

Santa Barbara County Board of Supervisors

Lompoc Wind Energy Project Appeals

December 16, 2008

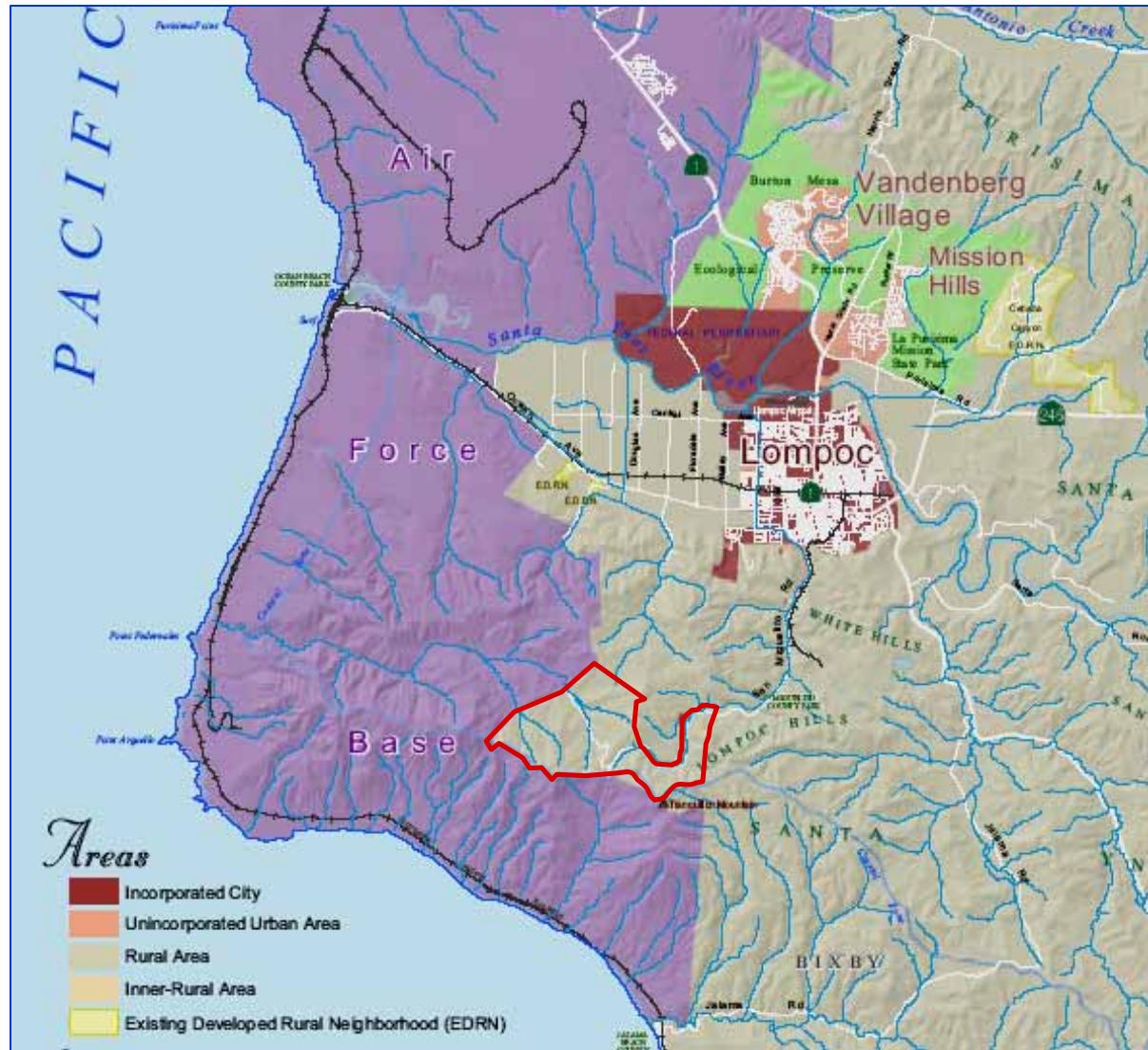
Hearing Purpose

- Planning Commission Approved Project
 - September 30, 2008
 - 5-0 vote
 - Strong public interest and support
- Two Appeals filed
 - Calif. Dept. of Fish & Game
 - George and Cheryl Bedford

