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November 1, 2004

Alameda County Board of Supervisors
1221 Oak Street, Suite 536
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Attached are the comments of the California Energy Commission on the complete inadequacy of the draft Study Plan to implement mitigation measures for reducing bird kills at Altamont Pass. This draft Plan (also attached), which was prepared by consultants for the wind power industry with absolutely no input or comment from the public or independent experts, is being falsely promoted by County Planning (both in a Nov. 4 letter to the Board and in a 10/14/04 County Working Group meeting) as addressing the concerns of the appellants in the wind turbine permit appeals, equivalent to the public consideration of issues in a CEQA process, and as adequate to reduce bird mortality at Altamont Pass.

The attached letter from the CA Energy Commission to the consultants who prepared the draft plan for the wind power companies notes that because it would only experimentally apply some of the CEC recommendations on a very limited volunteer basis at a small percentage of the turbines at Altamont, the proposed Plan is inadequate. According to the CEC letter, the draft Plan “does not apply the mitigation measures in the manner recommended by [the CEC] to directly reduce bird kills.” Furthermore, according to the CEC letter “there is no clearly stated goal of the Plan, such as ‘reduce bird kills by 50% Altamont-wide within 24 months’...it appears likely that the research will provide little new information that can be defended statistically or scientifically...the Plan fails to relocate/remove turbines based on the statistically sound biological conclusions of [the CEC]...instead, the Plan bases the limited implementation of this technique on what appears to be operator convenience.”

It is ludicrous for the County Planning Department to put forth the notion (as it did in its Nov. 4 letter) that an after-the-fact mitigation plan concocted long after the permits are issued, without following CEQA's notice and comment procedural requirements can somehow satisfy or be equivalent to CEQA. CEQA exists for a reason – to address cases like this where there is a significant environmental impact, and to ensure a

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reasoned, informed public deliberative process that considers several alternatives and spells out the rationale for various mitigations.

This sham plan, now being promoted by County Planning as the solution for the Altamont bird kill issue, is a textbook example of why the CEQA process was enacted in the first place. County Planning is attempting, at the 11th hour of the appeals, to sell the Board and the public on an inadequate patchwork of half-hearted mitigation measures cobbled together as a “Plan.” This Plan was devised by the industry and their hired consultants and agreed to by the County behind closed doors without any input from the appellants, the general public, or independent experts. The County owes the public a public environmental review process, as required by CEQA.

It is our contention that based on the comments of the CEC rejecting the adequacy of this Plan, there is no need for the Board of Supervisors to wait until December to make a determination on our appeal. It is clear the wind power companies and County Planning are unwilling to take seriously the recommendations of the California Energy Commission. The appellants also regretfully note that it has now been one year since our appeal was filed, which would have been adequate time for the County to have completed an Environmental Impact Report under CEQA.

Sincerely,

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