

# **Exhibit A**

## **Written Findings of Significant Effects**

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In accordance with State Public Resources Code §21081 and CEQA Guidelines Section 15091, the following findings are made and supporting facts provided for each significant environmental effect that has been identified in the Final Environmental Impact Report and for which changes to the project and its conditions of approval are required (including adoption of mitigation measures) to avoid or substantially reduce the magnitude of the effect, as identified in the final EIR. The findings described below are organized by resource issue, in the same order as the effects are discussed in the EIR. The County's findings regarding the project alternatives follow the individual effect findings. The findings reference the final EIR (part of the record upon which the EBZA bases its decision) and mitigation measures in support of the findings. For specific resource mitigation measures, the section and page number where the full text of the mitigation measure occurs is noted in the finding.

### **Record of Proceedings and Custodian of Record**

The record upon which all findings and determinations related to the approval of the project are based includes the following:

- The EIR and all documents referenced in or relied upon by the EIR
- All information (including written evidence and testimony) provided by County staff to the EBZA relating to the EIR, the approvals, and the project
- All information (including written evidence and testimony) presented to the EBZA by the environmental consultants who prepared the EIR or incorporated into reports presented to the EBZA
- All information (including written evidence and testimony) presented to the County from other public agencies related to the project or the EIR
- All applications, letters, testimony and presentations relating to the project
- All information (including written evidence and testimony) presented at any County hearing related to the project and the EIR
- All County-adopted or County-prepared land use plans, ordinances, including without limitation general plans, specific plans, and ordinances, together with environmental review documents, findings, mitigation monitoring programs, and other documents relevant to land use within the area
- The Mitigation Monitoring and Reporting Program for the project
- All other documents composing the record pursuant to Public Resources Code Section 21167.6(e)

The custodian of the documents and other materials that constitute the record of the proceedings upon which the County's decisions are based is Sandra Rivera, Assistant Planning Director, or her

designee. Such documents and other material are located at 224 Winton Avenue, Room 111, Hayward, California, 94544.

## **Consideration and Certification of the EIR**

In accordance with CEQA, the EBZA certifies that the EIR has been completed in compliance with CEQA. The EBZA has independently reviewed the record and the EIR prior to certifying the EIR and approving the project. By these findings, the EBZA confirms, ratifies and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the County and the EBZA. The EBZA recognizes the EIR may contain clerical errors. The EBZA reviewed the entirety of the EIR and bases its determination on the substance of the information it contains. The EBZA certifies that the EIR is adequate to support the approval of the action that is the subject of the Draft Resolution to which these CEQA findings are attached.

The EBZA certifies that the EIR is adequate to support approval of the project described in the EIR, each component and phase of the project described in the EIR, any variant of the project described in the EIR, any minor modifications to the project or variants of the project described in the EIR, and the components of the project.

## **Absence of Significant New Information**

The EBZA recognizes that the final EIR incorporates information obtained and produced after the draft EIR was completed, and that the EIR contains additions, clarifications, and modifications. The EBZA has reviewed and considered the final EIR and all of this information. The final EIR does not add significant new information to the draft EIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the project. No information indicates that the draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the draft EIR. Thus, recirculation of the EIR is not required. The EBZA finds that the changes and modifications made to the EIR after the draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code Section 21092.1 or Section 15088.5 of the State CEQA Guidelines.

## **Severability**

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the project, shall continue in full force and effect unless amended or modified by the County.

## Findings and Recommendations Regarding Significant and Unavoidable Impacts

### Biological Resources

**Impact BIO-1: Potential to cause a substantial adverse effect, either directly or through habitat modifications, on special-status avian species**

**Potential Impact:** The potential impacts related to special-status avian fatalities are discussed beginning at page 3.2-28 of the draft EIR and is further clarified in Chapter 3, *Responses to Comments*, of the final EIR. The project would result in increased avian fatalities associated with the additional operating hours of the wind turbines.

**Mitigation Measure(s):** The following mitigation measure(s), discussed in the draft EIR at pages 3.2-33 and 3.2-34 are hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

**MM BIO-16: Implement Seasonal Shutdowns to Reduce Avian Fatalities**

**MM BIO-17: Mitigate for the Loss of Individual Golden Eagles by Retrofitting Electrical Facilities**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigations recommended by Mitigation Measures BIO-16 and BIO-17 will reduce the effects of the proposed project on avian special-status species but will not mitigate this impact to a less-than-significant level. The project applicant will be required to implement seasonal shutdowns, from November 1 to February 15, on all turbines for the remaining operational period. In addition, the project applicant will be required to mitigate for the proposed project's additional contribution to golden eagle mortality by retrofitting hazardous electrical poles either in an onsite or offsite location. The mitigation must occur within 140 miles of the proposed project, the area typically defined by the USFWS as the "local population," and must occur in an area with eagles at risk from electrocutions as determined through coordination with USFWS.

