

# EXHIBIT B      FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

## MITIGATION MONITORING AND REPORTING PROGRAM

### Introduction

Section 21081.6 of the California Environmental Quality Act (CEQA) and Section 15097 of the State CEQA Guidelines require a lead agency that adopts an environmental impact report (EIR) to establish a program to monitor and report on the adopted mitigation measures in order to ensure that approved mitigation measures are implemented subsequent to project approval. Specifically, the lead agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during project implementation. As stated in Public Resources Code Section 21081.6(a)(1):

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

This mitigation monitoring and reporting program (MMRP) is designed to meet that requirement. As lead agency for this project, Alameda County will use this MMRP to ensure compliance with mitigation measures associated with implementation of the proposed conditional use permit modifications. Under each identified resource, the MMRP provides the adverse impact(s), its corresponding mitigation measure(s), and the implementation and monitoring requirements, defined as follows.

- **Impact:** Identifies the impact number and statement as shown in the FSEIR.
- **Proposed Mitigation Measure(s):** Provides full text of the mitigation measure as shown in the FSEIR.
- **Timing:** Defines the phase of the project when a specific mitigation action will be taken.
- **Implementing Party(s):** Designates the party or parties responsible for implementing the mitigation measure.
- **Monitoring:** Identifies the party responsible for review of the mitigation measure's implementation, and the action and criteria necessary for ensuring implementation.

Mitigation is required to address significant or potentially significant impact(s) on the following resources specific to the FSEIR.

- Biological Resources

A sample mitigation monitoring compliance form is provided at the end of this document. For detailed information regarding environmental resource impact methodology and analysis, please see the 2013 FEIR, DSEIR and FSEIR.

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**FINAL SUPPLEMENTAL MITIGATION MONITORING AND REPORTING PRORAM**

<b>Impact</b>	<b>Proposed Mitigation Measure</b>	<b>Timing</b>	<b>Implementation</b>	<b>Monitoring</b>
<p><b>Impact BIO-1:</b> Potential to cause a substantial adverse effect, either directly or through habitat modifications, on a special-status species.</p>	<p><b>BIO-16: Implement Seasonal Shutdowns to Reduce Avian Fatalities</b>                      In order to reduce the potential impacts of the proposed project on avian species (to include raptors and special status species), AWI will implement seasonal shutdowns on all turbines for the remaining operational period. Turbines will be turned off on November 1 each year and will remain off until February 15 of the following year. No operational modifications will occur during the February 16 to October 31 period. AWI will notify County CDA each year when turbines have been shut down, and again when they have resumed operating.</p>	<p>November 1 to February 15 of each year</p>	<p>Project Applicant</p>	<p><b>Reviewing Party</b>                      County of Alameda, SRC</p> <p><b>Criteria</b>                      Verify that seasonal shutdowns have been implemented</p> <p><b>Monitoring Action</b>                      Verify each year between November 1 and February 15</p>

