

Lompoc Wind Energy Project Modifications to Final EIR

September 30, 2008

The following corrections and changes were made to the proposed Final EIR for the Lompoc Wind Energy Project dated August 2008 (SBC# 06EIR-00000-00004; SCH# 2006071008) by the Santa Barbara County Planning Commission at the public hearing on September 30, 2008. The modifications were incorporated into the Final EIR, as certified by the Planning Commission at that hearing.

The modifications consist of an addition to Mitigation Measure Bio-16.d, which is included as Appendix F of the Staff Report, and modifications contained in an ERRATA document (rev. 9/29/08) provided to the Planning Commission and the public prior to the hearing.

FEIR Page Number	Modification
page 3.5-10, fourth paragraph (heading)	Native Perennial Grassland
page 3.5-10, fourth paragraph	Native <u>grassland species including native grasses</u> can be difficult to identify...
page 3.5-10, first paragraph	Native perennial grasses such as <u>grassland species including</u> purple needlegrass (<i>Nassella pulchra</i>) seem dense enough in several areas both on clay and sandy soils to satisfy the 10 percent relative cover of <u>native grassland species</u> criterion
page 3.5-33, first full paragraph	There are no known occurrence records for steelhead trout within the proposed project site. As a result of the CNDDDB query, the nearest known occurrence record for steelhead trout near the proposed project site is located over 14 miles to the east in the Santa Ynez River (observed in 1993). <u>Steelhead spawning was documented in San Miguelito Creek by the Cachuma Project Biology Staff (CPBS) in a memo to National Marine Fisheries Service (NMFS) dated 6/13/07. However, NMFS current Stream Habitat Distribution Table describes San Miguelito Creek as having an impassable migration barrier to the ocean which prohibits any access by adult steelhead.</u>
page 3.5-65, last paragraph	Some areas, however, support more diverse and numerous populations of native perennial grasslands <u>grassland species including native grasses</u> and herbs (particularly in the southwest portion of the Signorelli property).
page 3.5-70, next to last bullet near bottom	● Steelhead - Not known or expected to occur on or in proximity to <u>immediately downstream of</u> the site.
page 3.5-83, fourth full paragraph	3.14 x (400 200) ² = 70,650 125,700 square feet <i>Note- The calculated acreages are correct.</i>

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page 3.5-91, first paragraph (Mitigation Measure Bio-5)	In the case of lichens having regional significance, the lichenologist <u>County approved botanist</u> shall make recommendations...
page 3.5-94, first full paragraph (heading)	Mitigation Measure BIO-8: Native Perennial Bunchgrass Grasslands.
page 3.5-94, third full paragraph (Mitigation Measure Bio-8)	...the Applicant shall prepare a detailed mitigation plan and submit it to the County for approval. <u>The plan shall require replacement of the permanently impacted native grassland habitat at a minimum ratio of 1:1 and the replacement acreage must meet the County definition of native grassland. Determination of mitigation success must be based on quantitative sampling by a qualified biologist.</u> The Applicant shall file a performance...
page 3.5-94, last paragraph, continuing on 3.5-95 (Mitigation Measure Bio-9)	The Applicant shall make every effort to <u>avoid impacts or to minimize to the maximum extent feasible</u> the area and degree of impact... O&M facility shall be restored to its former condition at an aerial <u>areal</u> ratio of 1:1... If any jurisdictional feature is permanently lost, it shall be mitigated by the creation of the same type of wetland in the Project area at an aerial <u>areal</u> ratio of 2:1 <u>and replacement habitat creation shall be done in suitable habitat within the project site.</u> Additionally, all wetland areas...
page 3.5-95, third full paragraph (Plan Requirements) (Mitigation Measure Bio-9)	The wetland delineation and grading plan shall be submitted to the County for approval prior to any project construction that may affect wetlands. <u>The performance criteria shall include a maximum cover criterion for weedy species and a minimum cover criterion for native hydrophytic plants. These criteria shall be objectively based on quantitative sampling of the habitat to be replaced prior to construction activities. The maximum cover criterion for weedy species shall not be set to greater than the measured cover, and the minimum cover of hydrophytic species shall not be less than the measured cover of hydrophytic species.</u> The Applicant shall also file a performance security...
page 3.5-95, fifth full paragraph (Monitoring) (Mitigation Measure Bio-9)	...County staff will monitor construction and revegetation activities to ensure the plan is fully implemented. <u>Progress of the restoration shall be monitored by a qualified biologist.</u> (<i>Addresses Impact BIO-3 and 4</i>).
page 3.5-103, first full paragraph (Mitigation Measure Bio-15a)	The turbines shall be sited so that each tower is located at least 250 feet from the un-named intermittent tributaries containing Central Coast Riparian Scrub habitat located up-gradient of major streams and from active wintering burrowing owl burrows identified during