**Remaining Impacts:** Remaining impacts related to avian special-status species will be significant and unavoidable.

**Overriding Considerations:** As more fully explained in the Statement of Overriding Considerations contained in Exhibit C to the Resolution to which these CEQA Findings are attached, the County finds that there are environmental, economic, or other benefits of the approved project that override the remaining significant and unavoidable impacts from the project related to avian special-status species.

## Findings and Recommendations Regarding Significant Impacts Which are Mitigated to a Less-Than-Significant Level

### Biological Resources

**Impact BIO-1: Potential to cause a substantial adverse effect, either directly or through habitat modifications, on non-avian special-status species**

**Potential Impact:** The potential impacts related to non-avian special-status species are discussed beginning at page 3.2-18 of the draft EIR. Ground-disturbing activities during project decommissioning could result in direct and indirect impacts on special-status plants and non-avian wildlife species.

**Mitigation Measure(s):** The following mitigation measure(s), discussed in the draft EIR at pages 3.2-20 through 3.2-28 are hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

Implementing Mitigation Measures BIO-1 through BIO-7 would avoid and minimize impacts on special-status plants and reduce this impact to a less-than-significant level.

**MM BIO-1: Implement General Protection Measures to Avoid and Minimize Impacts on Sensitive Biological Resources**

**MM BIO-2: Restore Disturbed Annual Grasslands**

**MM BIO-3: Conduct Preconstruction Surveys for Potentially Sensitive Habitat**

**MM BIO-4: Install Temporary Flagging or Barrier Fencing to Protect Sensitive Biological Resources Adjacent to the Work Area**

**MM BIO-5: Retain a Biological Monitor during Ground Disturbing Activities within Environmentally-Sensitive Habitat Areas**

**MM BIO-6: Retain Qualified Botanists to Conduct Floristic Surveys for Special-Status Plants during Appropriate Identification Periods**

**MM BIO-7: Avoid and Minimize Potential Impacts on Special-Status Plants**

Implementing Mitigation Measures BIO-1 through BIO-5 and BIO-8 through BIO-15 would avoid and minimize impacts on special-status wildlife and reduce impacts associated with decommissioning to a less-than-significant level.

**MM BIO-1: Implement General Protection Measures to Avoid and Minimize Impacts on Sensitive Biological Resources**

**MM BIO-2: Restore Disturbed Annual Grasslands**

**MM BIO-3: Conduct Preconstruction Surveys for Potentially Sensitive Habitat**

**MM BIO-4: Install Temporary Flagging or Barrier Fencing to Protect Sensitive Biological Resources Adjacent to the Work Area**

**MM BIO-5: Retain a Biological Monitor during Ground Disturbing Activities within Environmentally-Sensitive Habitat Areas**

**MM BIO-8: Avoid Disturbance of Vernal Pool Fairy Shrimp and Longhorn Fairy Shrimp****MM BIO-9: Avoid Disturbance of California Tiger Salamander, California Red-legged Frog, and Foothill Yellow-legged Frog.****MM BIO-10: Avoid Disturbance of Alameda Whipsnake****MM BIO-11: Avoid Disturbance of Coast Horned Lizard, San Joaquin Whipsnake, and Western Pond Turtle****MM BIO-12: Avoid Disturbance of San Joaquin Kit Fox****MM BIO-13: Avoid Disturbance of American Badger****MM BIO-14: Avoid Disturbance of Burrowing Owl****MM BIO-15: Avoid Disturbance of Nesting Migratory Birds and Raptors**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigations recommended by Mitigation Measures BIO-1 through BIO-15 will ensure that the impacts on non-avian special-status wildlife and special-status plant species will be mitigated to a less-than-significant level. The project applicant will be required to implement general protection measures during decommissioning, restore disturbed annual grasslands, conduct preconstruction surveys, flag or fence sensitive biological resources, and retain a qualified biological monitor during ground-disturbing activities to avoid disturbance of sensitive plant and wildlife species.

**Remaining Impacts:** Any remaining impacts related to non-avian special-status species, either directly or through habitat modification, will be less than significant.

**Impact BIO-2: Potential substantial adverse effects on riparian habitat and other sensitive natural communities**

**Potential Impact:** The potential impacts related to non-avian special-status species are discussed at page 3.2-34 of the draft EIR. Areas supporting sensitive natural communities, including evergreen forest, oak woodland, willow riparian scrub, alkali meadow, and alkali wetland, are scattered throughout the study area and some of the existing access roads may cross through these habitats. Ground disturbance associated with project decommissioning activities would result in the temporary disturbance of up to 91 acres of previously disturbed area, which could include sensitive natural communities.