Hearing Procedure

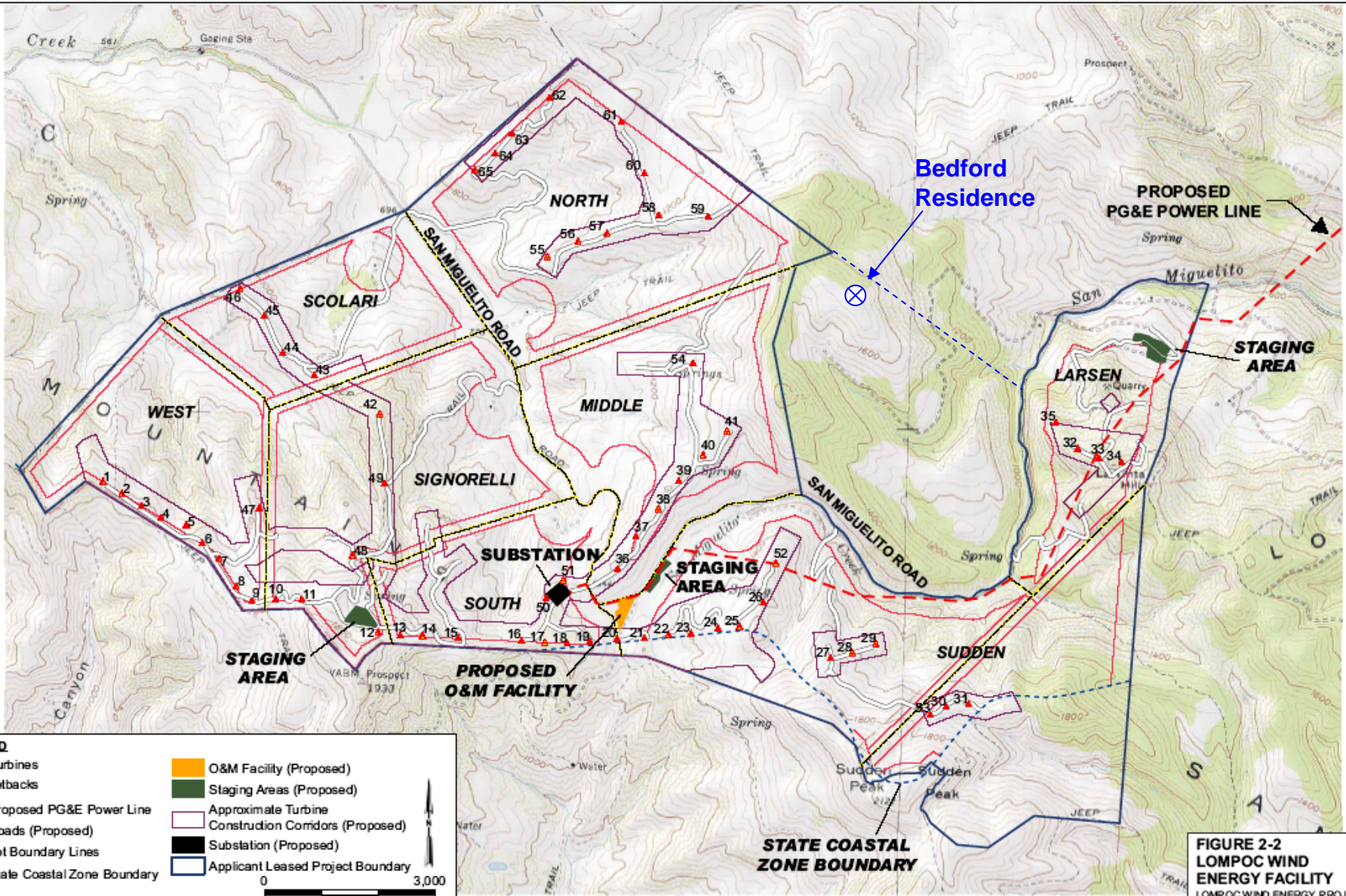
- Staff Presentations
 - Project overview (Kevin Drude)
 - Appeal points (John Day)
- Presentations (CDFG, Bedfords, Acciona)
- Public Comments
- Rebuttals (CDFG, Bedfords, Acciona)
- Staff Comments
- Board Deliberation
- Board Actions on EIR and Project

