



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Planning &  
Development  
Department No.: 053  
For Agenda Of: August 14, 2018  
Placement: Administrative Agenda  
Estimated Tme: N/A  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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TO: Board of Supervisors

FROM: Department Director(s) Dianne M. Black, Director, Planning and Development, 568-2086  
Contact Info: John Zorovich, Deputy Director, Energy, Minerals & Compliance Division, 568-2519

SUBJECT: **Authorization of Agreement for Services with Aspen Environmental Group to Complete a Supplement to an Environmental Impact Report for the Strauss Wind Energy Project located in the 3<sup>rd</sup> and 4<sup>th</sup> Supervisorial Districts**

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

- a) Approve and authorize the Chair to execute an Agreement for Services of Independent Contractor (Attachment 1) with Aspen Environmental Group to complete a Supplement to an Environmental Impact Report for the Strauss Wind Energy Project (Project) for the period of August 14, 2018 through August 14, 2020 for a base amount of \$310,814 and a total contract amount not to exceed \$357,436.
- b) Authorize the Director of Planning & Development, or designee, to approve up to a 15 percent contingency cost not to exceed \$46,622 for services being performed under the Agreement for a total contract amount not to exceed \$357,436.
- c) Approve and authorize the Director of Planning and Development, or designee, to make immaterial changes in accordance with Section 35 of the Agreement.

- d) Determine that this action is exempt from CEQA pursuant to Section 15378(b)(5), which addresses organizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment (Attachment 3).

### **Summary Text:**

The Strauss Wind Energy Project (Case Nos. 16CUP-00000-00031, 18CDP-00000-00001, and 18VAR-00000-00002) is subject to the California Environmental Quality Act (CEQA). Strauss Wind, LLC and the Planning and Development Department (P&D) agree that a Supplement to the Lompoc Wind Energy Project (LWEP) Environmental Impact Report (SEIR) is required under Section 15163 of the *Guidelines for Implementation of the California Environmental Quality Act* (CEQA Guidelines).

Appendices 1 and 2 of the attached Agreement for Services include the technical and cost proposals for completing the SEIR. Board authorization of an Agreement is required when the cost of preparing an SEIR will exceed \$100,000.00. The preparation of this SEIR is included in P&D's current fiscal year budget and therefore, no budget revision is necessary for the contract's execution.

### **Background:**

On April 6, 2018, P&D deemed the Project application to be complete for processing. On April 13, 2018, P&D issued a Request for Proposals for preparing the Subsequent Environmental Impact Report (SEIR) to five consulting firms. Three proposals were received. After the County evaluated the proposals for adequacy, Strauss Wind, LLC selected Aspen Environmental Group to prepare the SEIR. Tasks involved with the preparation of the environmental document include, but are not limited to, peer review of technical reports, independent field survey of the project site, independent and objective evaluation of potential project-specific and cumulative impacts, project alternatives and identification of mitigation measures to reduce environmental impacts to the extent feasible.

The Lompoc Wind Energy Project (LWEP) was approved by Santa Barbara County in 2009; however, LWEP was never built and the permits have expired. The Strauss Wind Energy Project (Project) is similar to the LWEP in that it occupies the same general location as LWEP; however, there are fewer but taller Wind Turbine Generators (WTGs) associated with the Project. LWEP proposed 65 WTGs that would be up to 397 feet tall, whereas the Project is proposing 30 WTGs that would be up to 492 feet tall.

Other proposed components of the Project include an onsite substation, an operations and maintenance building, and onsite electrical collection lines. An 8.6-mile, 115-kilovolt (kV) power line from the onsite substation to Pacific Gas & Electric (PG&E) Cabrillo Substation in Lompoc is also proposed, in addition to upgrades to the PG&E substation for interconnection. The Project proposes approximately 14 miles of new access roads and widening of approximately 16 miles of existing roads at the wind farm site and along the transmission line. San Miguelito Road (a County road) would require modifications, including widening of certain sections, to permit transport of the 213-foot long WTG blades to the site.

Other permit requests include a Variance for reduced property line setbacks for WTGs and a Coastal Development Permit (CDP) for grading of access roads within the Coastal Zone.

Once your Board approves the execution of the Agreement for Services, P&D will oversee the consultant's completion of the SEIR process.

**Fiscal and Facilities:**

Costs for consultant preparation and processing of the SEIR will be fully reimbursed by Strauss Wind, LLC. The cost of completing the SEIR is for an amount not to exceed \$357,436, which includes a base cost of \$310,814 and a 15 percent contingency amount of \$46,622. Prior to Aspen Environmental Group commencing work to complete the SEIR, Strauss Wind will provide a one-time deposit to the County Planning & Development Department in the full amount of \$357,436. Any contingency funds used must be identified by the consultant and approved by P&D Director, or designee, prior to the work commencing. Aspen Environmental Group has prepared a number of EIRs for the County of Santa Barbara, including the LWEP EIR.

P&D will invoice Strauss Wind, LLC for all staff time necessary to administer the Agreement for Services and related planning actions. Funding for this project is budgeted in the Permitting Budget Program on page D-272 of the FY 2018-19.

**Fiscal Analysis:**

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund	\$ -	\$ -	
State	\$ -	\$ -	
Federal	\$ -	\$ -	
Fees	\$ -	\$ -	
Other:			357,436.00
Total	\$ -	\$ -	\$ 357,436.00

**Key Contract Risks:**

A risk analysis was performed on the proposed Agreement for Services and was determined to be of medium risk due to the contract size, and competitive acquisition with a limited number of bidders. Approximately 27% of the work will be subcontracted to: 1) Michael Clayton & Associates for the aesthetic and visual resources section; 2) Geotechnical Consultants, Inc. for the geology and soils section; and 3) Garland Associates for the transportation and traffic section of the SEIR. Aspen Environmental Group did not provide current financial statements and/or tax returns; however the contract amount of \$357,436 will be covered in full by the applicant in the form of a deposit to the County. Payments to the contractor will be made from the deposited amount upon completion of pre-determined milestones as required by Exhibit B of Attachment 1 and described in Appendix 2 of Attachment 1. Payments will not be made to the contractor until all services for each milestone have been completed, delivered and found to be satisfactory by P&D. This ensures that deposited funds will only be expended upon satisfactory product delivery and performance by Aspen Environmental Group. The Energy, Minerals & Compliance Division is satisfied with historic performance by Aspen Environmental, which has a proven track record of providing technical services to the Division for 25 years, including the LWEP EIR. Furthermore, risk is also reduced due to the incorporation of the ‘suspension for convenience’ clause in the Agreement for Services (Attachment 1).

**Special Instructions:**

The Clerk of the Board will forward a copy of the Agreement for Services, attached Appendices and Minute Order to P&D, Energy, Minerals & Compliance Division, attention Kathy McNeal Pfeifer.

**Attachments:**

- Attachment 1: Agreement for Services of Independent Contractor
- Attachment 2: Board Contract Summary
- Attachment 3: CEQA Notice of Exemption