

Attachment D
Altamont Pass Wind Resource Area Scientific Review Committee
September 22, 2005

Purpose:

- To provide the County of Alameda with a balanced and independent panel of five technical experts with knowledge of and experience with avian safety and wind energy issues.
- Represent and collectively balance the fundamental interests and input of all stakeholders, including Permittee(s), land owners, the County of Alameda, other governmental agencies, environmental groups, and the public at large.
- Ensure the maximum feasible degree of wildlife protection while maintaining the efficient production of renewable energy.
- Provide a neutral forum for open dialogue among experts in the field with different perspectives, reach agreement on analysis and interpretation of data, and ensure sound and objective scientific review of avian safety strategies.
- Evaluate data from monitoring reports and provide reports and recommendations to the Permittee(s), the Planning Director, state and federal wildlife agencies, other agencies and organizations regarding the appropriate specific timing and implementation of the various strategies and steps set forth in the Avian Wildlife Protection Program & Schedule (AWPPS, as set forth in Attachment G), or appropriate revisions to the Program.

Tasks:

The overall work program of the SRC shall be as approved by the Alameda County Planning Director. Subject to a budget to be approved by the Planning Director and as required by the AWPPS and the Permit conditions of approval, the SRC will be responsible for undertaking the following tasks:

- Develop and evaluate scientifically-supported strategies to reduce injury and mortality to avian wildlife associated with wind turbine operations in the APWRA, and assess those strategies using state-of-the-art science, peer-reviewed data, and applicable local, state and federal guidelines.
- Assist with the final characterization of the "Tier 2" turbines, or the classification of turbines according to their relative danger to avian wildlife.
- Develop and/or assess new and more effective strategies for avoiding and reducing avian injury and mortality due to raptor collisions with wind turbines and infrastructure.
- Assist the County and its biological resource monitoring consultant(s) with the conduct of research, and the design of protocols and reporting procedures.
- Assist the County with monitoring Permittees' compliance with the conditions of approval, particularly the AWPPS.
- Utilize an approach under which there is a continual cycle of assessment, design, implementation, monitoring, evaluation, adjustment and re-assessment of strategies, except where the SRC deems experimentation on this basis to be in conflict with the AWPPS.
- Assist the County with evaluating the effectiveness of strategies to reduce avian injury and mortality, including both existing and anticipated repowering projects,

- Review and assess the County consultant's monitoring reports, as well as reports from consultants or others directly employed by one or more of the Permittee(s), federal, state or other governmental agencies, or other researchers or organizations.
- Provide guidance to the Planning Director regarding the scope of work of the monitoring consultants and the EIR consultants, and other issues not currently foreseen.
- Research and develop the parameters of a mitigation program for habitat conservation areas on or off the Permit sites, or other steps to compensate for avian mortality and injury impacts that remain unaffected by the AWPPS.
- Actively participate and advise the County in formulating policies and ordinances for evaluating impacts on avian species and ecosystems for the third- and eighth-year reviews of the Conditional Use Permits, applications for new wind power proposals, and wind repowering projects.
- Assist wind industry operators and the County of Alameda with compliance issues related to State and Federally listed species, State species of special concern and State and Federal fully protected avian species.
- Review and provide recommendations for any adjustments to the baseline fatality rates from existing or new data used to evaluate the effectiveness of the AWPPS.
- Review methods for identifying high risk turbines (Tiers 1 and 2 or other categories), and recommend adjustments or modifications to those methods if necessary.
- Identify when independent peer review is required and assist in the selection of peer reviewers.
- Meet on at least a quarterly basis (schedule to be coordinated by the Planning Director).

Membership:

The SRC will be made up of technical experts with knowledge of and experience with avian safety and wind energy issues, and shall meet minimum qualifications of education and experience with biological resource analysis, wildlife management and/or wildlife science. All members of the SRC should possess some combination of academic training, appointments, certifications, publications, employment history with a relevant governmental agency, specialist consulting firm or academically recognized institution, prior service on a scientific advisory committee, advanced degree(s) in statistics, and other relevant background. The members should have knowledge of scientific protocols, investigative procedures, inferential statistics and avian mortality issues. Availability and willingness to attend meetings, read and study reports, write recommendations and communicate effectively among the SRC members is mandatory.