**Mitigation Measure(s):** The following mitigation measure(s), discussed in the draft EIR at pages 3.2-20 through 3.2-22 are hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

**MM BIO-1: Implement General Protection Measures to Avoid and Minimize Impacts on Sensitive Biological Resources****MM BIO-4: Install Temporary Flagging or Barrier Fencing to Protect Sensitive Biological Resources Adjacent to the Work Area**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigations recommended by Mitigation Measures BIO-1 and BIO-4 will ensure that the effects on effects on riparian habitat and other sensitive natural communities will be mitigated to a less-than-significant level. The project applicant will be required to implement protection measures to avoid these sensitive areas, and identify and flag or fence sensitive biological habitat onsite to ensure it is avoided during decommissioning and reclamation activities.

**Remaining Impacts:** Any remaining impacts related to riparian habitat and other sensitive natural communities will be less than significant.

**Impact BIO-3: Potential substantial adverse effects on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means**

**Potential Impact:** The potential impacts related to state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means are discussed beginning at page 3.2-34 of the draft EIR. Project decommissioning activities that result in ground disturbance (including temporary fill and removal of culverts) could directly or indirectly affect aquatic resources that may qualify as waters of the United States and waters of the state.

**Mitigation Measure(s):** The following mitigation measure(s), discussed in the draft EIR at pages 3.2-19 to 3.2-33 are hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

**MM BIO-1: Implement General Protection Measures to Avoid and Minimize Impacts on Sensitive Biological Resources**

**MM BIO-4: Install Temporary Flagging or Barrier Fencing to Protect Sensitive Biological Resources Adjacent to the Work Area**

**MM BIO-5: Retain a Biological Monitor during Ground Disturbing Activities within Environmentally-Sensitive Habitat Areas**

**MM BIO-18: Identify and Delineate Waters of the United States and Waters of the State (including Wetlands)**

**MM BIO-19: Avoid and Minimize Disturbance of Waters of the United States, including Wetland Communities**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigations recommended by Mitigation Measures BIO-1, BIO-4, BIO-5, BIO-18 and BIO-19 will ensure that the project's effects on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means will be mitigated to a less-than-significant level. The project applicant will be required to implement protection measures to avoid these sensitive areas, identify and flag or fence sensitive areas onsite, identify, delineate, and avoid waters of the United States during decommissioning and reclamation activities.

**Remaining Impacts:** Any remaining impacts related to effects on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means will be less than significant.

## Noise

### **Impact NOISE-1: Exposure of residences to increased wind turbine noise**

**Potential Impact:** The potential impacts related to exposure of residences to increased wind turbine noise are discussed beginning at page 3.3-9 of the draft EIR. The proposed project would allow more turbines to operate for longer than allowed under the current CUPs, potentially resulting in an increase in noise production of 5 dB  $L_{dn}$  or more due to aging or lack of maintenance.

**Mitigation Measure(s):** The following mitigation measure(s), discussed in the draft EIR at pages 3.3-9 through 3.3-10 are hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

**MM NOISE-1: NOISE-1: Repair or remove turbines that are determined to increase the daily  $L_{dn}$  value at a residence by more than 5 Db**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigations recommended by Mitigation Measure NOISE-1 will ensure that the exposure of residences to increased wind turbine noise will be mitigated to a less-than-significant level. The project applicant will be required to retain a qualified acoustic consultant to conduct a noise monitoring survey to quantify existing noise conditions at residential receptors whose presence pre-dates operation of the project turbines and which are located within 500 feet of an operating turbine, submit the results to the County so that, in the event that a resident at one of the measured locations reports that wind turbine noise has substantially increased, the County will review the situation to determine if additional measurements are warranted.

**Remaining Impacts:** Any remaining impacts related to exposure of residences to increased wind turbine noise will be less than significant.

### **Impact NOISE-2: Exposure of residences to noise during decommissioning activities**

**Potential Impact:** The potential impacts related to the exposure of residences to noise during decommissioning activities are discussed beginning at page 3.3-10 of the draft EIR. Noise associated with heavy equipment used for decommissioning activities could affect residences located within several hundred feet of where turbine removal and restoration activities would occur.

**Mitigation Measure(s):** The following mitigation measure(s), discussed in the draft EIR at page 3.3-11 are hereby adopted and will be implemented as provided in the Mitigation and Monitoring Reporting Program:

**MM NOISE-2: Employ Noise-Reducing Practices during Decommissioning**

**Findings:** Based on the EIR and the entire record before the County, the County finds that:

**Effects of Mitigation:** Implementation of the mitigations recommended by Mitigation Measure NOISE-2 will ensure that the exposure of residences to noise during decommissioning activities will be mitigated to a less-than-significant level. The project applicant will be required to employ combination of the following noise-reducing construction practices so that construction noise does not exceed Alameda County property line noise ordinance standards.

