



Agenda Report

19-469

Agenda Date: 6/25/2019

REPORT TO COUNCIL

SUBJECT

Action on a Resolution Considering the Information in the Altamont Pass Wind Resource Area Program Environmental Impact Review and on the CEQA Checklist Prepared for the Rooney Ranch Wind Repowering Project

BACKGROUND

On August 30, 2016, Council approved a power purchase and sales agreement and a ground lease for wind park facilities at the City's existing Altamont Pass property (Rooney Ranch). Rooney Ranch, LLC, a subsidiary of sPower, will install new technology wind turbines, referred to as a re-powering project, at the Rooney Ranch site.

The 578-acre Rooney Ranch Wind Repowering Project area, an existing wind project in the Alameda County portion of the Altamont Pass Wind Resource Area (APWRA), comprises two parcels, both owned by the City, south of Altamont Pass Road ("Project Site"). The Project Site and the surrounding APWRA's land use consists largely of cattle-grazed land which supports operating wind turbines and ancillary facilities.

Under the terms of the power purchase agreement, Rooney Ranch, LLC is proposing to install seven new wind turbines on the Rooney Ranch site and is seeking a Notice to Proceed with construction of the project. The proposed project would entail installation of up to seven new wind turbines and is expected to utilize turbines with generating capacities between 2.3 and 4.0 megawatts (MW), all similar in size and appearance, to develop up to 25.1 MW. The final layout of the site would be selected on the basis of site constraints (i.e., avian siting considerations), data obtained from meteorological monitoring of the wind resources, and turbine availability. Existing roads would be used where possible, and temporary widening and some new roads would be necessary.

Because the Rooney Ranch Project Site is City-owned and is being used for the public purpose of power generation, the City of Santa Clara is exempt from Alameda County land use regulations. This report describes the proposed project, the environmental review process and the approval process associated with the installation of the wind turbines.

DISCUSSION

Altamont Pass Wind Resource Area (APWRA) EIR

On November 12, 2014, the Alameda County Community Development Agency (County) adopted and certified, as CEQA lead agency, the *Altamont Pass Wind Resource Area (APWRA) Repowering Final Program Environmental Impact Report* (PEIR) (Alameda County Community Development Agency 2014). The APWRA PEIR is available here:

<https://www.acgov.org/cda/planning/landuseprojects/apwraprog.htm>. As it explains, subsequent

repowering projects in the APWRA would be tiered off the PEIR, provided that they are consistent with the PEIR, and would accordingly be developed to be consistent with the County's goals, objectives, and conditions as set forth therein.

The Program Environmental Impact Report (PEIR) addresses the anticipated approval of new approvals to allow replacement of old generation wind turbines with current generation turbines (also called repowering throughout the analysis) in the Alameda County portion of the APWRA, both broadly on a program level for the entire area. Once certified, subsequent specific project applications will be able to 'tier' from the PEIR, as provided for in the CEQA Guidelines (Section 15168).

The future repowering approvals can rely on the mitigation measures contained in the PEIR as uniform standards where appropriate and by tiering from the PEIR to provide a framework for focused, project-level analysis. Tiering is defined in the CEQA Guidelines as a means of covering (or evaluating for the purpose of CEQA) general policies while allowing for subsequent, more narrowly-focused EIRs, negative declarations or other types of CEQA documentation for specific development or site plans, to the extent that the assessment of anticipated impacts and identification of mitigation measures in the PEIR are applicable to the specific projects.

One of the main areas of analysis in the PEIR was the effect of the wind projects on avian and bat species. The key modification proposed in the APWRA for wind projects is that the use is a smaller number of larger turbines, which the adopted EIR indicates is likely to result in fewer deaths from bird and bat strikes. In the case of the Rooney Ranch site the first generation 199 smaller wind turbines were originally installed and had a similar overall power generation capacity to what is being proposed now with seven current generation wind turbines.

Despite the reduction in bird and bat mortality that would result from the Repowering, the Program EIR still identified significant and unavoidable adverse impacts for the effects of operations for the life of the permits on avian species, including raptors, other birds and bats migrating through and wintering in the program area. The Program EIR also identified significant unavoidable temporary construction-related impacts, and air quality impacts (due to predicted emissions in excess of regional air district standards).

Other impacts, that could be reduced to less than significant levels, included effects on scenic vistas and other aesthetic considerations including shadow flicker, potential conversion of recognized Prime Farmland other construction-related air quality and greenhouse gas emission impacts, and a broad range of other impacts on biological resources, including special-status plants, a wide range of terrestrial species, habitat communities, migratory wildlife corridors and nursery sites. Additionally, the projects were determined to have varying potential impacts on historical, archaeological, undocumented human remains or paleontological resources, and in the topic areas of seismic safety, water quality of stormwater runoff, hazardous materials, aviation, transportation and circulation, emergency response, and noise. The significant impacts and mitigation measures are summarized and tabulated in the Executive Summary portion of the PEIR.

The program as guided by the PEIR is intended to support a variety of goals and objectives, which will in turn support environmental benefits for resident terrestrial and avian species, their habitats, and general ecological values. In addition, improvements in the wind turbine technology and project design would result in benefits associated with aesthetics, public safety, and noise. Some of the

following benefits are expected and are briefly discussed below.