Each person nominated to the SRC shall submit to the Planning Director and the Board of Supervisors a professional resume documenting their qualifications as set forth above and a statement letter indicating their willingness to serve, ability to attend meetings on at least a quarterly basis, and their conditions for compensation for time and expenses (Federal, state or local governmental employees will be compensated only for out-of-pocket travel expenses). The Board of Supervisors, in consultation with the Planning Director, shall select the members by October 31, 2005, and shall designate a Committee Chair and/or Facilitator to preside over the meetings of the SRC. The first meeting shall be tentatively scheduled to occur before November 15, 2005.

At a minimum, the Board of Supervisors appointments to the SRC shall include one member to represent each of the following groups or entities:

- The Permittee(s) (i.e., the wind farm companies or turbine operators and their personnel, including consultants with active contracts for services to the operators);
- The environmental community (e.g., the Center for Biological Diversity, Californians for Renewable Energy, Inc., or the Golden Gate Audubon Society);
- A state or federal natural resource agency (e.g., the California Energy Commission, the California Department of Fish and Game, or the United States Fish and Wildlife Service);
- The County Planning Department (who may be the County biological resource monitoring consultant as provided for in Condition 6, or one of such consultants); and
- The public at large (preferably an individual with a high degree of familiarity with the agricultural community, open space and environmental management issues, and who may be nominated in consultation with the Alameda County Agricultural Advisory Committee).

Staffing:

The Alameda County Board of Supervisors shall appoint the members of the SRC within 30 days of the granting of the Permit. The membership of the SRC shall be made public, with notification to the Permittees, prior appellants, the East County Board of Zoning Adjustments, the Wind Power Working Group, and media. The membership will be subject to modification on an annual basis at the direction of the Board of Supervisors. The Planning Department will provide the staffing and materials to accomplish the work of the Committee, including technical and logistical support to be provided by either County staff or one or more consultants.

Process & Authority:

The Planning Director shall have the authority to impose new conditions on this Permit to address avian safety and other environmental and operational issues. The Planning Director shall be responsible for communicating the SRC's recommendations to the Permittee(s), the Wind Power Working Group, its members, the public, and the avian mortality and injury monitoring consultant(s). The Planning Director's decisions may be appealed to the Board of Zoning Adjustments, or a rehearing may be set by the Planning Director, on an annual basis after notice as provided for in the initial hearing, for the purpose of modifying such decisions or adding conditions that may be required to guarantee the continuance of the affirmative findings contained herein.

Budget:

The Planning Director shall have the authority to establish and manage the budget of the SRC for monitoring and research costs, and shall submit invoices on an as-needed basis to each Permittee based on the Permittee's prior year's installed production capacity (in megawatts - mW). Funds shall be submitted for the first year on or before the first meeting of the SRC and annually thereafter by September 30 each year to the County, and will be held in an interest-bearing trust account payable to the SRC members pursuant to their individual appointment agreements.

Attachment E
Wind Power Working Group – Current Participants List
As of March, 2005

