ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

April 6, 2020

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TO: Interested Parties and Agencies

FROM: Andrew Young, Senior Planner
Alameda County Planning Department/Community Development Agency
224 W. Winton Avenue, Suite 110
Hayward, CA, 94544

SUBJECT: Notice of Preparation (Notice) of a Subsequent Environmental Impact Report (SEIR) for the Mulqueeney Ranch Wind Repowering Project, tiered under the Altamont Pass Wind Resource Area Repowering Final Program Environmental Impact Report (PEIR, State Clearinghouse #2010082063), certified November 12, 2014. County Planning Application PLN2019-00226.

SUMMARY:

Notice is hereby given that the County of Alameda (County) will be the Lead Agency and will prepare a Subsequent Environmental Impact Report (SEIR) for the Mulqueeney Ranch Wind Repowering Project (Project) pursuant to the California Environmental Quality Act (CEQA, 1970, as amended). The Project is an application for a Conditional Use Permit (CUP) to repower (i.e., redevelop) an estimated 518 previously existing wind energy turbine sites with up to 36 new turbines with nameplate production capacity rated between 2.2 and 4.2 megawatts (MW) each, that together will have a maximum production capacity of approximately 80 MW. Although the Project objective of 80 MWs of capacity could be nearly met with as few as 19 turbines with a rating of 4.2 MW each, or met with fewer turbines of different combinations of capacity ratings, the SEIR will evaluate up to 36 turbine sites in order to assess a worst-case condition of ground disturbance, visual effects, avian mortality, total rotor swept area and other potential impacts of 36 turbine sites, and a maximum Project capacity of 80 MW. Due to commercial considerations (e.g., turbine availability, financial decisions, etc.), final siting, wind resource conditions and other site constraints, the applicant may reduce the number of turbine sites; however, the Project goal remains 80 MW of production, which will be the basis for the SEIR analysis. Micro-siting studies will also be conducted in parallel with preparation of the SEIR to assist in final siting decisions.

The Project is proposed on 29 nearly contiguous parcels extending over approximately 4,589 acres within the southeastern quadrant of the Alameda County portion of the Altamont Pass Wind Resource Area (APWRA) in northern California. The purpose of the SEIR will be to evaluate the specific environmental effects of the Project as proposed by Mulqueeney Wind, LLC, a subsidiary of Brookfield Renewable (aka Brookfield).

The purpose of this notice is to request that you or your organization or agency, including Native American Tribes, provide comment on the proposed scope and content of the SEIR as described herein. The County is providing public notice of the Project proposal, in the form of this formal Notice of Preparation consistent with Sections 15082 and 15375 of the CEQA Guidelines, as is considered appropriate for an SEIR. The County is particularly interested in hearing from public agencies regarding their objectives for environmental information to be included in the SEIR that is germane to those public agencies' statutory responsibilities pertaining to the Project, and how such information in the SEIR will inform such agencies when considering issuing permits or other approvals for Project-related activities.

Although three other wind repowering projects were approved by the County as tiered under the PEIR in 2015 and 2016, using an environmental analysis and CEQA Implementation Checklist (equivalent to an initial study) as provided for by Section 15168 of the CEQA Guidelines, the County has determined that pursuant to Section 15162 of the CEQA Guidelines a subsequent EIR is required based on substantial evidence in light of the whole record that:

a) The Project is proposing turbines which are larger in nameplate capacity compared to those turbines originally considered in the PEIR, and thus may individually have more adverse effects on avian and bat wildlife than estimated in the PEIR.

b) Substantial changes have occurred in the circumstances under which the Project is proposed that require changes in the PEIR, including but not limited to recognizing more severe impacts of current generation wind turbine types and operations on protected species of birds and bats; and

c) New information of substantial importance which was not known and could not have been known with the exercise of due diligence shows that significant effects that were previously examined may be substantially more severe than shown in the PEIR, including studies of wind turbine facilities approved and in operation since the PEIR was certified and other studies of avian and bat interactions with wind turbines.

Although avian and bat mortality resulting from interaction with wind turbines was estimated in the PEIR on the basis of project MW and total APWRA buildout of its MW capacity for either the 417 or 450 MW alternatives, past and on-going avian mortality studies of other wind turbine projects in the APWRA will continue to inform the County on the relationship between MWs and avian mortality on a whole project and individual turbine basis. The SEIR will address the most current monitoring results and other studies, and evaluate the Project's impacts accordingly.

