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Board of Directors
Sacramento Municipal Utility District
P.O. Box 15830 MS B355
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Comments of Friends of the Swainson's Hawk regarding the Recirculated FEIR for the SMUD Solano Wind Project Phase 3.

Dear Chair and Members of the Board,

Friends of the Swainson's Hawk (FOSH) is a non-profit charitable organization concerned with the conservation of wildlife, and particularly raptors, in California. We have reviewed your RFEIR for the Solano Wind Farm Phase 3, with the assistance of our biological consultant, Melinda Dorin Bradbury, and our Legal Counsel, James P. Pachl. We are pleased that the FEIR includes some suggestions we and/or DFG made during the comment period.

We have major concerns about well-documented, substantial avian and bat mortality inflicted by dense concentrations of wind turbines at Montezuma Hills, and elsewhere.

FOSH wants to support SMUD in providing the most beneficial clean, green energy portfolio. FOSH supports alternative energy development and recognizes the adverse impacts of natural gas power plants on the environment and their impacts on climate change. FOSH recognizes that wind development avoids the impacts created by fossil fuel and natural gas power plants.

At the same time, wind power developers and operators, regulatory agencies, and society need to acknowledge that the characteristics which make a location favorable for wind power generation, such as steady winds, ridgetops, and passes, are the same characteristics which make these same locations instinctively attractive to avian species and bats for migratory routes and localized movement. High avian and bat mortality associated with wind turbine projects has repeatedly demonstrated that many avian species, especially raptors, and bats, do not have the instinctive ability to comprehend and avoid the dangers of lethal collision with operating wind turbines.

Previous studies commissioned by the California Energy Commission show that the Montezuma Hills has high raptor use. The use of the area is actually higher than at the Altamont Pass Wind Area for certain species including red-tailed hawks and American kestrels. This creates the potential for major mortality of raptors due to wind energy turbines at Montezuma Hills.

As a public power agency with an excellent environmental record, we hope SMUD could be a leader in developing methods and technologies which would greatly reduce avian and bat mortality currently caused by wind turbine projects. This means continually pushing the envelop for understanding and reducing avian mortality due to wind turbine projects.

We know that SMUD customers value the green energy program and want to participate. We do not want to see develop a situation where SMUD's green energy program becomes tarnished and unattractive because of poor practices in reducing impacts and mitigating impacts on wildlife.

- Therefore, FOSH urges SMUD to place more focus on developing urban solar power. Sacramento is known for its many sunny days. Solar power facilities placed on urban rooftops has the lowest footprint (no greenfield development) and are sited in locations adjacent to users, which greatly reduces the cost of transmission facilities. This also reduces the energy lost from electricity traveling long distances over transmission lines from where it is generated to where it is used.
- FOSH urges SMUD to expand its Avian Protection Plan scope, fund protection activities at a higher level, and engage at a broader level in raptor conservation activities to help offset the cumulative and long term impacts of SMUD power generation on our raptor populations.
- A one-time payment of \$50,000 to the California Raptor Center for mitigation of impacts of a very long term wind project is grossly inadequate. SMUD's contribution to the California Raptor Center should last for the lifetime of the wind project, and be specifically conditioned on no drop in other funding in the Raptor Center budget (i.e. does not replace an existing funding source) in order to ensure that raptor rehabilitation, education and training, and public education are not just maintained but expanded to help offset the negative impact of the project on the raptor resource.
- We are concerned about wind power impacts on migrating raptors and have been advised that wind power facilities should be shut down at particularly lethal times and places to reduce mortality. Winter is high season for mortality to wintering raptors, but low season for electricity demand. SMUD should have a commitment to an ongoing quality monitoring program to identify the worst impacts and reduce mortality through selective shut down of engines and cessation of free spinning blades. Three years of monitoring for avian and bat mortality is insufficient. Monitoring should be continual to gauge the effectiveness of measures intended to reduce mortality and to detect changes in patterns of avian use and mortality.
- We found a number of instances in which the analysis was faulty, important data missing, and errors in assumptions. The EIR should disclose avian and bat mortality from the nearby SMUD Phase One and Two projects to more adequately assess the cumulative impacts. We commented in detail in our effort to improve the quality of the analysis of impacts and mitigation. The EIR asserts that the avian and bat mortality from collision with wind turbine generators is lower than other causes, such as high-rise buildings and transmission towers, and therefore concludes that the impact is less than significant. This is contrary to CEQA, which does not allow a finding of "no significant impact" solely because other projects may cause greater mortality. The EIR should recognize that avian and bat mortality is significant

regardless of alleged higher impacts other projects, and the project should mitigate accordingly. The EIR also overlooks the cumulative impacts of mortality from wind turbine generators when considered with avian and bat mortality from other causes.

- The EIR violates CEQA by asserting that the loss of 95 acres of habitat and agriculture from infrastructure and roads is less than significant because it is a fraction of the entire project. Loss of 95 acres of habitat is a project impact and should be mitigated accordingly. The assertion that construction of gravel roads is not a loss of foraging habitat is unsupported.

We request that SMUD continually upgrade and invest in high quality analysis of impacts as well as use all available avoidance and fully mitigate impacts.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Jude Lamare". The signature is written in a cursive, slightly slanted style.

Jude Lamare, President, Friends of the Swainson's Hawk