Name	Represented Group	Address
Chris Gray	Supervisor Haggerty, Alameda County, District 1	1221 Oak Street, Room 536 Oakland, CA
Chris Bazar, Planning Director	Alameda County Planning	chris.bazar@acgov.org
Steve Buckley	Department	steve.buckley@acgov.org
L. Darryl Gray	224 W. Winton Ave.	darryl.gray@acgov.org
Andy Young	Hayward, CA 94544	andrew.young@acgov.org
Joanie Stewart	Altamont Infrastructure Co.	Joanie_stewart@fpl.com
Diane Fellman		
Steve Steinhour	SeaWest Windpower	Ssteinhour@seawestwindpower.com
Tom Wagner	EnXco	Wagntp@Yahoo.com
Mac Hay	Permittee(s)	Mbhay1@aol.com
William Damon	Altamont Winds Inc.	Wldamon@powerworksinc.com
Nicki Carlton	Permittee(s)	Weston Benshoof
Michael Boyd	Californians for Renewable Energy (CARE)	5439 Soquel Drive Soquel, CA 95073
Janice Gan	US Fish & Wildlife Service	2800 Cottage Way, W-2605 Sacramento, CA 95825
Jeff Miller	Center for Biological Diversity	370 Grand Avenue Oakland, CA 94610 Jmiller@biologicaldiversity.org
Carl G. Thelander Shawn Smallwood	BioResource Consultants	P.O. Box 1539 Ojai, CA 93024 Carl@BioRC.com
Roy Cornwell	Land Owner	1102 Farmington Way Livermore, CA 94550
Darrell Sweet	Land Owner	12233 N. Flynn Rd. Livermore, CA 94550
Janice Gan	California Dept. of Fish & Game	jgan@dfg.ca.gov
Larry Gosselin	East County Board of Zoning Adjustments	224 W. Winton Ave Hayward, CA 94544
Jon Harvey	East County Board of Zoning Adjustments	224 W. Winton Ave Hayward, CA 94544
Mark Cullors Karen Smith	Alameda County Waste Management Authority (Public Agency Landowner)	777 Davis Street, Suite 100 San Leandro, CA 94577 Ksmith@stopwaste.org Mcullors@stopwaste.org 501- 614-1699
Richard Wiebe	Center for Biological Diversity – legal counsel	425 California Street, Suite 2025 San Francisco, CA 94104 (415) 433-3200 wiebe@pacbell.net

ATTACHMENT F

WIND RESOURCE AREA PERMITS, PERMITEES, OWNERS AND RATED OUTPUT

AS OF JANUARY 1, 2004

CUP #	PERMITTEE/OPERATOR	PROPERTY OWNER	INSTALLED CAPACITY	
			mW Capacity	% of Total
C-8243	Altamont Infrastructure Co.	Alameda Co. Waste Mgmt.	41.6	11.51%
C-8136	Altamont Infrastructure Co.	Contra Costa Water Distr.	1.7	0.47%
C-8235	Altamont Infrastructure Co.	Corbett	6.1	1.69%
C-8237	Altamont Infrastructure Co.	De Vincenzi / Valhalla Props.	13.6	3.76%
C-8236	Altamont Infrastructure Co.	Dunton	3.4	0.94%
C-8232	Altamont Infrastructure Co.	Egan	5.0	1.38%
C-8233	Altamont Infrastructure Co.	Elliott	2.6	0.72%
C-8036	Altamont Infrastructure Co.	Frick	0.7	0.19%
C-8242	Altamont Infrastructure Co.	Gomes Family Farms	17.5	4.84%
C-8244	Altamont Infrastructure Co.	Gomes Family Farms	17.5	4.84%
C-8225	Altamont Infrastructure Co.	Guo, Lin (Tzen Wen)	3.1	0.86%
C-8240	Altamont Infrastructure Co.	Hansen	1.2	0.33%
C-8239	Altamont Infrastructure Co.	Jackson	3.0	0.83%
C-8137	Altamont Infrastructure Co.	Mulqueeney	70.0	19.37%
C-8037	Altamont Infrastructure Co.	Pombo	6.5	1.80%
C-8238	Altamont Infrastructure Co.	Ralph Properties	23.8	6.59%
C-8234	Altamont Infrastructure Co.	Ralph Properties II	2.4	0.66%
C-8134	Altamont Infrastructure Co.	Rooney	3.1	0.86%
C-8241	Altamont Infrastructure Co.	Walker Family Trust	23.8	6.59%
C-8231	Altamont Infrastructure Co.	Waste Mgmt.Inc.	25.4	7.03%
C-8173	Altamont Infrastructure Co.	Wildlands	0.9	0.25%
ALTAMONT INFRASTRUCTURE COMPANY TOTAL			272.9	75.51%
C-8031	Altamont Power Co.	Corbett	6.83	1.89%
C-8224	Altamont Power Co.	Elworthy	37.92	10.49%
ALTAMONT POWER COMPANY TOTAL			44.75	12.38%
C-8263	EnXco, Patterson Pass Farms –	ENXCO TOTAL	21.8	6.03%
C-8203	Seawest Power Resources	Arnaudo / Castello	8.58	2.37%
C-8201	Seawest Power Resources	Griffith/Brockman	3.38	0.94%
C-8023	Seawest Power Resources	Johnston	1.95	0.54%
C-8161	Seawest Power Resources	Pombo Partnership	2.99	0.83%
C-8182	Seawest Power Resources	Ralph II (Santucci)	8.23	2.28%
SEAWEST POWER RESOURCES TOTAL			16.95	4.69%
C-8216	WindWorks, Inc.	Alameda Co. Waste Mgmt.	1.0	0.28%
C-8191	WindWorks, Inc.	Mulqueeney	4.0	1.11%
WINDWORKS, INC. TOTAL			5.00	1.38%
TOTAL			361.40	100.00%

