. On August 24, 2009, ESI sent the County a letter that states, in pertinent part, “[In] [t]he latest study on raptor mortality released by the monitoring team...the scaling factors used to determine the raptor mortality from 2005 to 2007 greatly exceed 2.5. It is our concern that the final report under the current monitoring study...will also use scaling factors greater than 2.5...[I]f the scaling factor will exceed 2.5 for the current program then the Settlement Agreement requires the Wind Power Companies, Audubon and the County to come together and develop a new mutually acceptable approach to measure raptor mortality reductions and/or mortality reduction percentage that requires adaptive management measures. Adding further complication to the comparison, the baseline sample set and the current sample set of turbines are from geographically distinct populations making the comparisons biased. We feel that there needs to be an adjustment for this inherent bias in the comparison. We hope that further discussions in the next few months will bring resolution to these two items.”

8. On December 2009, the monitoring team issued a draft report that analyzed the field monitoring data as contemplated by section 3(c)(i) of the Settlement Agreement, entitled “Altamont Pass Wind Resource Area Bird Fatality Study” (the “draft Monitoring Report”). Given that the draft Monitoring Report was not issued until December 2009, it was impossible to

comply with the timing of the milestones contemplated by section 3(c) to develop an adaptive management plan, if necessary.

9. The draft Monitoring Report asserts the following conclusions: “(1) There is little or no evidence of a 50% reduction in raptor fatalities in the APWRA. (2) There is little or no evidence that the 2005-2009 seasonal shutdown has significantly reduced raptor fatalities in the APWRA. (3) There is substantial evidence that repowering of the APWRA with larger modern turbines would substantially, if not significantly, reduce the number of raptors killed per megawatt of power produced at the APWRA.”

10. On January 13 and 14, 2010, SRC meetings took place at which the SRC discussed the draft Monitoring Report (the “January 2010 SRC Meetings”). The SRC provided comments and criticisms to the draft Monitoring Report and required that a further draft Monitoring Report be submitted to them for further comments and suggestions before a final Monitoring Report is issued.

11. At the January 2010 SRC Meetings, the SRC agreed with the draft Monitoring Report’s conclusion that “[t]here is little or no evidence of a 50% reduction in raptor fatalities in the APWRA.” Accordingly, the SRC unanimously put forth its prioritization of management measures to achieve a 50% reduction in raptor mortality as follows: (1) Repowering, including careful siting; (2) High Risk Turbine Removals; (3) Seasonal Shutdown; (4) Burrowing Owl Behavioral Study; and (5) Research on Adjustment Factors.

12. On February 3, 2010, the County sent the Parties a letter with an enclosed memorandum. The letter states, “On January 13, 2010, the Scientific Review Committee (SRC) expressed their unanimous opinion that the Wind Power Companies had not achieved a 50% reduction in raptor mortality... [and] [b]ecause the 50% goal was not achieved by November 1, 2009, the implementation of adaptive management is required.” The enclosed memorandum further states, “[T]he County hereby modifies the conditional use permits adaptive management timelines to require the settling Wind Power Companies and Audubon to propose an adaptive management plan to the SRC/County by March 15, 2010 and for the SRC to act on the adaptive management plan for the Applicable Turbines by June 15, 2010.”

13. On February 4, 2010, the County sent the Parties an e-mail, which attached ESI’s August 24, 2009 letter, that states, “The County wishes to convene a meeting or series of meetings among the settling Wind Companies, Audubon, the County and Care [sic] to ‘meet and confer to re-determine a mutually acceptable baseline for determining raptor mortality and/or reduction percentage in raptor mortality.’” As noted in Mr. Ergas’ letter of August 24, 2009 ..., these discussions are permitted by Section 3(a) of the Settlement Agreement. [¶] It is our hope to advance the tentative discussions on this topic that have begun among the parties in the Fall of 2009. Recent discussions of the ...SRC... have only emphasized the need to establish a new metric for measuring progress toward minimizing avian mortality in the APWRA.”

14. The Wind Power Companies, Audubon, and CARE made a good faith effort to try to agree to an adaptive management plan, however, after reaching an impasse in their negotiations of a joint plan, on March 15, 2010 the Wind Power Companies and Audubon/CARE did submit to the County/SRC separate Adaptive Management Plan Proposals. After the

submission of their separate Proposals, the Parties continued their efforts to negotiate a joint adaptive management plan.