- Habitat will be enhanced due to the significant reduction in the number of turbines and the undergrounding of most of the electrical infrastructure. Project proponents would contribute to the establishment of conservation areas and easements within the program area or outside the program area but in the same eco-region. Such areas would provide enhanced habitat qualities for avian and terrestrial species on a coordinated, landscape-level basis.
- Substantial reductions in avian mortality have been shown to result from repowered turbines. Complete repowering would result in far fewer wind turbines and overhead power and communication lines which would lead to fewer avian and bat collisions and electrocutions.
- Reductions in the number of individual turbines and the wider distribution of fewer modern turbines would detract less from the natural landscape and allow for more prominent views of the rolling, grassy terrain that characterizes the program area.
- Public safety is improved due to the reductions in fire hazards, the underground placement of electrical lines, improved turbine technology that reduces the risk of blade throw, and the very substantial reduction in the number of individual turbines.
- Noise is reduced compared to the sound produced by first- and second-generation turbines due to the type how the wind encounters the turbine, relatively low rotational speeds, and pitch control on the rotors.

Rooney Ranch Project-level Environmental Analysis

Since preparation of the PEIR, four factors relevant to the PEIR analysis have emerged. First, some of the turbines under consideration for the proposed project, while mostly within the overall dimensional specifications of the turbines analyzed in the PEIR, exceed the individual nameplate capacity of the turbines analyzed. The consequences of this change are two-fold: fewer turbines would be required to achieve the same project-level generation capacity, and the larger turbines would have a larger rotor-swept area.

The second factor involves additional information on avian and bat mortality rates and effects, available since the PEIR was prepared. This information includes recent fatality monitoring reports from the Golden Hills project (an existing project in the APWRA), additional information on micrositing (choosing a precise location for wind turbines based on long-term on-site wind data), and additional information on golden eagle populations.

Third, the foreseeable future wind projects have changed from those contemplated in the PEIR. Consequently, depending on the development of other projects in the program area, the size of the proposed project could contribute to an exceedance of the maximum capacity of the aggregate repowering projects contemplated in the PEIR. The proposed project would cause the total of all repowering projects in the area to exceed the PEIR limit of 450 MW by 0.1 MW, or well within the range of error for the total.

Finally, Alameda County informed the City that information regarding nighttime lighting during operation of the turbines, as well as FAA requirements, may in fact be different from the information

presented in the PEIR. The new turbines are taller than the existing turbines, which may result in the turbines being subject to FAA lighting requirements. The project will, however, implement lighting management techniques to minimize the need for turbine lighting, in consultation with the FAA.

These four factors are discussed in the Rooney Ranch Wind Repowering Environmental Analysis and CEQA Checklist ("CEQA Checklist"), Attachment 1 of this report. None of these new factors has changed the conclusions of the PEIR, and therefore the PEIR does not need to be recirculated because none of the new information identifies new impacts or changes the severity of impacts identified in the PEIR.

Environmental Process

As a responsible agency, the City does not certify the PEIR because it has already been certified by the County. However, the City must:

- Review and consider the information in the PEIR and CEQA Checklist before acting on the project.
- Adopt only those mitigation measures of the PEIR applicable to the Repower, as identified through completion of the CEQA checklist.
- Adopt findings limited to only those effects generated by the Rooney Ranch project. The Notice to Proceed has been incorporated into the findings of significant effects.
- Adopt a statement of overriding considerations for any significant and unavoidable impacts of the Repower.
- Adopt a Mitigation Monitoring and Reporting Program (MMRP).
- File a Notice of Determination within five days of issuance of the Notice to Proceed.

Approval Process

Under the City's Zoning Code, allowed land uses and required permits are called out based on the zoning district applicable to the project. In this particular case, the Rooney Ranch project is located outside of the City of Santa Clara's jurisdiction, and does not have a City of Santa Clara zoning designation. In lieu of a standard City approval like a Use Permit, the City Council will take action on a Notice to Proceed with the project, which will allow sPower to initiate the construction process. The Notice to Proceed has been incorporated into the findings of significant effects and the mitigation measures contained in the MMRP, which would be conditions of approval for the project.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time and expense. The Rooney Ranch LLC wind generation has been incorporated into Silicon Valley Power's integrated resource planning and budget forecast with a Commercial Operation date of December 31, 2020. Adjustments to the re-powering project timeline would impact the utility's resource planning and procurement budgets in due course.

COORDINATION

This report has been coordinated with the Community Development Department, Finance Department, and the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by publishing a notice in the *Weekly* (formerly the *Santa Clara Weekly*) on June 12, 2019 and by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the

City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

1. Adopt a resolution considering the information in the Altamont Pass Wind Resource Area Program Environmental Impact Report (SCH #2010082063) and the CEQA Checklist prepared for the Rooney Ranch LLC Wind Repowering Project, making CEQA Findings, and adopting a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program ; and
2. Approve the Notice to Proceed for the Rooney Ranch LLC project.

Reviewed by: Manuel Pineda, Interim Chief Electric Utility Officer

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Rooney Ranch Wind Repowering Environmental Analysis and CEQA Checklist
2. Rooney Ranch CEQA Resolution
3. Rooney Ranch Findings of Significant Effects
4. Rooney Ranch Statement of Overriding Considerations
5. Rooney Ranch Mitigation Monitoring and Reporting Program