ATTACHMENT G
AVIAN WILDLIFE PROTECTION PROGRAM & SCHEDULE
September 22, 2005

The Avian Wildlife Protection Program & Schedule (Condition 7, AWPPS) is to be implemented together with all of the conditions as set forth in Attachment B, and in particular is linked to the Scientific Review Committee, the monitoring by the County consultant, and the preparation of an environmental impact report in the third year of the Program. Throughout all years of the Program, the Scientific Review Committee (SRC) shall investigate, monitor and evaluate the effectiveness of the Program, using input from the Permittee(s), the County consultant and state-sponsored research, and subsequently recommend adjustments, and design and implementation of alternative strategies. The County consultant, as a neutral third party, shall also continue to report on avian mortality and injury using methods approved by the SRC through the life of the Permit(s), although changes in the nature and scope of the required reporting are expected after the third and eighth year reviews of the Permit. The Planning Director shall have the authority to directly institute minor, non-substantive changes to timing or implementation of the Program and Schedule or its general scope. On the basis of recommendations by the SRC, the Planning Director may impose more substantive changes to the manner of the Program's implementation; however, major substantive or material changes outside the general scope of the AWPPS shall be subject to a duly-noticed public hearing, if such modifications will serve the fundamental objectives of the Program for progressive and substantial reductions in avian mortality and injuries.

YEAR ONE – September 2005 to August 2006

1. By October 31, 2005, and subject to confirmed determination by the SRC, the Permittee shall shutdown or relocate the individual turbines specifically identified by BioResource Consultants, Inc. in their research for the California Energy Commission, as "Tier 1" hazardous turbines (approximately 2 percent of all turbines).
2. By November 30, 2005, the Permittee shall provide a schedule for implementing the on-site strategies to reduce avian mortality as identified by the California Energy Commission-sponsored research, including the following (and in general accordance with the timetable below).

<u>Strategy or technique</u>	<u>Implementation Time</u>
a. Retrofitting electrical power poles and power lines to be compliant with the Edison Electric Institute's Avian Power Line Interaction Committee (APLIC), in order to prevent electrocution of birds;	Within 180 days of the Permit approval
b. Removing derelict and non-operating turbines, allowing towers to remain at ends of rows if deemed beneficial as flight diverters by the SRC, and replacing turbines only with SRC approval;	50% removed within 180 days, 100% within one year
c. Subject to approval by the US Fish & Wildlife Service, relocating all artificially-created rock piles away from turbines;	Within 180 days of FWS approval
d. Implement other on-site management measures identified in the CEC-sponsored research, if recommended by the SRC and	Within 180 days

