

Draft NOTES | 5/28/2010 Conference Call
Altamont Pass Wind Resource Area Scientific Review Committee
 Prepared by the Center for Collaborative Policy
 Reviewed but not yet approved by the SRC

SRC Members Present:

Joanna Burger
Jim Estep
Shawn Smallwood
Julie Yee

Discussion Topics

Updates & Planning for SRC Activities
Future Monitoring: Discussion on Bird Use
Adaptive Management Plan

Meeting Outcomes

- SRC members expressed their support for continuing monitoring in order to gather a complete and comparable data set for the 09-10 bird year. Monitoring would otherwise end July 1.
- SRC members indicated support for immediately adding behavior categories to the monitoring check sheet so this information can be computed during bird use surveying.
- SRC members tentatively approved the January meeting summary, contingent on agreement from absent SRC member Sue Orloff.

Action Items

Party	Due Date	Action
Jim Estep & Joanna Burger	6/7	Develop first draft of avian mortality term definitions
Monitoring Team	Early June	Include behavior data element as part of draft study design for future monitoring
Shawn Smallwood	Done	Seek permission from the EBRPD to distribute his report on behavior modeling for Tres Vaqueros repowering siting

Next Meeting

SRC in-meeting June 14-15, location TBD

Updates & Planning for SRC Activities

Related Documents

[P160 Conservation Plan Terms to Be Defined](#)

Monitoring Report

Doug Leslie, Monitoring Team Project Manager, said the Monitoring Report will be out by the end of June. The draft was issued in January.

SRC Discussion

In response to a question, Sandra Rivera of Alameda County said this next version will be the final draft. SRC members will be able to provide comments on this draft, which would be incorporated into the document in a format similar to an EIR.

Doug Leslie said the Monitoring Team will schedule another meeting with the SRC Subcommittee of Julie Yee and Shawn Smallwood. At a prior meeting, the Monitoring Team and subcommittee had agreed to go through data from the 48-Hour Search Interval (KB) Study (M32) and develop consensus on the data set and whether it would be used in the report.

Conservation Plan – SRC Term Definition

Sandra Rivera of Alameda County said the Conservation Plan science advisers is developing the plan Avoidance and Minimization Measures and would like the SRC to recommend appropriate definitions for a number of avian mortality terms (listed on the agenda and in P160). One approach would be to have the SRC appoint one or two members as a subcommittee to prepare an initial draft of terms of terms.

SRC Discussion

In response to a question, Rivera said she would gather more information about the tasks associated with the terminology from the science advisers and consultant to provide to the SRC. As the Altamont's current scientific group, it is important to make sure participants are all on the same page in regards to the definitions.

An SRC member said some of the terms might be better presented graphically, rather than in writing.

SRC members agreed that Jim Estep and Joanna Burger would form a subcommittee to develop the draft.

One SRC member has declined to participate with the HCP/NCCP, and therefore will not participate with defining terms.

Public Comment

Mike Boyd of CARE said he is concerned about spatial relations and maps and drawings would be needed to make the definitions meaningful. He would be cautious about the task because another group that is going to replace the SRC is asking the SRC to do this. He asked who agendized the item.

In response, Sandra Rivera said Alameda County agendized the item. The terms are not specific to the Conservation Plan but also relate to the SRC's work.

Members of the term definition subcommittee (Jim Estep and Joanna Burger) agreed that photographs from P70 Relocation Guidelines, drawings and the 1998 EIR might be good sources for representations and definitions.

Next Steps

- The Subcommittee will prepare a first draft of term definitions for consideration by the SRC at the June 14-15 meeting, or as soon as possible.

Draft Study Plan for Future Monitoring – Establish Timeline for SRC Comments

Doug Leslie of the Monitoring Team said the draft study plan should be completed in about 10 days, for consideration at the June 14-15 in-person meeting. For the power analysis, the Team has reallocated the sampling effort to ensure even representation of geographical distribution and turbine types.

Sandra Rivera of Alameda County said the Monitoring Team contract ends June 30. Alameda County is extending the contract for time only, until a new protocol and new contract can be approved. There would be no additional funding until there is a new scope of work and contract, so it is looking as if there will be a gap in monitoring until that study design is completed. This could mean that there would be monitoring data for only a portion of the 09-10 bird year (October through September). In the interim, what sorts of monitoring are needed or appropriate for this period? What about the possibility of having the reduced sample and the other proposals presented in April as the monitoring approach over the summer?

SRC and Monitoring Team Discussion

In discussion, SRC members raised the following points:

- Concern was expressed that terminating monitoring prior to the end of the bird year would prevent developing an annual mortality estimate for the 09-10 bird year and a running annual average.
- SRC members had supported continuing monitoring until a new monitoring program is implemented.
- A power analysis is needed before the SRC can okay the reduced sample size.