15. In response to a request to the SRC from the Parties made for the purposes of identifying high risk turbines for removal pursuant to the SRC's prioritized list of management measures, on March 8-10, 15 and 17, 2010, two members of the SRC conducted field surveys and assigned hazardous turbine rankings to 2,648 previously unranked turbines in the APWRA (the "2010 HRT Rankings").

16. Given the Parties continuing inability to reach consensus and the necessity of acting on an adaptive management plan by June 15, 2010, after considering the separate Plans submitted by Audubon/CARE and the Wind Power Companies, the County developed a County Adaptive Management Plan Proposal (the "County Plan").

17. At the April 2010 SRC in-person meeting, the County submitted the Audubon/CARE Plan, the Wind Power Companies' Plan and the County Plan to the SRC for review pursuant to Condition 5 of the CUPs for the Applicable Turbines.

18. On April 29 and 30, 2010, the SRC provided comments on the adaptive management plan proposals. The County revised its draft Plan to reflect the comments provided by the SRC. The terms and conditions of the revised County Plan are as follows:

**1. REMOVAL AND RELOCATION OF HIGH RISK TURBINES AND TOWERS**

(a) High Risk Turbines ("HRT") shall be defined as Applicable Turbines rated 7-10 by the SRC consistent with the "Hazardous Rating Scale of the SRC", document P69 (Final 2-1-08). HRT do not include turbines or towers located on the Santa Clara site.

(b) Within five (5) days from the final approval of the County Plan, the County shall provide to the Wind Companies a list of their respective turbines and their corresponding rating (the "Turbine Ratings") from the 2010 HRT Rankings.

(c) Within fifteen (15) days of the County providing the Wind Companies with the list of Turbine Ratings, each Wind Company shall confirm its' list of HRT, and shall submit to the County a detailed map identifying the location and site numbers for the confirmed HRT attributed to it.

(d) In order to eliminate high risk turbine sites and situations, each Wind Company shall remove HRT, not including HRT located on the Santa Clara site, according to SRC document P70 Relocation Guidelines, including subsequent updates, as follows:

(i) By September 30, 2010:

A. ESI shall have removed all<sup>1</sup> of its HRT's ranked 9 through 10; provided,

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<sup>1</sup> SRC Document M51 Altamont Pass Wind Resource Area Hazardous Turbine Rankings: Table 5 – Number of Turbines Surveyed and Ranked Turbine Addresses in 2007 and 2010.

however, that ESI may continue to operate one (1) KVS-33 (400 kW capacity) turbine ranked 9 and one KVS-33 (400 kW capacity) turbine ranked 10, in exchange for having removed four (4) Kenetech 56-100 turbines ranked 8.5<sup>2</sup>.

- B. enXco shall have removed all<sup>3</sup> (27) of its HRTs ranked 9 through 10.
  - C. SeaWest shall have removed all<sup>4</sup> (3) of its HRTs ranked 9 through 10.
- (ii) By February 15, 2011, after the SRC considers the on-the-ground conditions of HRTs ranked 8.5 and makes recommendations on their removal/relocation:
- A. ESI shall have removed its HRTs ranked 8.5, as recommended by the SRC.
  - B. enXco shall have removed its HRTs ranked 8.5, as recommended by the SRC.
  - C. SeaWest shall have removed its HRTs ranked 8.5, as recommended by the SRC.
- (iii) By February 15, 2012, after the SRC considers the on-the-ground conditions of HRTs ranked 8.0 and makes recommendations on their removal/relocation:
- A. ESI shall have removed its HRTs ranked 8.0, as recommended by the SRC.
  - B. enXco shall have removed its HRTs ranked 8.0, as recommended by the SRC.
  - C. SeaWest shall have removed its HRTs ranked 8.0, as recommended by the SRC.
- (e) On or before September 30, 2010, the SRC shall have completed consideration of the relevant conditions and provided each Wind Company with a list of HRTs ranked 8.5 that must be removed pursuant to subsection (d)(ii) above.
- (f) On or before September 30, 2011, the SRC shall have completed consideration of the relevant conditions and provided each Wind Company with a list of HRTs ranked 8.0 that must be removed pursuant to subsection (d)(iii) above.
- (g) If a wind company removes HRT for purposes of a repowering project, then the

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<sup>2</sup> Note: ESI to provide how many HRT will be removed for the Vasco Winds repowering.