Project Location



Project Description

- Wind Energy Generation Facility
 - 65 Wind Turbine Generators (WTGs)
 - Gravel access roads
 - Operations-maintenance building
 - Project substation
 - Electrical and communications lines
 - Meteorological towers



Bedford Residence

PROPOSED PG&E POWER LINE

STAGING AREA

LARSEN

MIDDLE

SIGNORELLI

SUBSTATION

STAGING AREA

SOUTH

STAGING AREA

PROPOSED O&M FACILITY

SUDDEN

STATE COASTAL ZONE BOUNDARY

LEGEND

1 Turbines	O&M Facility (Proposed)
Setbacks	Staging Areas (Proposed)
Proposed PG&E Power Line	Approximate Turbine Construction Corridors (Proposed)
Roads (Proposed)	Substation (Proposed)
Lot Boundary Lines	Applicant Leased Project Boundary
State Coastal Zone Boundary	

Scale in Feet
0 3,000

FIGURE 2-2
LOMPOC WIND ENERGY FACILITY
 LOMPOC WIND ENERGY PROJECT
 SANTA BARBARA COUNTY, CALIFORNIA
 Source: Adapted from figure prepared by CH2MHill



Wind turbine generators

- 1.5 MW each (total =97.5 MW)
- 3-blade, monopole tower
- Overall height 397 ft.
- Tower height 262 ft.
- Blade length 135 ft.
- Tower diameter 15 - 7 ft. (tapered)

Acciona AW-1500 (possible choice)







Project Description (continued)

- Construction – 6-10 months
 - One phase, or up to 3 phases
- Operations – approx. 30 yrs
 - Up to 10 staff onsite
- Decommissioning / Options
 - Repowering
 - Partial decommissioning

Project Description (continued)

■ PG&E Power Line

- 115 kV power line from project site to southeast corner of Lompoc
- Analyzed in EIR
- CPUC sole jurisdiction
- Not in Conditional Use Permit

Environmental Review

- Class I Impacts:

- Birds & Bats – fatal collisions
- Visual impacts – public areas

- Class II Impacts:

- Noise (concern of Bedfords)
- Many other impacts mitigated (e.g., grading, cultural resources, etc.)

Class I Impacts – Birds & Bats

Fully Protected Species

Other Sensitive Species

Raptors



Class I Impacts – Birds & Bats

- Turbine collisions likely
- Bird usage is typical for habitat (relatively low compared to high-impact wind project sites)
- 20-40 miles from main migration path
- Avoidance – Buffer zones
- Mitigation – Monitoring & adaptive management

Class I Visual Impacts

- Public Parks
 - Miguelito County Park
 - Jalama Beach
- Project vicinity
 - San Miguelito Rd.



View from Jalama Beach (4.5 mi south)



View from Miguelito Park (1+ mi north)



View from road outside Miguelito Park



Sudden Road & San Miguelito Road

Class II Impacts – Noise

WTG Noise

- Dual noise thresholds
 - Participants – 65 dBA_{CNEL}
 - Non-participants – 50 dBA_{CNEL}
- Pre-construction noise modeling
- Post-construction noise studies

Project Alternatives

- Other Locations
- Alternative 1 – No WTGs visible from Jalama and Miguelito parks
- Alternative 2 – same as above, but single construction phase