<u>Strategy or technique</u>	<u>Implementation Time</u>
approved by the Planning Director or the Board of Zoning Adjustments if applicable, including, but not limited to 1) retrofit tower platforms to prevent under-burrowing by small mammals; 2) cease rodent control program activities on all sites; 3) paint turbine blades according to the Hodos scheme on a trial or larger basis; 4) use turbine designs and concentrated siting to discourage raptor use; 5) reduce or eliminate vertical and lateral edges; 6) replacement of guyed turbine and meteorological towers; 7) restrict cattle from grazing near turbines on a seasonal or more extended basis; 8) install accelerometers; and 9) install improved turbine monitoring equipment.	
3. From November 1, 2005 until December 31, 2005, the Permittee(s) shall cease operations for approximately ½ of the existing (non-repowered) turbines, after which operation of this ½ of the turbines may recommence. From January 1, 2006 to February 28, 2006, the Permittee(s) shall cease operations of the other half of the existing (non-repowered) turbines, after which operations may recommence.	
4. By May 31, 2006, using data and other information from the Permittee(s), the County consultant shall provide a report to the SRC on the seasonal shutdown of all turbines between November 1 and February 28 of the previous winter.	
5. By March 31, 2006, the Permittee shall provide a first annual letter report to the Planning Director regarding first steps and progress toward repowering of 10 (ten) percent of the Permittee's total number of turbines on all sites by the end of the fourth year.	
6. By September 22, 2006, the SRC shall have reported to the Planning Director with recommendations for potential on- or off-site strategies for conservation of critical wildlife habitat.	

YEARS TWO & THREE – October 2006 to September 2008

1. From November 1, 2006 to January 11, 2007 the Permittee(s) shall cease operations for approximately ½ of the existing (non-repowered) turbines, after which operation of this ½ of the turbines may recommence. From January 1, 2006 to February 28, 2006, the Permittee(s) shall cease operations of the other half of the existing (non-repowered) turbines, after which operations may recommence. (Year Two)
2. From November 1, 2007 to January 15, 2008 (an increase of half a month over the prior winter), or for a different period if agreed to by the SRC based on the monitoring results from the prior two winters, the Permittee(s) shall cease operations of approximately ½ of the existing (non-repowered) turbines. From December 15, 2007 until February 28, 2008, or for a different period also based on monitoring results as above, the Permittee(s) shall cease operations of the other half of the turbines (also increasing their total shutdown by half a month over the prior winter, and overlapping with the shutdown of the first half of the turbines). (Year Three)

3. By March 31, 2007, the Permittee shall provide a second annual letter report to the Planning Director regarding additional progress toward repowering of 10 percent of the Permittee's turbines by the end of the fourth year. By March 31, 2008, the Permittee shall provide the third annual letter regarding such progress.
4. By March 31, 2007, the County shall have obtained detailed repowering proposals from the Permittee(s), and with input from the SRC shall have completed a draft scope of work for the preparation of an Environmental Impact Report (EIR), initiated a request for proposals from qualified consultants, and have selected an EIR consultant.
5. By September 30, 2007 (end of Year Two), and subject to confirmed determination by the SRC, the Permittee shall shutdown or relocate approximately one-quarter of all the turbines identified as the second most hazardous turbines (Tier 2 turbines, approximately 0.5 percent of all turbines), and by September 30, 2008 (end of Year Three), also subject to SRC review, shutdown or relocate an additional one-quarter of all such turbines.
6. By March 31, 2008, the Draft EIR shall have been circulated for the minimum period of time for public comment. By September 30, 2008, public hearings shall be held on the Draft EIR, and a Final EIR, with responses to comments from the public and interested government agencies, and any revisions to the Draft EIR, with a Mitigation Monitoring and Reporting Program if required, shall be adopted and certified. The EIR shall have addressed the environmental impacts of the repowering program (including both specific proposals and the overall repowering program set forth herein), the continued operation of existing turbine facilities, and the effectiveness of the various strategies to reduce and minimize avian mortality and other adverse impacts on wildlife (such as new wind turbine technology, site-specific measures, grazing management, etc.). The EIR shall also study siting in the Altamont as a whole, and review on- or off-site mitigation and its best use to reduce avian mortality and enhance raptor and other wildlife habitat in appropriate locations within Alameda County. The EIR may also address how to provide incentives for an increased rate of repowering, including expanding areas where wind power facilities may be permitted.
7. By September 30, 2008, or no later than 60 days thereafter, the County shall have completed a review of all the Permits and their conditions of approval, and have held a public hearing, at which time the conditions of approval may be modified or supplemented with new conditions based on the findings of the EIR, and/or recommendations of the SRC.

