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November 9, 2004

Supervisor and President Gail Steele
Supervisor Keith Carson
Supervisor Scott Haggerty
Supervisor Alice Lai-Bitker
Supervisor Nate Miley

Alameda County Board of Supervisors
Alameda County Administration Building
1221 Oak Street
Oakland, CA 94607

Re: Altamont Pass Wind Turbine Permit Appeals, CUP Nos. C-8161, C-8191, C-8201, C-8203, C-8233, C-8234, C-8235, C-8236, C-8237, C-8238, C-8239, C-8241, C-8242, C-8244, C-8023, C-8031, C-8036, C-8037, C-8134, C-8136, C-8137, C-8173, C-8182, C-8216, C-8224, C-8225, C-8231, C-8232, C-8240, & C-8263

Dear President and Members of the Board of Supervisors:

I represent appellant Center for Biological Diversity (CBD) in this matter. I have been authorized to present the following proposal on behalf of CBD and on behalf of appellants Californians for Renewable Energy (CARE) and Golden Gate Audubon Society.

At the November 4th, 2004, hearing in this matter, the Board expressed interest in identifying a plan of action by which it can satisfy its obligations under the California Environmental Quality Act (CEQA) "to identify the significant effects on the environment of a project, to identify alternatives to the project, and to

indicate the manner in which those significant effects can be mitigated or avoided,” CEQA, Public Resources Code § 21002.1(a), while avoiding a lawsuit by the appellants over the County’s failure to date to adhere to CEQA in this matter.

After a good deal of analysis, we have developed the following action plan for the Board’s consideration at this time:

1. Limit permit terms to 36 months.
2. Require full and universal implementation of all mitigation measures for existing wind turbines set forth in the August 2004 California Energy Commission (CEC) Report, as stated in the CEC’s October 25, 2004 memorandum at p. 2 and in the attached November 3, 2004 letter of Carl Thelander, co-author of the CEC Report. Require that this occur by June 2005.
3. Require full-scale implementation of the wind turbine relocation and removal plan set forth in the August 2004 CEC Report, as stated in the CEC’s October 25, 2004 memorandum at p. 2. Require that this occur by June 2005.
4. Require implementation of substantial off-site habitat preservation, as stated in the CEC’s October 25, 2004 memorandum at p. 2.
5. Require that mitigation measures (2) and (3) for existing wind turbines achieve at least a 40% interim reduction in total raptor kills throughout the Altamont Pass Wind Resource Area within 24 months.
6. Implement rigorous independent monitoring of mitigation measures (2) and (3) for existing wind turbines to determine their effectiveness at reducing raptor mortality.
7. Implement rigorous independent monitoring, as is already required by the 1998 Repowering EIR, of the small Altamont Power LLC repowering currently under construction to determine whether repowering substantially reduces raptor mortality.
8. After 36 months, require a full Environmental Impact Report (EIR) for the Altamont Pass Wind Resource Area with full consideration of all alternatives, including mandatory repowering, or reduction or elimination of wind power at Altamont Pass in favor of more suitable wind energy sites. The EIR will have the benefit of three years of

monitoring data from the mitigation measures applied to existing wind turbines that should show how effective these mitigation measures are at reducing raptor mortality. The EIR will also have the benefit of at least two years of post-construction monitoring data from the Altamont Power LLC repowering and from the proposed Buena Vista repowering in Contra Costa County that should demonstrate whether repowering is effective at reducing raptor mortality.

The virtues of this plan are that it provides for immediate full-scale implementation of known mitigation measures for existing turbines, a definite numerical requirement for mortality reduction at existing turbines, and continued scientific monitoring to assess the degree of reduction achieved both from mitigation of existing wind turbines and from repowering with larger state-of-the-art turbines, while recognizing the ultimate necessity for an EIR that analyzes the full range of alternatives for the long-term future of the Altamont Pass Wind Resource Area. We believe this plan represents the most sensible and efficient way for proceeding forward.

This is, of course, only an outline, and our ultimate decision whether to litigate our CEQA claims would depend crucially on the details of its implementation.

Respectfully submitted,

Richard R. Wiebe

cc: Chris Bazar, Alameda County Planning Department
Eric Chambliss, Alameda County Counsel
Clerk, Board of Supervisors
Nicki Carlsen, counsel for the wind power companies