Doug Leslie of the Monitoring Team said his purpose in proposing the study plan approach was to develop a detailed plan that would undergo rigorous review by the SRC. In an ideal scenario, current monitoring would continue until the end of the bird year, while evaluation of the study plan is underway. However, the companies are concerned about the cost of the existing monitoring program, given the limited success in evaluating the effectiveness of management actions. One possibility would be to implement the new study plan on July 1, with less thorough scrutiny by the SRC, but one review at the June meeting.

Jesse Schwartz in the Monitoring Team said he is confident that the power analysis produced in the April memo is defensible, and would support a reduction in sample size without a significant change in outcome.

SRC members asked the Monitoring Team how comparable they thought the 09-10 bird year would be, with the sample change on July 1. Doug Leslie said the reduced sample would be about the same, with fewer small turbines and removal of vacant addresses from the search.

The strings searched would probably be mostly the same. The sample would be selected using the EPA's survey methodology.

In discussion, SRC members raised the following points:

- Any strings that are dropped would be lost from the bird year.
- Eliminating monitoring for three months would be more of a problem, as there are seasonal differences, and there would be no information on the summer. However, reducing the sample would not necessarily cause a problem, but would result in greater uncertainty. The strings that are dropped would need to be done so randomly, with the hope that they are representative. The data would have to be adjusted to account for the difference in sample.
- It would be difficult to the SRC to defend the new monitoring protocol as its own monitoring program, if it goes forward with less than full SRC review and approval.
- It would be best to maintain the existing sample until the start of the new bird year.

One Monitoring Team member said one thing to keep in mind is that moving to a string that hasn't been sampled may cause a problem with estimating the age of carcasses in the first 3 to 4 searches. There may be other unpredicted wrinkles such as that.

Public Comment

Mike Boyd of CARE said the County is violating Condition 6 of the CUP in not working with the SRC. The monitoring program cannot be changed in the middle of the year. The county is changing the conditions of the CUP without doing so on the basis of SRC recommendations. This is a violation of the terms of the settlement agreement, and he can go back to court.

Mike Lynes of Golden Gate Audubon said this is the first he has heard about stopping or changing the protocol in the middle of the bird year, and he does not recall this conversation in settling party discussions. He is concerned that it sounds as if this decision is up to the wind companies. The wind companies benefit from the ambiguity of the data. Not having monitoring would throw the number of birds killed into dispute. One session of SRC review is not enough. This could be another opportunity for ambiguity that would only benefit the wind companies.

In response, Sandra Rivera said the issue was not raised high enough in January. The contract ends June 30, and there was supposed to be a new protocol in place. The implications are being discussed now, and the SRC's comments will help inform settling party discussions. She isn't saying that monitoring is going to have to be cut off; just that there has been no agreement yet on what it is going to be after June 30. For administrative purposes, she will move forward with the contract extension for time only, in order to avoid going through an RFP process.

Future Monitoring: Discussion on Bird Use Related Documents

[M54 Current Study Bird Use and Behavior Memo](#)

Sandra Rivera of Alameda County said the purpose of this item is to discuss if the existing protocol for bird use and behavior is sufficient to answer the necessary questions that would help inform repowering.

M54 reviews and presents graphically the various types of bird use and behavior information collected during the current study period.

An SRC member and Doug Leslie of the Monitoring Team said a study of actual bird behavior was discontinued after February 2007. Since then, point count information has been collected, as well as some behavioral information on whether the bird is perched or flying, and its location and flight direction plotted on a topo map. In addition, there were six months in 2007 in which a longer observation distance was used than in the later phase of the current study period. Basic bird use and relative abundance information can be gleaned without digitizing the data. However, digitizing would be required in order to develop information on the proportion of time a bird is engaged in certain kinds of behavior, to make comparisons across space, or to plot utilization rates to fatality rates. There are 2.5 years of continuous bird use data, and three years, if the six months of data in 2007 is digitized. Digitizing was not part of the original proposal. The bird use data is currently being digitized.

SRC Discussion

SRC members agreed that behavior data could be useful to inform repowering. In the discussion, SRC members raised the following points:

- Searchers can record behavior data in their existing surveys
- Increase surveys to increase the sample size
- There is a problem now with collected data not being processed, so it should be digitized now. The Monitoring Team's cost-saving suggestion of moving to electronic data recording is a good idea
- While the behavior data would be useful, there could be a cost issue, and it will be important to think about the implications for search efficiency and other factors when the protocol is changed.
- There shouldn't be a cost issue because the data form already includes a box for a behavior code and it takes no extra time to write down the code for each observation.