**Remaining Impacts:** Any remaining impacts related to noise during decommissioning activities will be less than significant.

## Findings and Recommendations Regarding Impacts which are Less Than Significant

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the EIR.

### Air Quality and Greenhouse Gases

**Impact AQ-2: Violate any air quality standard or contribute substantially to an existing or projected air quality violation**

The project's potential impacts related to air quality violations are discussed on page 3.1-25 of the draft EIR. The estimated emissions associated with the proposed project's decommissioning and infrastructure removal activities would not exceed the BAAQMD significance thresholds for criteria pollutants. This potential impact is determined to be less than significant.

**Impact AQ-3: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)**

The project's potential impacts related to cumulative pollutant increases are discussed beginning on page 3.1-25 of the draft EIR. The proposed project would not exceed any BAAQMD threshold, and would not result in a cumulatively considerable net increase of any criteria pollutant. This potential impact is determined to be less than significant.

**Impact AQ-4: Expose sensitive receptors to substantial pollutant concentrations**

The project's potential impacts related to exposure to pollutant concentrations are discussed on page 3.1-26 of the draft EIR. Project decommissioning and infrastructure removal activities would take place over a maximum period of 185 days per year, which represents a short time relative to the 70-year exposure period generally associated with health risks, and emissions would most likely dissipate before reaching the nearest sensitive receptor, which is located approximately 0.75 miles from the southwest boundary of the project area. This potential impact is determined to be less than significant.

**Impact AQ-5: Create objectionable odors affecting a substantial number of people**

The project's potential impacts related to objectionable odors are discussed on page 3.1-26 of the draft EIR. Because the proposed project is located in a rural setting with scattered residences near the project boundary, the diesel exhaust and construction odors generated from decommissioning activities within the proposed project's boundaries would likely dissipate before affecting a substantial number of people. This potential impact is determined to be less than significant.

**Impact AQ-6: Generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment**

The project's potential impacts related to greenhouse gas emissions are discussed beginning on page 3.1-26 of the draft EIR. Decommissioning and infrastructure removal activities would generate short-term emissions of GHGs that would be more than offset by the GHG emissions avoided because the proposed project would replace electricity produced by fossil-fueled power plants with electricity from non-emitting wind turbines. This potential impact is determined to be less than significant.

**Impact AQ-7: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases**

The project's potential impacts related to greenhouse gas reduction policy conflicts are discussed on page 3.1-28 of the draft EIR. The proposed project would result in offset GHG emissions and would therefore not conflict with but, rather, be compatible with existing plans, policies and regulations that mandate or encourage reductions of GHGs. This potential impact is determined to be less than significant.

## **Biological Resources**

**Impact BIO-4: Potential to interfere substantially with the movement of native resident wildlife species or impede the use of native wildlife nursery sites**

The project's potential impacts related to interference with wildlife movement or nursery sites are discussed beginning on page 3.2-36 of the draft EIR. Ground disturbance associated with project decommissioning activities that could temporarily impact the movement of resident or migratory wildlife through the study area would be limited to a small area associated with each facility and would be of short duration. Operational effects on the movement of resident or migratory birds would be short-term, with turbine operation ending completely in 2015, resulting in an overall shorter duration of turbine operation compared to baseline conditions. This potential impact is determined to be less than significant.

**Impact BIO-6: Potential to conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan**

The project's potential impacts related to biological policy conflicts are discussed beginning on page 3.2-38 of the draft EIR. The proposed project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan because no approved plans overlap with the study area. The study area does overlap with the EACCS, which is not a formal habitat conservation plan prepared pursuant to Section 10 of the FESA. Avoidance and minimization measures pertaining to special-status plants and wildlife that are identified for the proposed project are consistent with the EACCS. This potential impact is determined to be less than significant.

## **Hazards and Hazardous Materials**

**Impact HAZ-1: Result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials**

The project's potential impacts related to the transport, use, or disposal of hazardous materials are discussed beginning on page 3.4-5 of the draft EIR. The majority of hazardous materials to be

used during project operations, decommissioning, and removal and reclamation activities are of low toxicity and would consist of fuels, oils and lubricants, and their use would be of short duration and subject to implementation of BMPs to reduce the potential for or exposure to accidental spills involving the use of hazardous materials. This potential impact is determined to be less than significant.