Project Benefits

- Promote agricultural viability
- Clean renewable energy

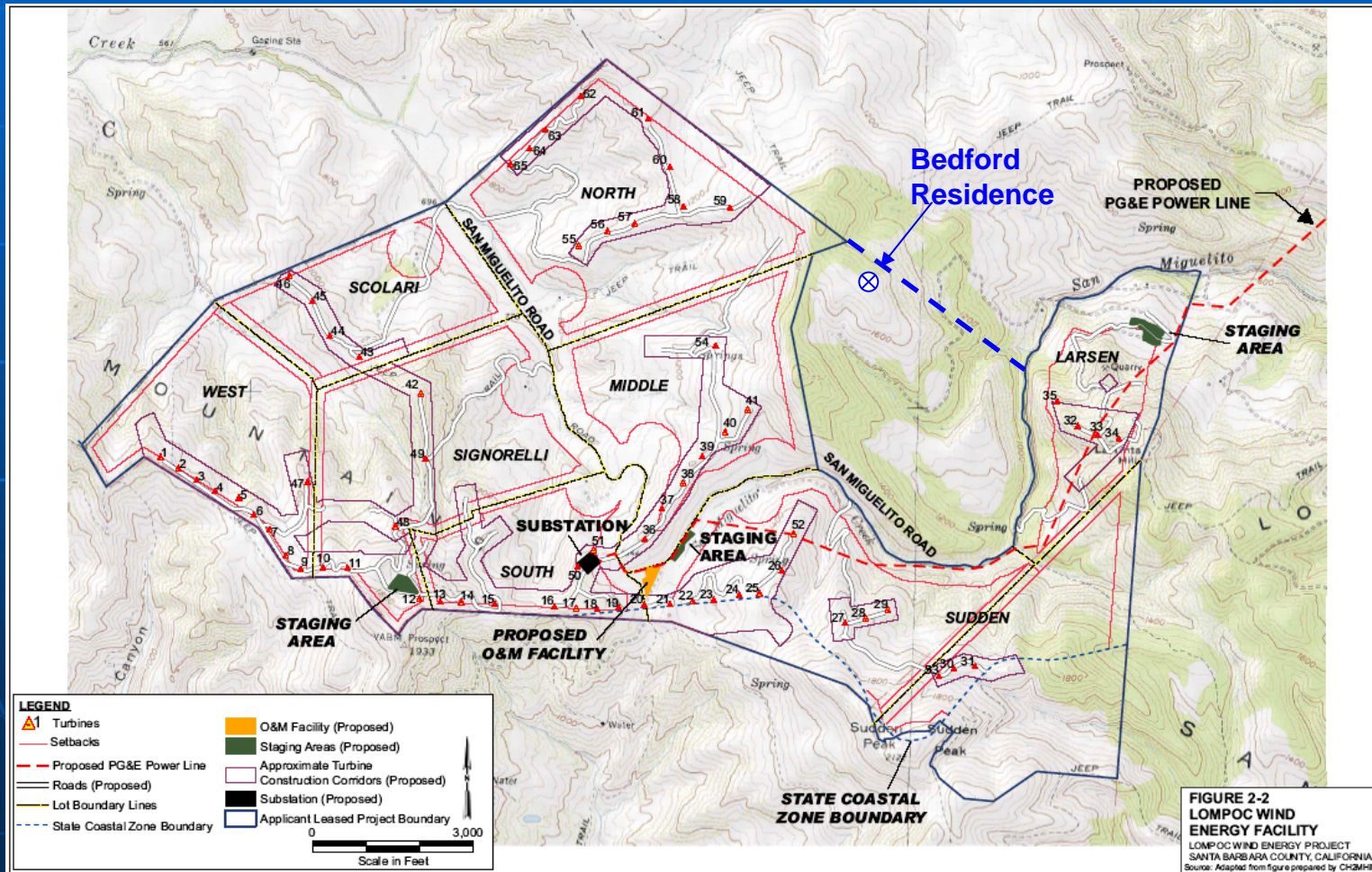


Summary of Appeals and Responses

- Bedford appeal summary and staff responses
- CDFG appeal summary and staff responses
- Recommended changes to CEQA Findings and permit conditions
- Recommended Board Actions