SRC members agreed that the Monitoring Team should immediately record behavior data during surveys.

At the June 14-15 in-person meeting, the SRC will discuss the behavior data issue in more detail, including whether behavior data would be recorded as a part of routine monitoring, or would be researched as part of a separate study.

In order to provide direction to the Monitoring Team and prioritize research and information to inform repowering, SRC members would also like to revise in June the burrowing owl study plan they developed in 2008 (P90).

Public Comment

Mike Boyd of CARE raised concerns about the facilitator taking comments from monitoring staff during the public comment period.

Next Steps

- The Monitoring Team will include the behavior data element as part of its draft study design for future monitoring
- Shawn Smallwood will seek permission from the East Bay Regional Park District to share a report he and another researcher submitted to the District that includes models developed for the four target species using behavioral data to inform repowering.

Adaptive Management Plan

Related Documents

[P161 Smallwood Assessment of AMPs](#)

Sandra Rivera of Alameda County gave an update on attempts to finalize an adaptive management plan. Alameda County has revised its plan and has held one meeting with settling parties on the topic. The topic has been agendaized in case any settling parties have additional comments or questions for the SRC. One important issue for the SRC is the timeframe for how to meet a 50% reduction in mortality. Also, it's important to note that the Settlement Agreement uses the language of "adaptive management," but it may not be an appropriate term in this case -- what is called for is a list of interim management measures until repowering is implemented.

Public Comment

Bill Yates for Golden Gate Audubon said the County's latest plan is not a consensus document that has Audubon and CARE support. He finds the matrix in P161 to be helpful. His clients accept that repowering is the number one priority, but acknowledge that it's not simple to achieve a 50% mortality reduction. His clients are trying to help the companies to move to repowering so they can move away from the purview of the 50% reduction requirement. It would be helpful to simplify the draft plan. He would encourage the draft to be circulated to all parties ahead of the meeting.

Mike Boyd of CARE said he produced a notice to correct or cure charging Alameda County with violating the Brown Act. The SRC has to determine if the Brown Act is violated, and he asks that it be agendaized for a future meeting. In regards to the adaptive management plan, he interprets Condition 5 of the Board of Supervisors resolution approving the CUPs as stating that the SRC shall provide its recommendations to the planning director on management plans. He suggests that the SRC formulate their plan, which will ultimately be decided in a hearing. He trusts the SRC's judgment.

Emre Ergas of NextEra said he agrees with Bill Yates in regards to P161, it was a good attempt to put together an analysis of the different plan proposals. However, we need to be very careful when publishing on the web documents that he believes have many flaws. He

advises that it be retracted until it is no longer a crude analysis. Audubon, CARE and the wind companies need help in formulating the adaptive management plan, and P161 has too many holes and inconsistencies.

In response, SRC Member Shawn Smallwood said the document had shortfalls and he is already working on revisions, which will replace the prior version.

Emre Ergas asked if the revised P161 could be peer reviewed by other SRC members prior to being made public, and asked if it could exclude the effects of the other companies that aren't part of the Settlement Agreement, as a provision to help the settling parties' discussion.

Facilitator Ariel Ambruster suggested that because of the Brown Act, it might be better if only one other SRC member reviewed it. She will seek advice from County Counsel on the issue.

Emre Ergas asked a question of the SRC, whether there is a value to one specific hazardous turbine ranking number versus another, such as 8.5 versus 8.0, to help the settling parties understand if the difference is significant or marginal.

In response, one SRC member suggested that the rankings could be compared to fatality estimates to see if there is a difference.

Two other SRC members said the rankings reflected more complex issues and professional judgment. It would be necessary to look at cases individually.

Wrap Up and Next Steps

Next In-Person Meeting

The meeting will be held June 14-15 for one and a half days, as at least one SRC member has time constraints. The SRC may convene its next meeting soon afterward, because of the full agenda. The meeting space may be an Alameda County conference room.

ATTENDEES

SRC

Joanna Burger
Jim Estep
Shawn Smallwood
Julie Yee

Consultants

Doug Leslie
Brian Karas
Jesse Schwartz
Kathryn Gaffney

Identified Public

Mike Boyd, CARE

Renee Culver, NextEra

Kris Davis, Drinker Biddle

Emre Ergas, NextEra

Jim Hopper, AES/SeaWest

Mike Lynes, Golden Gate Audubon

Zack Walton, Paul Hastings

Bill Yates, Golden Gate Audubon

Staff

Sandra Rivera, Alameda County

Mary Selkirk, CCP

Ariel Ambruster, CCP