	<p><b>BIO-17: Mitigate for the Loss of Individual Golden Eagles, Raptors, and Special Status Avian Species by Retrofitting Electrical Facilities</b></p> <p>AWI will mitigate for the proposed project's additional contribution to golden eagle mortality by retrofitting hazardous electrical poles in an onsite location (if any hazardous poles are located onsite), or in an offsite location. This mitigation measure will also benefit mortality reduction for other raptors and special status avian species. The mitigation must occur within 140 miles of the proposed project, the area typically defined by the USFWS as the "local population." The proposed project, with implementation of mitigation measure BIO-16, (together identified as Alternative 1 in the analysis of project alternatives) is projected to result in the fatality of approximately one eagle (cumulatively, and statistically, 0.7–1.0) when compared to the existing avian baseline condition (the No Project Alternative) (2013 FEIR Table 3.2-5). Although the baseline fatality rate is higher, this mitigation measure addresses the impacts of the proposed project (with mitigation), which is approximately one additional eagle fatality. Based on current published draft guidance from the USFWS (2012), and using a general example, a ratio of 29 utility pole retrofits for each eagle is suggested by the USFWS. AWI will therefore retrofit 29 utility poles as mitigation for the expected level of eagle fatality from the proposed project. AWI may contract directly with an electrical utility to fund this mitigation; however, a written agreement and evidence of the completion of the retrofits must be provided to the County CDA. USFWS has estimated the cost of retrofits at \$7,500 per pole, and therefore AWI may contribute \$217,500 (\$7,500 x 29 poles) to a third party mitigation account (approved by the County CDA) instead of contracting directly with a utility. The third party mitigation account holder would have the responsibility of completing the mitigation or contracting for the mitigation to be completed. Evidence of completion of mitigation must be provided to the County CDA within one year of approval of the proposed project.</p>	<p>Prior to decommissioning and reclamation activities; after decommissioning and reclamation activities</p>	<p>Project Applicant</p>	<p><b>Reviewing Party</b> County of Alameda</p> <p><b>Criteria</b> Check to ensure retrofitting of electrical poles has been conducted</p> <p><b>Monitoring Action</b> Require measure as part of issuing grading/building permits. Verify compensation after decommissioning and reclamation activities.</p>
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	<p><b>BIO-17a: Compensate for the loss of special-status species, including golden eagles, by contributing to conservation efforts</b></p> <p>The Secretary of the Interior issued Order 3330 on October 31, 2013, outlining a new approach to mitigation policies and practices of the Department of the Interior. This approach recognizes that certain strategies aimed at some species can provide substantial benefit to others and to the ecological landscape as a whole. The landscape-scale approach to mitigation and conservation efforts is now central to the Department's mitigation strategy. Although the Order was intended for use by federal agencies and as such is not directly applicable to the County, it is evident that such an approach would likely have the greatest mitigation benefits, especially when considering ongoing and long-term impacts from wind energy projects.</p> <p>With these considerations in mind, the County has outlined some options that are currently available to compensate for impacts on raptors including special-status species. The options discussed below are currently considered acceptable approaches to compensation for impacts on raptors, in lieu of or in conjunction with Mitigation Measure 17. Although not every option is appropriate for all species, it is hoped that as time proceeds, a more comprehensive landscape-level approach to mitigation will be adopted to benefit a broader suite of species than might benefit from more species-specific measures. The County recognizes that the science of raptor conservation and the understanding of wind-wildlife impacts are continuing to evolve and that the suite of available compensation options may consequently change over the life of a project.</p> <p>To promote the conservation of raptors, the project proponent may compensate for special-status species raptor fatalities estimated within their project area. The project proponent shall submit for County approval a Special-Status Species Mitigation Plan outlining the estimated number of special-status species fatalities based on the type or types of compensation options to be implemented. The Project proponent will use the Special-Status Species Mitigation Plan to craft an appropriate strategy using a balanced mix of the options presented below, as well as considering new options suggested by the growing body of knowledge during the course of the project lifespan, as supported by a Resource Equivalency Analysis (REA) or similar type of compensation assessment acceptable to the County that demonstrates the efficacy of proposed mitigation for impacts on special-status species.</p> <p>REA is an approach to estimate quantitatively the amount of compensatory mitigation that is needed to mitigate impacts on raptors from windfarm operations. The USFWS uses REA to evaluate the mitigation requirements for golden eagles (USFWS, 2013), but it may also be useful in evaluating the mitigation needs of other species.</p> <p>The County Planning Director, in consultation with the TAC, will consider, based on the REA, whether the proposed Special-Status Species Mitigation Plan is adequate, including consideration of whether each Special-Status Species Mitigation Plan incorporates a landscape-scale approach such that the conservation efforts achieve the greatest possible benefits. Compensation measures as detailed in an approved</p>	<p>Compensation measures as detailed in an approved Special-Status Species Mitigation Plan must be implemented within 60 days of the permit approval.</p>	<p>Project Applicant</p>	<p><b>Reviewing Party</b> The County Planning Director, in consultation with the TAC.</p> <p><b>Criteria</b> The County Planning Director, in consultation with the TAC, will consider, based on the REA, whether the proposed Special-Status Species Mitigation Plan is adequate.</p> <p><b>Monitoring Action</b> Require measure as part of issuing grading/building permits. Verify compensation after decommissioning and reclamation activities.</p>
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	<p>Special-Status Species Mitigation Plan must be implemented within 60 days of the permit approval. Special-Status Species Mitigation Plans may be revised—and will be reviewed by the County.</p> <ul style="list-style-type: none"> <li> <p><b>Measures outlined in an approved Eagle Conservation Plan and Bird and Bat Conservation Strategy.</b> The Project proponent may elect to apply for programmatic eagle take permits from USFWS. The programmatic eagle take permit process currently involves preparation of an Eagle Conservation Plan (ECP) and a Bird and Bat Conservation Strategy (BBCS). The ECP specifies avoidance and minimization measures, advanced conservation practices, and compensatory mitigation for eagles—conditions that meet USFWS’s criteria for issuance of a permit. The BBCS outlines measures being implemented by the applicant to avoid and minimize impacts on migratory birds, including raptors. If programmatic eagle take permits are obtained by the project proponent, those permit terms, including the measures outlined in the approved ECP and BBCS, may constitute an appropriate conservation measure for estimated take of golden eagles and other raptors, including special-status species, provided such terms are deemed by the County to be comparable to or more protective of raptors than the other options listed herein.</p> </li> <li> <p><b>Contribute to regional conservation of raptor habitat.</b> The project proponent may address regional conservation of raptor habitat by funding the acquisition of conservation easements within the APWRA or on lands in the same eco-region outside the APWRA, subject to County approval, for the purpose of long-term regional conservation of raptor habitat. Lands proposed for conservation must be well-managed grazing lands similar to those on which the projects have been developed. The project proponent will fund the regional conservation and improvement of lands (through habitat enhancement, lead abatement activities, elimination of rodenticides, and/or other measures) using a number of acres equivalent to the conservation benefit, as determined through a project-specific REA. The conservation easements will be held by an organization whose mission is to purchase and/or otherwise conserve lands, such as The Trust for Public Lands, The Nature Conservancy, California Rangeland Trust, or the East Bay Regional Parks District. The project proponent will obtain approval from the County regarding the amount of conserved lands, any enhancements proposed to increase raptor habitat value, and the entity holding the lands and/or conservation easement.</p> </li> </ul>			
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