Bedford Appeal – Background

Bedford property is adjacent to project site



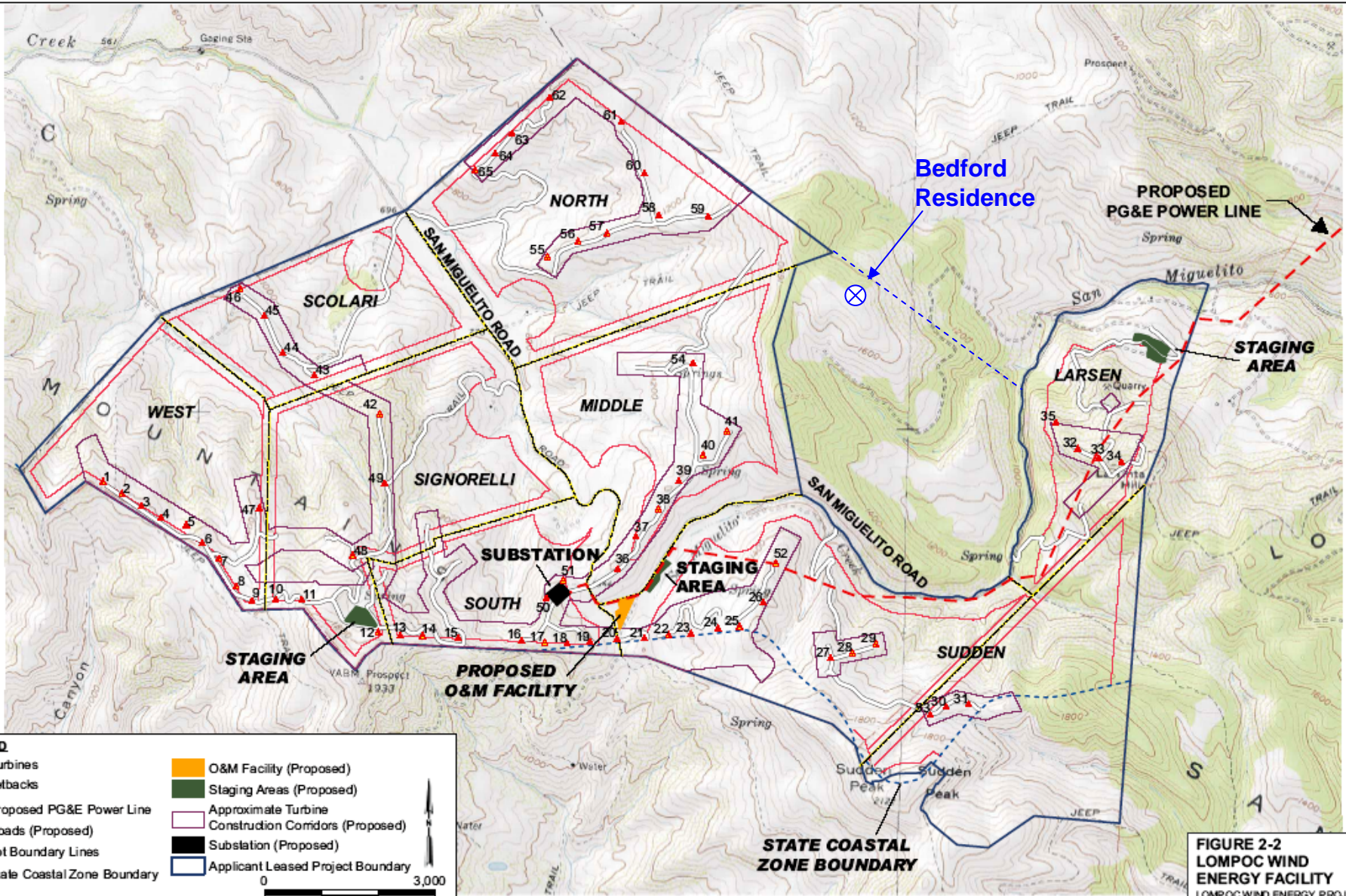
Bedford Appeal

Contention #1:

The project and alternatives not adequately defined per CEQA

Responses:

- Project description is sufficient for meaningful CEQA analysis
- Turbine construction corridors are defined
- Some siting flexibility is needed
- Worst-case layouts are analyzed
- Impacts are limited by mitigation measures (e.g., noise)



Bedford Residence

PROPOSED PG&E POWER LINE

STAGING AREA

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Bedford Appeal

Contention #2:

Project alternatives were not adequately analyzed or shown to be infeasible

Responses:

The Alternatives Analysis is Adequate

4 alternative locations considered / dismissed

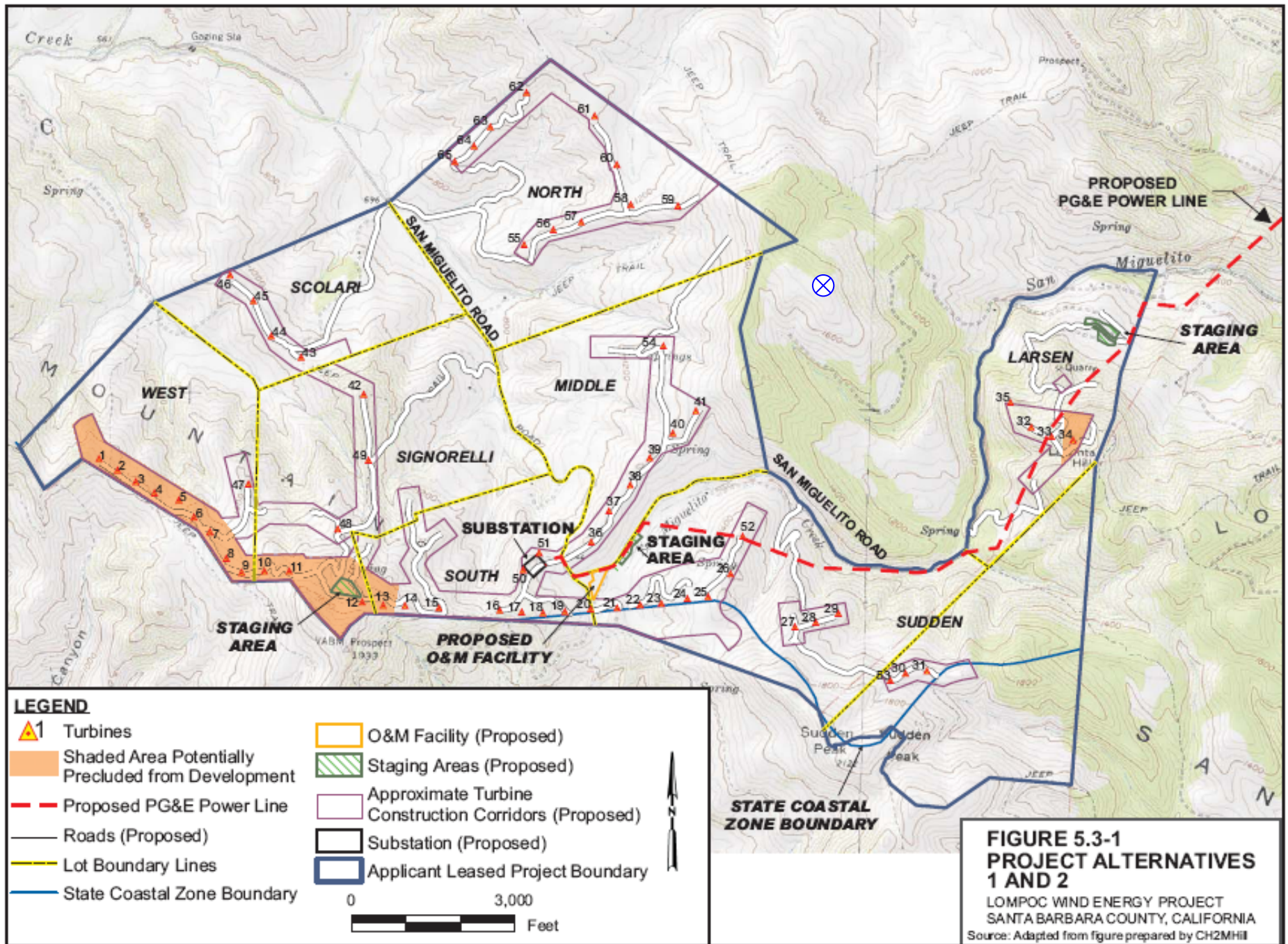
- Not feasible to develop
- Would not reduce environmental impacts
- Fail to achieve project objectives

Bedford Appeal

Responses (#2 cont.)