<sup>3</sup> SRC Document M51 Altamont Pass Wind Resource Area Hazardous Turbine Rankings: Table 5 – Number of Turbines Surveyed and Ranked Turbine Addresses in 2007 and 2010.

<sup>4</sup> SRC Document M51 Altamont Pass Wind Resource Area Hazardous Turbine Rankings: Table 5 – Number of Turbines Surveyed and Ranked Turbine Addresses in 2007 and 2010.

County, in consultation with the SRC, will grant that wind company credit for removals of HRTs ranked 8 or greater as part of a repowering project and the wind company will be eligible to receive credit for such removals toward the removal requirements in section 1(d), as determined by the County based on recommendations of the SRC.

(h) HRT subject to a removal requirement above shall not be relocated to turbines sites rated 7 through 10; provided, however, that the SRC may authorize relocation to sites rated 7 through 10 if that relocation will reduce risk or eliminate a hazardous situation (for example by filling a gap). HRT subject to a removal requirement above should not be relocated within any areas identified for the initial phases of be repowering (discussed in section 6 below). On or before September 1, 2010 the Wind Power Companies shall submit relocation plans for the 2010 and 2011 removals to the SRC for review and approval prior to relocating or re-siting removed turbines. On or before November 1, 2011 the Wind Power Companies shall submit relocation plans for the February 15, 2012 removals to the SRC for review and approval prior to relocating or re-siting removed turbines. The SRC will review and recommend approval of relocation plans within thirty (30) days of submittal.

## **2. SEASONAL SHUTDOWN**

(a) The Wind Companies shall shut down Applicable Turbines in accordance with the CUPs; provided, however, that the Wind Companies shall shut down their turbines on a one-time universal basis per season commencing on November 1 (i.e., the Wind Companies will not shut down half the turbines in the staggered cross-over design required under the CUPs).

(b) Within 14 days after the requirement to initiate or complete seasonal shutdown as specified in the CUPs, (a) ESI shall submit operational data maintained in the normal course of operations to the Compliance Monitor demonstrating operating time per day for each Applicable Turbine for the duration of the seasonal shutdown since its commencement; and (b) SeaWest and enXco shall submit meter readings maintained in the normal course demonstrating power generation for all Applicable Turbines under their control for the duration of the seasonal shutdown since its commencement.

## **3. UNPRODUCTIVE TURBINES AND TOWERS**

(a) Unproductive Turbines and Towers are: (a) Applicable Turbines that have remained non-operational for 12 consecutive months and (b) Applicable Turbine sites with towers only. Unproductive Turbines and Towers do not include turbines or towers located on the Santa Clara site.

(b) The current allotment of allowable Unproductive Turbine and Tower sites for each Wind Company is as follows:

- (i) ESI – 30 turbines;
- (ii) enXco – 15 turbines; and

(iii) SeaWest – 12 turbines.

(c) On or before September 30, 2010, each Wind Company shall submit to the County, a detailed map that identifies the location and site numbers of Unproductive Turbines and Towers held in reserve as part of each company's annual allotment of Unproductive Turbines and Towers.

(d) By February 28, 2011, each Wind Company shall remove all Unproductive Turbines and Towers such that each Wind Company's final allotment of Unproductive Turbines and Towers held in reserve on February 28, 2011 shall be reduced to zero (0) and thereafter each Wind Company shall remove all Unproductive Turbines and Towers when and as they become unproductive as that term is defined in (a) above. Each Wind Company shall provide the County with written notification of the removal of Unproductive Turbines and Towers within ten (10) days of such removal.

(e) All Wind Companies are strongly encouraged to remove non-operational Turbines and Towers before they become Unproductive Turbines and Towers so as not to create high risk situations per SRC document P70 Relocation Guidelines. Each Wind Company shall provide the County with written notification of the removal of non-operational Turbines and Towers within ten (10) days of such removal.