YEARS FOUR & FIVE – October 2008 to September 2010

1. By September 30, 2009 (end of Year Four), and subject to confirmed determination by the SRC, the Permittee shall shutdown or relocate approximately one-quarter of the second most hazardous turbines (Tier 2 turbines, approximately 0.5 percent of all turbines), and by September 30, 2010 (end of Year Five), also subject to SRC review, shut down or relocate all (100 percent) such turbines.
2. From November 1, 2008 to February 1, 2009 (an increase of half a month over the prior winter), or for a different period if agreed to by the SRC based on the monitoring results from the prior three winters, the Permittee(s) shall cease operations of approximately ½ of the existing (non-repowered) turbines. From December 1, 2009 until February 28, 2010, or

for a different period also based on monitoring results as above, the Permittee(s) shall cease operations of the other half of the turbines (also increasing their total shutdown by half a month over the prior winter, and overlapping with the shutdown of the first half of the turbines).

3. Based on the completed and certified EIR, the County, with the input of the SRC, shall implement the Mitigation Monitoring and Reporting Program set forth therein, to modify or expand on those strategies implemented in the prior three years, provide other methods to achieve further, substantial reductions in avian mortality beyond that achieved in the prior three years, which will be added to the conditions of approval for the existing turbines for the remaining years of the Permit, subject to review in the eighth year of the permit.
4. The County, through the SRC, will establish an on- or off-site mitigation program based on the findings of the EIR, for use within Alameda County to the greatest extent possible.
5. By March 31, 2009 (the middle of the fourth year) each Permittee shall have initiated applications for repowering of ten (10) percent of their individually-owned existing turbines (which may include the Tier 1 and Tier 2 turbines removed through the fourth year, or derelict or other turbines permanently removed since January 1, 2004).
6. By September 30, 2009 (end of the fourth year), subject to a new conditional use permit and a development agreement (granting certain vested rights to the new Permittee to operate for a new term of 20 years with permit reviews in 5-year increments) consistent with the EIR and AWP Program, the Permittee(s) shall have ceased operation and permanently removed 10 percent of their individually-owned existing turbines in preparation for installation of the replacement, repowered turbines. Permanent removal of currently existing (non-repowered) turbines will be considered to constitute compliance with this measure as the first step in repowering and is not necessarily dependent upon approval of the new conditional use permit and construction of the new turbines. If a new permit for repowering has not been granted due to delays by state or federal agencies or other factors outside of the Permittees' control, the Permittee must provide acceptable evidence of such factors to the Planning Director and the SRC in order to permit the continued operation of existing turbines.

YEARS SIX THROUGH EIGHT – OCTOBER 2010 TO SEPTEMBER 2013

1. The County will continue and expand as appropriate the on- or off-site mitigation program in accordance with the findings of the EIR and with guidance from the SRC.
2. The Permittee(s) and County will continue to implement the Mitigation Monitoring and Reporting Program based on the EIR, and based on continued monitoring by the County consultant and input from the SRC, and subject to review and approval by the SRC and in the event of substantial alterations to the conditions, Planning Director and/or a duly noticed public hearing by the Board of Zoning Adjustments, may modify or expand on those strategies implemented in the prior five years, provide other methods to achieve further, substantial reductions in avian mortality beyond that achieved in the prior five years.
3. From November 1 of each year to the following February 15 (the maximum period of the 3-½ month shutdown), the Permittee shall cease operations for approximately ½ of the

existing (non-repowered) turbines. From November 15 until February 28, 2009, the Permittee(s) shall cease operations of the other half of the turbines (also consistent with the maximum period of the 3-½ month shutdown).