**Impact HAZ-2: Result in the exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands**

The project's potential impacts related to risk of wildland fires are discussed on page 3.4-6 of the draft EIR. The project currently operates in an area with a potential for wildland fires and is already subject to fire protection services from Cal Fire and the ACFD. Implementation of the proposed project is not expected to alter those conditions or the Altamont Pass Wind Farms Fire Requirements as described in Exhibit C of the 2005 CUPs. This potential impact is determined to be less than significant.

## Findings for Alternatives Considered in the EIR

Section 15091(a)(3) of the State CEQA Guidelines requires findings about the feasibility of project alternatives whenever a project within the responsibility and jurisdiction of the lead agency will have a significant environmental effect that has not been mitigated to a less-than-significant level. The significant impacts that require such findings are:

- **Biological Resources**

- Impacts on special-status plants, wildlife including avian species (Significant and unavoidable with mitigation incorporated)
- Impacts on riparian habitat and other sensitive natural communities (Less than significant with mitigation incorporated)
- Impacts on federally protected wetlands (Less than significant with mitigation incorporated)

- **Noise**

- Exposure of residences to increased wind turbine noise (Less than significant with mitigation incorporated).
- Exposure of residences to noise during decommissioning activities. (Less than significant with mitigation incorporated).

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of projects prior to approval (Public Resources Code § 21002). With the exception of the No Project Alternative, the specific alternatives or types of alternatives that must be assessed are not specified. CEQA “establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d. 553, 556). The legislative purpose of CEQA is to protect public health, welfare and the environment from significant impacts associated with all types of development, by

ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian (Public Res. Code § 21000). In short, the objective of CEQA is to avoid or mitigate environmental damage associated with development. This objective has been largely accomplished in the project through the inclusion of mitigation measures that reduce all potentially significant impacts of the project to a less than significant level.

## Identification of Project Objectives

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the project (CEQA Guidelines § 15126(d)(2)). Thus, an evaluation of the project objectives is key to determining which alternatives should be assessed in the EIR.

The overall objectives of the proposed project are to:

- Continue to operate the existing AWI project using existing turbines, transmission lines, and other infrastructure to meet regional energy needs in an efficient, reliable, and environmentally-sound manner.
- Continue to provide clean, renewable energy in the most cost-effective way.
- Operate existing wind power facilities more productively in the short term .
- Contribute to domestic energy security and California’s Renewable Energy Resources Program, which requires that all retail electricity providers serve 33 percent of their load with renewable sources by 2020, by continuing to reduce California’s reliance on fossil fuels through utilization of APWRA’s renewable wind resources.
- Provide significant benefits to human health, wildlife, and climate by reducing climate change/global warming-causing pollutants, reducing water usage, and by displacing toxic emissions produced by fossil fuel-fired power plants.
- Continue to contribute substantially to Alameda County’s economy by preserving long-term skilled employment to operate and maintain the project and through expenditures on materials, tools, supplies, and equipment purchases.

## Alternatives Analyzed in the EIR

The CEQA Guidelines (Section 15126.6(a)) state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the project. Section 15091 of the CEQA Guidelines further requires that the County identify specific economic, legal, social, technological, or other considerations, such as employment of highly trained workers, which make it infeasible to approve project alternatives identified in the Final EIR that would avoid or substantially lessen significant impacts on the environment. The County evaluated the alternatives listed below and makes associated findings.

### No Project Alternative

Under the No Project Alternative, the proposed project would not be implemented and the requirements of the existing CUPs would continue to be enforced. Seasonal shutdowns of all wind turbines

would continue yearly between November 1 and February 15. Phased decommissioning would continue. The first phase of decommissioning took place in 2009, at which time AWI was required to remove 10% (92) of its 920 turbines. Exhibit G-2 of the existing CUPs requires AWI to remove an additional 25% (230) of its original 920 turbines by September 30, 2013 – a cumulative total of 35% (322 {=92+230}), another 50% (460, or a cumulative 85%) of the original turbines by September 30, 2015, and the remaining 15% of turbines by September 30, 2018. After each phase of shutdown is completed, AWI would be required to completely remove all turbine foundations and related infrastructure.

**Findings:** Based on the EIR and the entire record before the County, the County finds that the No Project Alternative would not serve the project objectives of being able to produce the greatest quantity of renewable energy in the most efficient way in the short-term period of September 2013 to the end of 2015. The County also finds that the No Project Alternative would complicate the County and SRC's objectives and recommendations to accelerate the process of repowering due to logistical, site planning and biological resource monitoring efforts, in the event repowering by the other wind farm operators takes place on properties shared with AWI's turbines.

