

ALTAMONT PASS WIND TURBINE PERMIT APPEALS

What's The Issue:

Over the past 20 years, the 5,000-plus wind turbines at Altamont Pass have killed tens of thousands of birds of prey – primarily eagles, hawks, and owls. Latest estimates are that the wind turbines are killing between 880 and 1,300 raptors each year. Alameda County *never* did an Environmental Impact Report when it first issued permits for the existing wind turbines. Alameda County has *never* required the wind turbine operators to reduce by a single bird the massive numbers of raptors they are killing. All of these raptor kills permitted by Alameda County are completely illegal under the federal Migratory Bird Treaty Act, the federal Bald and Golden Eagle Protection Act, and the state Fish and Game Code.

What The East County Board Of Zoning Adjustments Did:

The Board of Zoning Adjustments issued 29 new permits, half with no expiration date, half good for the next 20 years, for thousands of existing wind turbines at Altamont Pass. The permits were approved without preparing an EIR, without requiring any mitigation measures, without requiring the shutdown of any of the known killer turbines, and without retrofitting of power poles to prevent bird electrocutions.

Why The Zoning Board's Decision Was Erroneous And Bad Public Policy:

1. **It was illegal and misguided to issue these indefinite and 20-year permits without performing an EIR.** It is undisputed that the more than 5,000 existing wind turbines are causing substantial and unmitigated environmental harm, killing 880 to 1,300 birds of prey every year. This is not a case where environmental harm is speculative or hypothetical; to the contrary, it has been occurring for more than 20 years. It is also undisputed that Alameda County has never prepared an EIR to assess the significant environmental harms caused by the wind permits or to explore mitigation measures for them, either at the time it issued the original permits or for the new permits it is issuing now. Because of these significant harms, CEQA requires the County to prepare an EIR, and the County cannot legally rely on the claimed categorical exemptions.
2. **An EIR is good sense as well as being legally required.** The California Energy Commission is on the verge of publishing the results of a major raptor mortality study it has sponsored at Altamont Pass over the past five years, together with new mitigation recommendations. Given the imminent publication of this study, it is irrational to issue new indefinite or 20-year permits before the study has come out, without doing an EIR, and without

incorporating its mitigation measures in the permits.

3. **No permits should issue without tough and enforceable mitigation requirements.** Because of an absence of leadership by the County and other agencies, the illegal raptor slaughter at Altamont Pass has been allowed to continue unabated for the past 20 years. The new permits should not issue without tough and enforceable mitigation measures to substantially reduce the ongoing illegal raptor killing caused by this industry. The notion that at some time years from now the Alameda County Planning Department will suddenly awake to its responsibilities and reopen the permits to add mitigation conditions is not credible given its 20-year history of inaction on the issue and its failure to require any mitigation at all now. For example, birds continue to be killed not only by the turbine blades but by electrocution on exposed power lines. There are widely accepted techniques for retrofitting power lines to prevent bird electrocutions, yet the Planning Department has failed to require these measures to eliminate completely preventable electrocutions. In addition, it is known that certain turbines cause a disproportionate number of raptor deaths, primarily because of where they are sited, but the Planning Department has done nothing to require that these killer turbines be relocated or shut down.

4. **There is no justification for issuing permits with an indefinite or 20-year duration.** Given the rapidly increasing knowledge concerning bird mortality at wind turbines and the consequent evolution in mitigation techniques, these permits should be issued for no more than three (3) years, to allow them to be updated with the burden on the permittees to show that they have instituted state-of-the-art mitigation measures.

Agencies And Organizations Opposing Issuing New Permits Until There Is Further Environmental Review and Effective Mitigation Measures Are Imposed:

United States Department of the Interior, Fish and Wildlife Service
California Department of Fish and Game
California Energy Commission
East Bay Regional Park District
BioResource Consultants (the scientists who have been studying raptor mortality at Altamont Pass for the past five years under contract to the California Energy Commission)
Center for Biological Diversity
Golden Gate Audubon Society
CALifornians for Renewable Energy (CARE)
Sierra Club
Mount Diablo Audubon Society
California Burrowing Owl Consortium