**4. CONFIRMATION OF TIMELY REMOVAL/RELOCATION OF HIGH RISK TURBINES AND UNPRODUCTIVE TURBINES AND TOWERS**

(a) By October 15, 2010 and February 15, 2011, each Wind Company shall submit a map to the County detailing the locations to which HRT have been relocated (to the extent they are permitted to be and have been relocated).

(b) The Compliance Monitor shall physically confirm and document by digital photograph the timely removal of HRT and the removal of Unproductive Turbines and Towers as specified in this Plan.

(c) Between October 15 and October 23, 2010, and between February 28 and March 6 of 2011, 2013 and 2015, the Compliance Monitor shall:

(i) confirm the removal of HRT pursuant to section 1 of this Plan and the removal of Unproductive Turbines and Towers pursuant to section 3 of this Plan;

(ii) randomly inspect between five (5) and ten (10) relocation areas (i.e., groupings of turbines) to confirm that relocated turbines were relocated consistent with Section 3 of the SRC Relocation Guidelines, document P70 (1-30-2008); and

(iii) physically confirm and document by digital photograph the timely removal of any Unproductive Turbines and Towers that may be required to be removed pursuant to section 3 above by randomly inspecting at least eight (8) groups of approximately fifty (50) turbines.

(d) Within 14 days of any Compliance Monitor deadline in this Plan, the Compliance Monitor shall notify the applicable Wind Company, the County and Audubon of any purported noncompliance (the "Notice"). The Compliance Monitor shall schedule a meet and confer with the applicable Wind Company, County and Audubon concerning any potential noncompliance within 14 days of the Notice.

(e) The Wind Companies shall contribute \$15,000 to fund the additional services required of the Compliance Monitor in the Fall of 2010 that were neither anticipated by nor included in the Agreement to Terminate Mediation.

## **5. BURROWING OWL AND ADJUSTMENT FACTOR STUDIES**

(a) The SRC included two studies in its prioritization of management measures to achieve a 50% reduction in raptor mortality: (1) burrowing owl behavioral study; and (2) research on the adjustment factors (collectively, "Additional Studies").

(b) If the SRC finds that the burrowing owl behavior study will be beneficial to the analysis of current conditions and future repowering projects and the Planning Director concludes that the SRC is able to design an effective burrowing owl behavioral study that will inform repowering within the APWRA, then that study shall be conducted.

(c) If the Planning Director determines that the adjustment factors research does not duplicate studies being conducted by others (*e.g.*, CalWEA) then the adjustment factors research shall be conducted.

(d) If the Planning Director determines that either or both of the Additional Studies are to be conducted, then they shall be funded by the Wind Companies in proportion to the rated megawatt (MW) capacity of the facility as listed in Resolution No. R-2007-111, Exhibit F, as amended and adjusted annually.

(e) The cost of the Additional Studies may be off-set by reductions in the level of effort required of the Monitoring Team, including (i) a reduction in the number of turbines sampled, (ii) an increase in the search interval from 30 days to 45 or 60 days, (iii) discontinuing the collection of information for nonnative species; and, (iv) such other methods as are recommended by the SRC.

(f) If funding is available from sources other than the Wind Companies (*e.g.*, grants) then the addition of further studies, such as a Golden Eagle study or a radioisotope study, should be conducted.

## **6. REPOWERING, INCLUDING CAREFUL SITING OF TURBINES**

(a) The SRC's first priority recommended management measure is the repowering of the Wind Companies' existing wind turbine operations at the APWRA "as soon as possible, including careful siting." Repowering generally refers to the replacement of existing, first generation wind turbines with larger modern, second or later generation turbines. While



repowering is contingent upon the completion of the requisite environmental reviews, the removal of existing turbines and towers is not. The Parties previously acknowledged that future repowering of the APWRA “will play an important role in the adoption of adaptive management measures ... and/or in the development of the NCCP or similar agreement.” Resolution R-2007-111, Exhibit G-1, Section 6.c.

(b) By February 28, 2011, the Wind Power Companies each shall have submitted to the County a detailed repowering proposal. The proposal may be phased, but shall address no less than 25% of each Wind Power Companies’ individually-owned existing turbines (the “1<sup>st</sup> Phase”). These repowering proposals may be used for the project-specific portion of the Programmatic EIR for the APWRA. The following permanent removals of existing (non-repowered) turbines will be considered to constitute the first steps toward repowering:

(i) ESI.