**Explanation:** The No Project Alternative, as a baseline to which the project and alternatives are compared, provides for the greatest reduction, in the short-term, of turbine operations that are proportionally associated with mortality of special-status avian species. However, it would also result in unavoidable adverse impacts on special-status species due to operation of the turbines, as estimated in Table 3.2-5 in the Draft EIR, in the column "Projected number of fatalities under baseline conditions" (1,056.4–1,153.0 fatalities for all bird species; 7.1 to 9.9 golden eagles, and 141.5 to 204.0 for all four focal raptor species). The No Project Alternative would also require decommissioning activities after each phase of shutdowns (three stages), which would have potentially significant impacts on special-status species. The specific environmental effects of having three phases of decommissioning activities was not specifically quantified in the EIR but could be considerable and greater than a single phase of decommissioning as would occur under the proposed project or any one of the alternatives, except that decommissioning would be deferred until after 2016 for Alternative 2 and after 2018 for Alternative 3. Additionally, the No Project Alternative would result in operation of the old generation of turbines through September 2018 which is inconsistent with the timeline by which the other wind energy companies in the APWRA have committed to have removed their old generation turbines.

As it represents existing, baseline conditions, the No Project Alternative would not result in the identified impact of additional turbine operations to generate noise disturbance to nearby residents. However, the continued operation of 138 turbines beyond 2015 as permitted under the No Project Alternative, depending on their location, could result in noise disturbance impacts in the period 2016 to 2018 that would be avoided by the project or Alternative 1.

Furthermore, while the No Project Alternative would serve some of the project objectives of producing renewable, non-polluting energy, at a lower level (about 28% less) after September 2013 and substantially lower in 2015, it would not attain the full set of project objectives or provide the same level of renewable energy production capacity that presently exists and would be sustained by the project through October of 2015. For the purpose of meeting the project objectives, the No Project Alternative is considered infeasible.

### **Alternative 1 – Continue Seasonal Shutdown, No Phased Decommissioning, Permanent Shutdown in 2015**

Alternative 1 is similar to the proposed project in that it would include modification to existing CUPs, but only to eliminate the requirements for phased decommissioning (excluding the 10% already shut down in 2009), and *not* eliminate the winter seasonal shut down (WSSD) between November 1 and February 15 each year. With the WSSD, complete shutdown of wind turbines would occur by October 31, 2015 with removal commencing the following year and continuing for up to 2 years.

**Findings:** Based on the EIR and the entire record before the County, the County finds that although Alternative 1 would not serve the project objectives of producing the *greatest* quantity of renewable energy in the *most* efficient way in the short-term period of September 2013 to the end of 2015, it provides for very considerable, substantial reductions in the mortality rates of avian species compared to the project. The County also finds that Alternative 1 would serve the County and SRC's objectives and recommendations to accelerate the process of repowering.

**Explanation:** Alternative 1 is very similar to the proposed project, with continued operation of the 85.3 MW wind farm through the end of October 2015, and with the WSSD, eliminates seven months of operations out of 25 months of operations (September 30, 2013 to October 31, 2015). In addition, the net lifetime installed capacity (as it would affect avian mortality) of Alternative 1 of 128.7 MW, as being 12.2 MW greater than the No Project Alternative (116.5 MW, identified in Table 4-1 in the DEIR) has been recalculated based on a modified decommissioning schedule for the No Project Alternative. It was previously assumed that a large proportion of turbines would be shut down several months in advance, whereas based on previous implementation of the shutdown requirement in 2009, the shutdown would actually not be expected to occur until after the specified shutdown date. With the modified decommissioning schedule, the No Project Alternative would have a greater lifetime output of 126.3 MW, or only 2.4 MW (not 12.2 MW) less than Alternative 1 (see Installed Capacity Differentials, Response to Comment 4-13, FEIR).

Alternative 1 provides for reduction in the *long-term* of turbine operations proportionally associated with mortality of special-status avian species, and with permanent shut down after 2015 would avoid all avian mortality impacts in the last three years of the current permit period. While it would also result in unavoidable adverse impacts on special-status species due to operation of the turbines, as estimated in Table 3.2-5 in the Draft EIR, in the column "Number of fatalities of proposed project with seasonal shutdowns" (1,167.0–1,273.74 fatalities for all bird species; 7.8 to 10.9 golden eagles, and 156.3 to 225.3 for all four focal raptor species). Alternative 1 would also require only one stage of decommissioning activities, which would likely have lower adverse effects on special-status species than the No Project Alternative, which would decommission in three stages.

Alternative 1 represents additional turbine operations over the baseline conditions and would thus result in the identified impact of generating noise disturbance to nearby residents. However, it would discontinue operation of 138 turbines after 2015 which would continue under the No Project Alternative, and therefore be in line with and generally consistent with the timeline for the other wind energy companies in the APWRA to remove their old generation turbines.