Due to the time limits mandated by state law, public agencies are requested to send their responses to this Notice to the County at the address and person provided above as soon as possible but not later than 30 days after receipt of this Notice (which the County will assume is April 7, 2020 unless documented otherwise). Members of the public should provide scoping comments by May 7, 2020. Agencies and organizations are requested to provide a contact name in your organization for any further consultation.

BACKGROUND

The Altamont Pass Wind Resource Area (APWRA) was designated by the state of California as a wind resource area in the late 1970s and was developed with several thousand wind turbines by the mid-1990s operated by several different operating companies under various Conditional Use Permits (CUPs). These "wind farm" operations were approved for continued use through 2018 under 31 CUPs in 2005 with a requirement that phased repowering occur over the period of the CUPs, and that a Program EIR (PEIR) be prepared to evaluate the potential environmental impacts and effects of such repowering. Repowering is the replacement of older generation wind turbines with new turbines, technology and infrastructure; with goals that include greater efficiency, reduced maintenance costs, new and additional safety features, and lowering avian mortality that had been documented since the 1990s due to wind farm operations.

Consistent with the intent of the conditions of approval for the renewals or permit extensions in 2005, and pursuant to CEQA Guidelines Section 15168, the PEIR was prepared and certified on November 12, 2014. The Mulqueeney Ranch Repowering project was a foreseeable project at the time the PEIR was prepared and was listed as such in the PEIR. Additional background, discussion of the Mulqueeney Ranch Wind Repowering Project, and why a subsequent EIR appears appropriate is discussed further below.

PROJECT DESCRIPTION

Project Location. The Project is proposed on 29 nearly contiguous parcels extending over approximately 4,589 acres in the eastern Altamont Pass area of Alameda County, located both north and south of Patterson Pass Road between one and two miles north of Tesla Road, and approximately one mile south of Interstate 580. The 29 parcels are designated with the following Assessor's Parcel Nos. (APNs): 99A-1800-2-3; 99A-1800-2-4; 99B-7890-2-4; 99B-7890-2-5; 99B-7890-2-6; 99B-7890-4; 99B-7900-1-3; 99B-7900-1-4; 99B-7900-1-5; 99B-7900-1-6; 99B-7900-1-7; 99B-7900-2; 99B-7910-1-1; 99B-7910-1-2; 99B-7925-2-1; 99B-7925-2-2; 99B-7925-2-3; 99B-7925-2-4; 99B-7925-2-5; 99B-7925-3; 99B-7950-2; 99B-7975-1; 99B-7980-1; 99B-7985-1-3; 99B-7985-1-4; 99B-7985-1-5; 99B-7985-1-6; 99B-8050-1; and 99B-8100-1-1.

Proposed Project. The Mulqueeney Ranch Wind Repowering Project would replace approximately 518 former turbine sites with up to 36 new wind turbines. The Project proponent is Mulqueeney Wind Energy, LLC, a wholly-owned subsidiary of Brookfield Renewable. The Project proposes to utilize turbines with generating capacities between 2.2 and 4.2 MW, all loosely similar in size and appearance, to develop up to 80 MW in generating capacity. The physical variations between the different faceplate capacities of the turbines considered in the PEIR and proposed for the current Project is shown in **Table 1**.

The proposed turbines would be three-blade, upwind turbines on tubular towers, generally similar to those analyzed in the PEIR. **Table 1** below shows the range of dimensions proposed compared with the largest of the turbine types considered under the PEIR.

Table 1. Turbine Specifications Contemplated in the PEIR and for Use with the Proposed Project

Turbine Model	PEIR Typical – 3.0 MW[1]	Proposed Range of Turbines
Nameplate capacity	3.0 MW	2.2 to 4.2 MW
Rotor type	3-blade/horizontal axis	3-blade/horizontal axis
Blade length	62.5 m (205 ft)	55-68 m (180-223 ft)
Rotor diameter	125 m (410 ft)	110-136 m (361-446 ft)
Rotor-swept area	12,259 m^2 (131,955 ft^2)	9,503-14,527 m^2 (102,289-156,367 ft^2)
Tower type	Tubular	Tubular
Tower (hub) height	96 m (315 ft)	80-86 m (262-282 ft)
Total height (from ground to top of blade)	153 m (502 ft)	135-152 m (443-499 ft)
Height of swept area above ground	33.5 m (110 ft)	14-25 m (46-82 ft)

[1] The smallest size of turbine described in the PEIR had a nameplate capacity of 1.6MW. The Patterson Pass project that was evaluated in the PEIR at a project level considered a 3.3 MW turbine with a 112-meter (367–foot) rotor diameter and 84-meter (276-foot) hub height. Though capable of more MW production, it was not physically larger in dimensions than the largest turbine considered typical for the PEIR.