4. By March 31, 2012 (the middle of the seventh year) the Permittee(s) shall have initiated applications for repowering of an additional twenty-five (25) percent of their currently existing individually-owned turbines (which may include Tier 1, Tier 2 or other turbines removed in accord with the Program if not already replaced by repowering projects) such that a total of 35 percent of the Permittee's individually owned, existing turbines approved for operation as of September 22, 2005 will be permanently removed. Permanent removal of currently existing (non-repowered) turbines will be considered to constitute compliance with this measure as the first step in repowering and is not necessarily dependent upon approval of the new conditional use permit and construction of the new turbines.
5. By September 30, 2013, barring delays by state or federal agencies, action by the Planning Director, or other factors outside of the Permittees' control, and subject to a new conditional use permit and a development agreement under similar terms to repowering projects in the prior two years, the Permittee(s) shall have ceased operation and permanently removed an additional 25 percent of their individually-owned existing turbines in preparation for installation of the replacement, repowered turbines.
6. By September 30, 2013 (or five years after certification of the EIR), based also on continued monitoring by the County consultant and input from the SRC, the County will review the Permits and hold a public hearing, for consideration of the effectiveness of the components of the Program and consideration of other strategies to be added to the conditions of approval for the pre-existing turbines for the remaining years of the Permit.

YEARS NINE THROUGH THIRTEEN – OCTOBER 2013 TO SEPTEMBER 2018

1. The County will continue and expand as appropriate the on- or off-site mitigation program in accordance with the findings of the EIR and with guidance from the SRC.
2. The Permittee(s) and County will continue to implement the Mitigation Monitoring and Reporting Program based on the EIR, and based on continued monitoring by the County consultant and input from the SRC, and subject to review and approval by the SRC and in the event of substantial alterations to the conditions, Planning Director and/or a duly noticed public hearing by the Board of Zoning Adjustments, may modify or expand on those strategies implemented in the prior eight years, provide other methods to achieve further, substantial reductions in avian mortality beyond that achieved in the prior eight years.
3. From November 1 of each year to the following February 15 (the maximum period of the 3-½ month shutdown), the Permittee shall cease operations for approximately ½ of the existing (non-repowered) turbines. From November 15, 2008 until February 28, 2009, the Permittee(s) shall cease operations of the other half of the turbines (also consistent with the maximum period of the 3-½ month shutdown).
4. By March 31, 2015 (the middle of the thirteenth year), the Permittee(s) shall have initiated applications for repowering of an additional fifty (50) percent of their currently existing

individually-owned turbines (which may include any turbines or turbine capacity previously removed that has not been replaced by repowering projects), such that a total of 85 percent of the Permittee's individually owned, existing turbines approved for operation as of September 22, 2005 will be permanently removed.

5. By September 30, 2015, barring delays by state or federal agencies, action by the Planning Director, or other factors outside of the Permittees' control, and subject to a new conditional use permit and a development agreement under similar terms to repowering projects in the prior ten years, the Permittee(s) shall have ceased operation and permanently removed an additional 50 percent of their individually-owned existing turbines in preparation for installation of the replacement, repowered turbines.
6. By March 31, 2018 (the middle of the tenth year), the Permittee(s) shall have initiated applications for repowering of an additional fifteen (15) percent of their currently existing individually-owned turbines (which may include any turbines or turbine capacity previously removed that has not been replaced by repowering projects), such that a total of 100 percent of the Permittee's individually owned, existing turbines approved for operation as of September 22, 2005 will be permanently removed.
7. By September 30, 2018, barring delays by state or federal agencies, action by the Planning Director, or other factors outside of the Permittees' control, and subject to a new conditional use permit and a development agreement under similar terms to repowering projects in the prior ten years, the Permittee(s) shall have ceased operation and permanently removed all 100 percent of their individually-owned turbines approved for operation as of September 22, 2005, in preparation for installation of the replacement, repowered turbines.