More importantly, although Alternative 1 would reduce the lifetime installed capacity by about one-third (128.7 MW vs. 193.1 MW) from the project and thus reduce the ability to achieve project objectives of renewable, non-polluting energy, it would substantially reduce the avian mortality

impacts of the project. For the purpose of meeting most of the project objectives, Alternative 1 is considered feasible.

### **Alternative 2 – Continue Seasonal Shutdown, No Phased Decommissioning, Permanent Shutdown in 2016**

Alternative 2 is distinguished from the project by two major changes: a) continuing the seasonal shutdowns per the existing CUPs (and Alternative 1); and b) deferring the permanent shut down until after October 31, 2016 (unique to Alternative 2). AWI would continue to operate 828 wind turbines until October 31, 2016, when all wind turbines would be permanently shut down. Decommissioning activities would commence in 2017 and continue for up to 2 years.

**Findings:** Based on the EIR and the entire record before the County, the County finds that Alternative 2 would serve the project objectives of producing *almost* the same lifetime quantity (net nameplate capacity) of renewable energy as the project – 189.5 MW, as compared to 193.1 MW for the project (Table 4-1, DEIR). Compared to the project, it would result in less avian mortality due to inclusion of the WSSD, but still a very high level compared to the No Project Alternative. The County also finds that Alternative 2 would serve the County and SRC's objectives for repowering, but not to the same degree as the project, because some repowering is anticipated to be under construction in 2016, when all of AWI's turbines would still be in place under Alternative 2.

**Explanation:** Alternative 2 is intended to be similar to the proposed project in lifetime nameplate capacity, but with continuation of the WSSD. The additional year of operation in 2016 (8.5 months) was intended to "make up" the additional MW of production that Alternative 1 would "subtract" from the project (a difference of 64.4 MW, less than the 193.1 MW of the project lifetime capacity). Compared to the No Project Alternative with the modified decommissioning schedule, Alternative 2 would have the potential for 63.2 additional MW more than the No Project (or baseline) MW output of 126.3 MW (see also Response to Comment 4-13, FEIR), which represents a very substantial proportional expectation of adverse impacts on protected avian species when compared to Alternative 1.

Alternative 2 would eliminate turbine operations associated with avian mortality only in the last two years of the Permits, with permanent shut down after 2016, but result in proportionally greater avian mortality impacts. Alternative 2 would also require only one stage of decommissioning activities, which would likely have lower adverse effects on special-status species than the No Project Alternative, which would decommission in three stages.

Alternative 2 represents an additional year of turbine operations over the baseline conditions and would thus result in the identified impact of generating noise disturbance to nearby residents. However, it would discontinue operation of 138 turbines after 2016 which would continue under the No Project Alternative.

While Alternative 2 would have a similar lifetime installed capacity as the project, and would better serve the project objectives of renewable energy as compared to either No Project Alternative or Alternative 1 it would result in a substantial increase in avian mortality impacts.. For the purpose of meeting the project objectives and minimizing significant impacts on special status avian wildlife, Alternative 2 is considered infeasible.

### **Alternative 3 – Continue Seasonal Shutdown, No Phased Decommissioning, Permanent Shutdown in 2018**

Alternative 3 is dissimilar from the proposed project by extending all wind farm operations until September 2018, with decommissioning activities commencing the following year. However, the WSSD would be implemented on an annual basis.

**Findings:** Based on the EIR and the entire record before the County, the County finds that Alternative 3 would serve the project objectives of producing renewable energy, and would substantially exceed the lifetime MW capacity of the project – 311.0 MW, as compared to 193.1 MW for the project (Table 4-1, DEIR). Compared to the project, it would result in substantially greater avian mortality in spite of inclusion of the WSSD. The County also finds that Alternative 3 would very likely obstruct the County and SRC's objectives for repowering, because repowering is anticipated to be well under way in 2016, when all of AWI's turbines would still be in place under Alternative 3.

**Explanation:** Alternative 3 is intended to provide for the maximum lifetime MW nameplate capacity, but with continuation of the WSSD. The additional three years of operation through 2018 was intended to identify the comparative impacts of maintaining wind farm operations without any phased decommissioning, and to show certain air quality and climate change benefits. With the modified decommissioning schedule, Alternative 3 would have the potential for 184.7 additional MW more than the No Project Alternative (or baseline) MW output of 126.3 MW (see also Response to Comment 4-13, FEIR). This Alternative represents the maximum proportional adverse impacts on protected avian species when compared to the No Project Alternative, and quite substantially more than Alternative 1.