As shown in **Table 1**, the proposed Mulqueeney Ranch turbines would be broadly comparable to the specifications provided in the PEIR for rotor type, tower type, tower (hub) height, and total height.

A conceptual layout is proposed, consisting of up to 36 wind turbines. The replacement of 518 previously existing turbines with 36 new turbines represents a replacement ratio of approximately one new turbine installed per 14 old-generation turbines removed. The final layout and turbine type would be selected based on site constraints (e.g., avian siting considerations, County setbacks, etc.), data obtained from meteorological monitoring of the wind resources, balance-of-plant considerations and turbine availability. Each of these factors would be considered when micro-siting turbines, with the final layout reflecting multiple considerations. Existing roads would be used where possible, and temporary widening and some new roads would be necessary. The Project would also require collection lines connecting the Project to a new substation which would be located adjacent to the PG&E Tesla Substation. A maintenance and operations building is not proposed; the applicant would lease existing office and commercial warehouse space in a nearby community.

Other Project components or major tasks include grading and construction of new or expanded roads (using existing road networks as much as possible), installing wind turbine foundations and pad-mounted transformers, erecting the turbine towers and installing the generators and rotor blades, and installing a power collection system (using existing electrical power transmission lines and substation infrastructure wherever possible). Decommissioning of existing turbines on the project site was completed in 2016 by another wind energy company prior to Brookfield's control of the project site and therefore decommissioning and removal of existing turbines prior to construction of the new project will not be required.

All the proposed wind turbines would require appropriate nighttime lighting to comply with Federal Aviation Administration (FAA) requirements for obstruction lighting on structures over 200 feet in height. Although it had been the goal for the number of lights to be minimized to avoid attracting birds during nighttime migrations, and to provide lights only on strategically located turbines to adequately mark the extent of the proposed Project, compliance with the FAA Obstruction Marking and Lighting Advisory Circular (AC70/7460-1K) has required lighting of each individual wind turbine. Intensity of the lights would be based on a level of ambient light, with illumination below 2 foot-candles being normal for the night and illumination of above 5 foot-candles being the standard for daytime.

CEQA BACKGROUND

Section 15168 of the CEQA Guidelines provides for a Program EIR to be used for a series of actions that are characterized as one large project, related geographically, logically, or as individual activities carried out under the same authority with generally similar environmental effects that can be mitigated in similar ways. The overall repowering of the APWRA within Alameda County was therefore appropriately evaluated in a PEIR. CEQA Guidelines Section 15168(b) lists the advantages of a PEIR as allowing the lead agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts. On this basis, the County is able to apply consistent and similar mitigation measures to each repowering project that may be proposed until repowering is considered complete. Additionally, Section 15152 of the Guidelines describes the use and advantages of tiering, wherein the analysis of general matters contained in a broader EIR (including a Program EIR per Section 15152(h)) is used with later EIRs and negative declarations on narrower projects, incorporating by reference the general discussions from the prior, broader EIR and concentrating the later CEQA analysis solely on the issues specific to the later project.

As set forth in Section 15168(d), a PEIR can be used to simplify the task of preparing environmental documents on later parts of the program (such as a repowering project not evaluated at a project level in the PEIR), and to provide a basis within an Initial Study to determine if the later activity would have

significant effects that were not recognized in the PEIR. Since the PEIR was certified in 2014, three other repowering projects have been evaluated at a project level with environmental checklists or an initial study, including a second Next Era project (Golden Hills North), the Summit Wind Energy Project approved for development by AWI (now Castlelake LP), and the Sand Hill project (proposed by Ogin, Inc.). A fourth repowering project, a revised and expanded Sand Hill project (under new ownership) was also initially evaluated at a project level with an environmental checklist in 2018, but was later evaluated under a SEIR, tiered from the PEIR.

To ensure that the latest concerns regarding biological resources are evaluated completely, the County has determined that new information of substantial importance is available in the form of new fatality monitoring reports, eagle population monitoring, and cumulative effects. Consequently, the County has elected to prepare a Subsequent EIR to address new information relevant to the Project. Furthermore, following careful consideration of the comments received on the previous Sand Hill project from the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, the East Bay Regional Parks District, and the Golden Gate Audubon Society, the County has determined that each of the three conditions described in CEQA Guidelines Section 15162 exist and require a subsequent EIR.