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	<u>pre-construction surveys.</u>
page 3.5-107, first paragraph (Mitigation Measure Bio-16d)	...factors and circumstances contributing to the fatalities. <u>Intensified searches shall commence as soon as practicable, but no later than 2 weeks after triggering of the Level 1 Threshold.</u> Carcass search patterns and extent may be modified...
page 3.5-107, second paragraph (Mitigation Measure Bio-16d)	If Level 2 thresholds are reached or exceeded, the County may <u>shall</u> require additional year(s) of monitoring until fatalities fall below Level 2 thresholds. <u>The additional monitoring may include up to two 1-year periods of long-term, periodic monitoring (except where WTGs are shutdown), if the County determines that long-term monitoring is warranted to evaluate effectiveness of mitigation.</u>
page 3.5-107, fourth paragraph (Mitigation Measure Bio-16d)	The County shall require Level 2 response options only if it <u>only if the County determines, based on substantial evidence, with reasonable certainty that the fatalities are caused by wind farm operations and identifies which WTGs are at cause. The determination must be based on substantial evidence.</u>
page 3.5-107, 5th paragraph (Mitigation Measure Bio-16d)	The following Level 2 response options should <u>shall</u> be considered by the County, in consultation with CDFG,...
page 3.5-108, add after 3 rd paragraph (after #4.) (Mitigation Measure Bio-16d)	<p>5. <u>WTG Shutdowns. Special preventative measures shall be implemented if large-scale bird or bat mortality events are foreseeable. Shutdown or operational restrictions shall be required for specific WTG(s) if the Director of Planning and Development, in consultation with the California Department of Fish and Game, makes all of the following determinations:</u></p> <ul style="list-style-type: none"> i. <u>Fatalities of Federal or California Listed Species, California Fully Protected Species, or non-listed sensitive bird or bat species, resulting from WTG collisions at a specific location (i.e., a single WTG or group of up to 3 WTGs), exceed the Level 2 Thresholds established for the entire project (e.g., more than 2 golden eagle fatalities at a location within a year);</u> ii. <u>The mortality monitoring studies conducted pursuant to Condition Bio-16.b demonstrate that the fatalities are caused by the identified WTG(s) and the fatalities follow a distinct pattern that indicates excessive fatalities (as defined in Subsection (i) above) will predictably recur at that location, and that operational restrictions on the specific WTG(s) will significantly reduce future fatalities;</u> iii. <u>All other Level 2 Response Options that could potentially reduce fatalities have been considered and cannot be</u>

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	<p><u>implemented within the time required to reduce the impending, excessive fatalities;</u></p> <p>iv. <u>The required WTG shutdowns or operational restrictions have not been found infeasible.</u></p> <p><u>The owner/operator shall implement the required shutdown(s) or operational restrictions within 24 hours of notification by the Director. Shutdowns or operational restrictions shall be limited to the specific WTG(s) responsible for excessive fatalities. Shutdowns may include temporary or permanent shutdowns. Operational restrictions means restricted operating hours during periods of elevated risk to birds and bats, based on substantiated, case-specific risk factors (which could include time of day, season, weather, etc.). Shutdown or operational restriction requirements shall be designed to minimize impacts to electrical generation to the maximum extent feasible, consistent with reducing excessive fatalities of protected and sensitive species.</u></p> <p><u>Upon request by the permittee, the Director shall hold a hearing within 4 business days to consider whether the shutdown or operational restriction should continue. The permittee’s request shall include all evidence supporting the request. The Director shall determine whether continuation of the shutdown(s) or operational restrictions are warranted, based on the above criteria (i. to iv.), including financial feasibility. The Director may amend, lift, or extend the shutdown or operational restrictions at the hearing or subsequently.</u></p> <p><u>The owner/operator may appeal the Director’s decision to the Planning Commission, as provided in Section 35.102.040 of the Land Use and Development Code. The Planning Commission shall hold a noticed public hearing on the appeal no later than the first regularly scheduled hearing at or after 45 days of the filing of an appeal. The appeal shall include a detailed explanation of the objection, which may include financial infeasibility, and any relevant supporting information or data. Technical or financial information pertinent to the Planning Commission decision, but which the owner/operator claims to be confidential or proprietary, may be provided to the Director under a claim of confidentiality. Any financial information provided shall be certified by the owner/operator’s chief financial officer. The Planning Commission decision may</u></p>

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	<p><u>be appealed to the Board of Supervisors. If so, the Planning Commission decision shall remain in force pending a final decision by the Board.</u></p> <p><u>Further WTG shutdowns or restricted operations shall not be required after the conclusion of mortality monitoring, as provided in measure Bio-16.d. (See <i>Level 1 – First Alert and Enhanced Survey, above.</i>)</u></p>
<p>page 3.11-13, second paragraph (Mitigation Measure NOI-3)</p>	<p>...shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. <u>The Applicant shall respond to all calls within 8 hours.</u> This telephone number shall be posted...</p>
<p>page 3.11-13, seventh paragraph (Mitigation Measure NOI-4)</p>	<p>The plan shall describe the specific steps that will be carried out by the Applicant in response to noise complaints <u>and shall include a provision requiring the Applicant to respond to all calls within 8 hours.</u></p>
<p>page 7.3-61, third to bottom paragraph (EDC1-14)</p>	<p>There are no known occurrence records for steelhead trout within the proposed project site. As a result of the CNDDDB query, the nearest known occurrence record for steelhead trout near the proposed project site is located over 14 miles to the east in the Santa Ynez River (observed in 1993). <u>Steelhead spawning was documented in San Miguelito Creek by the Cachuma Project Biology Staff (CPBS); however, the National Marine Fisheries Service (NMFS) current Stream Habitat Distribution Table describes San Miguelito Creek as having an impassable migration barrier to the ocean which prohibits any access by adult steelhead.</u></p>
<p>page 7.3-67, second from bottom paragraph (EDC1-40)</p>	<p>...near the proposed project site is located over 14 miles to the east in the Santa Ynez River (observed in 1993). <u>In addition, Mitigation in the EIR does prevent provide protection to riparian and wetland habitat. Please see also Response to Comments EDC1-14.</u></p>
<p>Appendix B-6, page 1, first paragraph</p>	<p>Final Report included in Appendix XX <u>B-7</u></p>
<p>Appendix B-6, page 2, third full paragraph</p>	<p>Refer to Sec. XX <u>3.5.1.6 and 3.5.3.3</u> and Figures 4-5 of Appendix XX <u>B-7</u> of this EIR</p>