2 downsized project alternatives analyzed

- Proposed to reduce visual impacts
- Considered potentially feasible in EIR
- Later determined infeasible – fail to achieve project objectives
- Statements by Acciona's wind resource expert, confirmed with wind maps
- Revised CEQA Finding 1.7
(Board Letter pp. 10-11 and Attachment D)



**FIGURE 5.3-1
PROJECT ALTERNATIVES
1 AND 2**
LOMPOC WIND ENERGY PROJECT
SANTA BARBARA COUNTY, CALIFORNIA
Source: Adapted from figure prepared by CH2MHill

Bedford Appeal

Contention #3:

Project conflicts with County General Plan visual resource policies and zoning code

Responses:

The project is fully consistent with policies and ordinances + historic and recent interpretation.

- Visual Resources Policy 2
exception for technical requirements

Bedford Appeal

Responses (#3 cont.):

- Wind energy development standards
applies "to the greatest extent feasible"
- Ridgeline and Hillside Guidelines
BAR "discretion to interpret and apply"

Bedford Appeal

Contention #4:

The project violates CEQA and County policies concerning noise.

Responses:

- The EIR established a conservative noise threshold for non-participating residences
- EIR modeling shows potential to exceed threshold if mitigation were not required
- Permit conditions ensure noise will not exceed thresholds
 - Pre-construction modeling (Noise-7)
 - Post-construction noise studies (Noise-8)

CDFG Appeal – Background

- Appeal concerns potential impacts to birds and bats.
- CDFG is a *Trustee Agency* in relation to birds/bats, not a *Responsible Agency* under CEQA.
- Facilitation efforts by County – CDFG and Acciona continue to work toward resolution of issues.

CDFG Appeal

Contention #1:

Adhering to and implementing the Wind Energy Guidelines is critical to meet the disclosure and mitigation requirements under CEQA.

Responses:

- The Guidelines are entirely voluntary
- The Guidelines are not CEQA standards
- The Guidelines include flexibility in local implementation

CDFG Appeal

Contention #2:

EIR Surveys do not adequately describe existing environmental conditions or, more importantly, the significant project-related impacts to Trust Resources.

Responses:

- The bird and bat studies provide adequate baseline information for CEQA analysis
- Extensive additional studies were conducted in response to Draft EIR comments
- Studies confirm Class I impacts to birds and bats – potential fatalities to special status species

Main migration route is 20-40 miles east of project



CDFG Appeal

Contention #3:

Significant project-related impacts on Trust Resources are not mitigated to the extent feasible as required by CEQA.

A TAC, adaptive management measures, and off-site conservation easements, would mitigate bird and bat impacts to less than significant.

Responses:

- A TAC is not mitigation. Consultation with CDFG is already in permit conditions.

CDFG Appeal

Responses #3 (cont.):

An Monitoring and Adaptive Management Plan will be implemented in consultation with CDFG (Condition Bio-16)

- Before/After studies
- Mortality monitoring
- Prey base reduction
- Adaptive management
 - 1) intensified survey
 - 2) response options



CDFG Appeal

Responses #3 (cont.):

Conservation easements / Habitat enhancements

- Abundant similar habitat nearby and throughout County is protected from most development.
- Not effective mitigation for fatalities
Clarify CEQA Finding 1.4 (Attachment D)
- No proportionality to impacts
- Would not mitigate fatalities of protected birds to insignificance

Modifications to Permit Conditions and CEQA Findings

- 1) Add Permit Condition 11 – Indemnifies County for possible take of endangered species.
(Attachment D, both Board Letters)
- 2) Modify CEQA Finding 1.7 – to clarify basis for infeasibility of project alternatives.
(Attachment D, Bedford Board Letter)
- 3) Modify CEQA Finding 1.4 – to clarify reasons conservation easements would not provide effective mitigation.
(Attachment D, CDFG Board Letter)
- 4) Correct typographic error in EIR, p. 5-1, 2nd paragraph, to read "... and deliver 80-97.5 megawatts..."

Staff Recommendations

- Deny Bedford appeal
- Deny CDFG appeal
- Certify the Lompoc Wind Energy Project Final EIR, including any modifications made by the Board in this hearing.
- Adopt the required findings for the project, including CEQA findings, specified in the attachments to the Board Agenda Letters and including any modifications made by the Board in this hearing.
- Approve the Conditional Use Permit and Variance, subject to the conditions of approval specified in the Planning Commission's action letter dated October 7, 2008, with modifications included in the attachments to the Board Agenda Letters, and any modifications made by the Board in this hearing.