Alternative 3 represents three additional years of turbine operations over the baseline conditions and would thus result in substantial additional impacts of generating noise disturbance to nearby residents.

Alternative 3 would better serve the project objectives of renewable energy, but would also very substantially increase the avian mortality impacts compared to the project and all other alternatives. For the purpose of meeting the project objectives and minimizing significant impacts on special status avian wildlife, Alternative 3 is considered infeasible.

### **Environmentally Superior Alternative**

CEQA requires an EIR to examine a range of feasible alternatives to the project. State CEQA Guidelines Section 15126.6(e)(2) requires that the EIR identify which of those alternatives is the environmentally superior alternative. If, in the course of identifying the environmentally superior alternative, the No Project Alternative is found to be the environmentally superior alternative, then Section 15126.6(e)(2) of the State CEQA Guidelines requires that the EIR identify which among the other alternatives is the environmentally superior alternative. In the case of this proposed project and its alternatives, the No Project Alternative would be considered environmentally superior. Consequently, although the No Project Alternative is evaluated and is presented for comparison purposes, determination of the environmentally superior alternative in this chapter primarily reflects the differences in impacts among the remaining alternatives.

For air quality, the primary comparison is between the numbers of GHGs offset. Although decommissioning and infrastructure removal activities would increase GHG emissions, the generation of energy produced by any of the alternatives would exceed this increase. Accordingly, as depicted in Table 4-3, the greatest offset of GHGs would occur under Alternative 3.

Most biological impacts under any of the alternatives can be reduced to less-than-significant levels with mitigation measures. However, impacts on increased bird deaths would remain significant and unavoidable under any of the alternatives. Although it would not reduce impacts to a less-than-significant level, in comparison to the project, Alternative 1 would reduce impacts on avian wildlife to the greatest degree.

Noise impacts are analyzed by comparing the number of operating hours. Of Alternatives 1, 2, and 3, the potential for noise impacts due to aging or lack of maintenance would be least under Alternative 1 and greatest under Alternative 3.

Compared to the proposed project, impacts associated with hazards and hazardous materials would not differ substantially under any of the alternatives. The greatest risk of wildfires would occur during decommissioning activities, a component of all alternatives. There is no alternative that would reduce these impacts to a noticeable degree.

Alternative 1 would have less-severe impacts on both avian wildlife and noise associated with increased wind turbine operation. Although this alternative would generate approximately 60% less energy than the proposed project, the most critical issue revolves around the number of avian deaths in relation to wind turbine operation. Based on a quantitative analysis of impacts presented in this document, it can be determined that, when the No Project Alternative is not included, Alternative 1 would have the fewest environmental impacts and would therefore be considered the environmentally superior alternative compared to the project and the other alternatives.

## Findings and Recommendations Regarding Significant Irreversible Changes

CEQA Section 21100(b)(2)(B) requires that an EIR identify any significant effect on the environment that would be irreversible if the project were implemented. Section 15126.2(c) of the State CEQA Guidelines characterizes irreversible environmental changes as those involving a large commitment of nonrenewable resources or irreversible damage resulting from environmental accidents.

The project's significant and irreversible changes are discussed in the draft EIR beginning at page 5-10. The draft EIR explains that, although the timing of the proposed project operations and decommissioning would differ from the schedule set forth in the existing CUPs, no new construction or physical changes to the environment not previously contemplated in the CUPs are proposed as part of the CUP modifications; therefore no additional nonrenewable resources would be used in project implementation. Further, the draft EIR notes that wind turbine facilities are considered temporary uses, subject to eventual removal at the end of their useful lifespan or conclusion of use permits, whichever comes first. In addition to the wind farms, the project area is predominantly used for grazing, which could continue unimpeded. The existing wind turbines and associated facilities would therefore not be considered irreversible uses of the project area.

The project is not expected to result in environmental accidents that would cause irreversible damage. Compliance with required plans, such as the Altamont Pass Wind Farms Fire Requirements, would minimize the potential for accidents that could result in environmental damage.

## **Findings and Recommendations Regarding Growth-Inducing Impacts**

Section 15126.2(d) of the State CEQA Guidelines states that an EIR should discuss "...the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Growth can be induced in a number of ways, including through elimination of obstacles to growth, through the stimulation of economic activity within the region, or through precedent-setting action.

The Project's growth inducing impacts are discussed in the draft EIR at page 5-8. The project would not induce growth or result in secondary growth-inducing impacts. The project would not result in new employment opportunities, and therefore would not induce a demand for new housing and services. The nature of the facilities is such that there would be no direct customers and no incentive for other residences or businesses to locate nearby. Production of electricity from the project facilities is ongoing and would not create additional availability of energy resources beyond those already permitted for the facilities.