(A) By December 31, 2011, barring delays by state or federal agencies, action by the Planning Director, or other factors outside of ESI's control, and subject to a new conditional use permit and a development agreement under similar terms to repowering projects the APWRA (with both the CUP and development agreement involving Contra Costa County), ESI intends to repower all of its individually-owned existing turbines in the Contra Costa portion of the APWRA. In anticipation of this repowering project, ESI shall have ceased operation and permanently removed 25% of its individually-owned existing turbines by May 30, 2011.

(B) If and only if by September 30, 2014, a 50% reduction in raptor mortality is not achieved, ESI shall have ceased operation of and permanently removed an additional 25% of its individually-owned existing turbines pursuant to subsection A, which shall be equal to 50% of its APWRA-wide Turbines, by February 15, 2015. The denominator for this equation is the number of Applicable Turbines on the date of the CUPs. Any Applicable Turbine removed since the date of the CUPs counts toward the additional 25% reduction required under this provision.

(ii) SeaWest.

(A) If and only if by September 30, 2012, a 50% reduction in raptor mortality is not achieved, SeaWest shall have ceased operation of and permanently removed 25% of its Applicable Turbines by February 15, 2013. The denominator for this equation is the number of Applicable Turbines on the date of the CUPs and does not include turbines or towers located on the Santa Clara site. Any Applicable Turbine removed since the date of the CUPs counts toward the 25% reduction required under this provision.

(B) If and only if by September 30, 2014, a 50% reduction in raptor mortality is not achieved, SeaWest shall have ceased operation of and permanently removed 50% of its Applicable Turbines by February 15, 2015. The denominator for this equation is the number of Applicable Turbines on the date of the CUPs and does not include turbines or towers located on the Santa Clara site. Any Applicable Turbine removed since the date of the CUPs counts toward the additional 25% reduction required under this provision.

(iii) enXco.

(A) If and only if by September 30, 2012, a 50% reduction in raptor mortality is not achieved, enXco shall have ceased operation of and permanently removed 25% of its Applicable Turbines by February 15, 2013. The denominator for this equation is the number of Applicable Turbines on the date of the CUPs. Any Applicable Turbine removed since the date of the CUPs counts toward the 25% reduction required under this provision.

(B) If and only if by September 30, 2014, a 50% reduction in raptor mortality is not achieved, enXco shall have ceased operation of and permanently removed 50% of its Applicable Turbines by February 15, 2015. The denominator for this equation is the number of Applicable Turbines on the date of the CUPs and does not include turbines or towers located on the Santa Clara site. Any Applicable Turbine removed since the date of the CUPs counts toward the additional 25% reduction required under this provision.

(c) The timing of the foregoing removals assumes ample time to complete the requisite environmental reviews, including the combined NCCP/HCP EIR/EIS and the EIR for the County CUPs, renegotiating or obtaining new land lease contract, renegotiating power purchase contracts, and obtaining environmental approvals.

(d) The SRC shall make the determinations in this Section 6 as to whether a 50% reduction in raptor mortality has been achieved by the dates specified above.

## **7. UPDATE OF ADAPTIVE MANAGEMENT PLAN**

(a) Updates to this Adaptive Management Plan will be implemented if a 50% reduction in raptor mortality is not achieved by September 30, 2013. The SRC will prioritize adaptive 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. The SRC shall use its best efforts to achieve its prioritization of management efforts by January 1, 2014.

(b) By April 1, 2014, Wind Power Companies and Audubon will propose updates to this Adaptive Management Plan to the County for review pursuant to Condition 5 of the CUP. Unless the Settling Parties agree upon and establish a new metric, the updates will be designed to achieve a 50% reduction in raptor mortality with the least impact on energy production, and may include the elimination or reduction of seasonal shutdowns. If the Wind Power Companies and Audubon are not able to agree upon updates to the Adaptive Management Plan, they shall submit separate update proposals to the County by April 1, 2014.

(c) After receipt of the update proposal or proposals, the County shall consult the SRC and, after considering the SRC's recommendations, the County shall act (pursuant to Condition 5 of the CUPs, as necessary) on the updates to this Adaptive Management Plan by July 1, 2014.