PROPOSED SCOPE OF THE SUBSEQUENT EIR

The project-level analysis will address all resource topics; other topics for which there is new information that requires additional analysis are primarily related to biological resources, as outlined below:

1. Avian impacts
    a. Considerations regarding recent studies, including golden eagles and other species
    b. Consideration of recently available fatality estimates
    c. Considerations of turbine size and turbine blade risk or swept area
    d. Considerations of micro-siting and detailed consequences of grading
    e. Consideration of candidate species and changes in status
    f. Mitigation measures
2. Bat impacts
    a. Consideration of ongoing research on fatality monitoring
    b. Consideration of ongoing research on adaptive management and mitigation strategies
3. Cumulative impacts
    a. Considerations regarding recently available information on avian and bat impacts
    b. Considerations regarding the total buildout and maximum capacity of the APWRA

To the extent necessary, the SEIR will also address program-level issues, including:

- How the previously certified PEIR evaluated the construction of up to 450 MW of wind power in the APWRA and the extent to which the Mulqueeney Wind Repowering Project will or will not exceed the evaluated total.
- The latest science and monitoring results from operational projects in the APWRA and the implications for mortality of bird and bat species and changes to avian and bat fatality estimates.

COMMENTS. Comments submitted should focus on mitigation measures or alternatives that may be less costly or have fewer environmental impacts while achieving similar conservation and wind repowering objectives, and the identification of any significant social, economic, or environmental issues related to alternatives and mitigation measures.

DATES: Written comments on the scope of the SEIR, including the Project objectives, the impacts to be evaluated, and the methodologies to be used in the evaluations, should be provided to the County by May 7, 2020.

ADDRESS: Written comments on the Project scope should be sent to Andrew Young, Planner, ATTN: Mulqueeney SEIR, Alameda County Community Development Agency, 224 W. Winton Avenue, Suite 110, Hayward, CA, 94544, or via email with subject line "Mulqueeney SEIR" to: andrew.young@acgov.org.

The Project objectives and description of the Project is available at the County's Internet site: www.acgov.org/cda/planning/landuseprojects/currentprojects/ or see www.acgov.org/cda/planning, then successive links from Pending Land Use Projects, Current Development Projects, Wind Farm Projects and Mulqueeney Ranch Wind Repowering Project, Application No. PLN2019-00226

FOR FURTHER INFORMATION CONTACT: Andrew Young, Alameda County Planning Dept., 224 W. Winton Avenue, Suite 110, Hayward, CA, 94544, or at (510) 670-5400, or andrew.young@acgov.org.

Exhibit

Distribution:
United States Fish and Wildlife Service
United States Army Corps of Engineers
California Department of Fish and Wildlife
California Water Boards – San Francisco Regional Water Quality Control Board
California State Native American Heritage Commission
California Department of Justice/Office of the Attorney General, Oakland office
California State Clearinghouse, Office of Planning & Research
Golden Gate Audubon Society
East Bay Regional Park District
Brookfield Renewable, attn. Berk Gursoy and Jonathan Kirby

NextEra Energy Substation

9452

PG&E Tesla Substation

UNION PACIFIC RR

9451

9456

9455

9454

PRMM

Patterson Pass 2065CR

Submitted to:
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544
Contact: Andrew Young
510-670-5400

Submitted by:
Mulqueeney Wind Energy, LLC
200 Liberty Street, 14th Floor
New York, NY 10281
Contact: Dave Hurd
519-980-2206

Project Boundary

Project Components

- Wind Turbine Generator
- Turbine Pad
- Proposed MET Mast
- Radius Improvement
- Crane Path
- Electrical Collection System
- Existing Access Road-Widen and Resurface
- Existing Access Road-Regrade and Widen
- New Access Road
- Proposed Project Substation
- Temporary Construction Facility

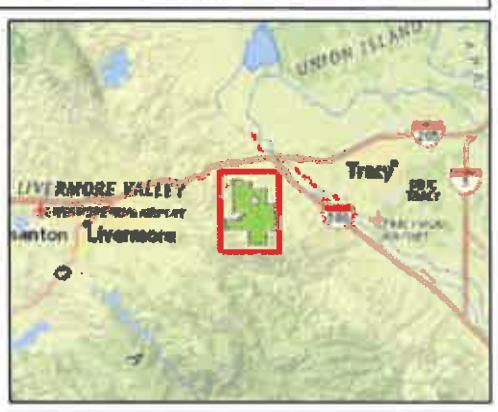
Existing Infrastructure

- Existing Temporary MET Mast (to be removed)
- Existing Transmission

Project Layout, Black & Veatch, 10/15/2019
Contour Interval: 50 feet

0 1,000 2,000 Feet

1:24,000



Mulqueeney Ranch Wind Repowering Project
Conceptual Plan