



Mt. Diablo  
Audubon Society



Ohlone  
Audubon  
Society

April 29, 2021

**VIA Email<sup>1</sup> and Federal Express**

Mr. Albert Lopez, Director  
Alameda County Planning Department  
Mr. Chris Bazar, Director  
Alameda County Community Development Agency  
Alameda County Planning Department  
224 W. Winton Avenue, Room 110  
Hayward, CA 94544

**Re: Appeal of Board of Zoning Adjustment's April 22, 2021 Resolution to Certify the Subsequent Environmental Impact Report and Approve Conditional Use Permit Application No. PLN2019-00226**

Dear Mr. Lopez:

On behalf of Audubon California, Golden Gate Audubon Society, Mount Diablo Audubon Society, Ohlone Audubon Society, and Santa Clara Valley Audubon Society (collectively "Audubon"), please accept this appeal pursuant to Alameda County Municipal Code Section 17.54.670 of the East County Board of Zoning Adjustments (EBZA) decision on April 22, 2021 to approve: (1) Resolution No. Z-21-13, Certifying the Subsequent Environmental Impact Report (SEIR) for the Brookfield Renewable Energy Partners, Conditional Use Permit (CUP) Application No. PLN2019-00226, Mulqueeney Ranch Wind Repowering Project ("Mulqueeney Ranch Project" or "the Project"); and (2) Resolution No. Z-21-14 approving the associated CUP. We will submit the \$250 fee with the hard copy of this letter.

Our reasons for this appeal include, among other reasons, that the SEIR is inadequate under the California Environmental Quality Act (CEQA), and that the terms of the CUP fail to adequately consider, avoid, minimize, and mitigate the impacts the proposed project on bird and bats as required under CEQA and the County's 2014 Program Environmental Impact Report (PEIR) for repowering turbines in the Altamont Pass.

---

<sup>1</sup> Submitted via email to c/o: Maria Palmera, Administrative Assistant (maria.palmera@acgov.org), Mr. Bazar (chris.bazar@acgov.org), Mr. Lopez (albert.lopez@acgov.org), Sandra Rivera (sandra.rivera@acgov.org), and Andrew Young (andrew.young@acgov.org).

More specific reasons for this appeal include, but are not limited to, that the SEIR

- Inadequately describes the current environmental setting and established baseline of mortality for affected volant species,
- Fails to include an adequate project description and improperly defines the Project objectives, which improperly constrains the analysis of alternatives and avoidance and mitigation measures,
- Inadequately discloses significant impacts, including impacts to listed, fully-protected, otherwise legally-protected, and other sensitive species and their habitats in or near the Project area,
- Fails to identify and assess all reasonable and feasible mitigation measures and alternatives to avoid and reduce the Project's significant environmental effects on birds and bats,
- Fails to adequately assess a reduced megawatt alternative that would more effectively and feasibly reduce significant and unavoidable environmental impacts of the Project,
- Inaccurately analyzes the increased impacts of the project from those described in the PEIR in light of significant and new information and changed circumstances since the PEIR was certified, and
- Fails to adequately analyze the cumulative impacts of the Project.

The reasons for our appeal are further laid out in the public record, including the public comments made by our organizations and other entities at the EBZA hearing on April 22, 2021, and documents in the record, including submissions and attachments thereto from the following, which are incorporated into our appeal through the record and this reference:

- California Attorney General Office's (Jan. 14, 2021),
- Alameda Citizens for Responsible Wind Development (Jan. 8, 2021),
- Golden Gate Audubon Society (Jan. 8, 2021),
- U.S. Fish & Wildlife Service (Jan. 7, 2021),
- East Bay Regional Parks District (Jan. 8, 2021), and
- California Dept. of Fish & Wildlife (Jan. 8, 2021).

Our organizations are willing to meet with the County and the project proponent to further discuss these matters. Please contact us through Mike Lynes, Director of Public Policy, Audubon California, at [mike.lynes@audubon.org](mailto:mike.lynes@audubon.org), or at (415) 505-9743.

Respectfully submitted,

Michael Lynes  
Director of Public Policy  
Audubon California

Glenn Phillips  
Executive Director  
Golden Gate Audubon

Juan Pablo Galván Martínez  
Conservation Chair  
Mount Diablo Audubon Society

William Hoppe  
President  
Ohlone Audubon Society

Shani Kleinhaus  
Environmental Advocate  
Santa Clara Valley Audubon Society