

## ATTACHMENT D

### Recommended Modifications to Lompoc Wind Energy Project Permit Conditions and Findings

1. Add an indemnity clause as Condition 11 of the Conditional Use Permit, as follows:

**Indemnity Clause for Violation of the Endangered Species Act:** The applicant shall defend, indemnify and hold harmless the County or its agents, officers and employees from any and all claims, actions, proceedings, demands, damages, costs, expenses (including attorneys fees), judgments or liabilities, against the County or its agents, officers or employees brought by any entity or person for any and all actions or omissions of the applicant or his agents, employees or other independent contractors arising out of this permit alleged to be in violation of the Federal or California Endangered Species Acts (16 U.S.C. Sec.1531 et seq.; Cal. Fish & Game Code Sec. 2050 et seq.). This permit does not authorize, approve or otherwise support a “take” of any listed species as defined under the Federal or California Endangered Species Acts. Applicant shall notify County immediately of any potential violation of the Endangered Species Act.

2. Modify CEQA Finding 1.7 (paragraphs 7 and 8), as follows:

The Planning Commission finds Project Alternatives 1 and 2 infeasible and rejects them in favor of the proposed project, for the following reasons. These alternatives would prohibit WTGs in areas of prime wind resources and limit the generation capacity of the project in the most productive areas, making it infeasible to accomplish the Applicant’s first project objective, which is: “To develop a wind energy project that will produce from 80 up to 97.5 MW in an area where the wind resources are known to be sufficient to do so.” ~~The project proponent states that the restriction of WTGs along the southern ridges would make these project alternatives economically infeasible. Although the County has not been provided with the proponent’s proprietary wind study data or financial analysis,~~

The Applicant’s wind resource expert, who has studied the wind patterns at the project site in detail, attests that the turbines proposed in areas excluded in Project Alternatives 1 and 2 are expected to generate 19% more power on average than turbines in other project areas. The loss of capacity cannot be compensated, because relocating the turbines to other areas of the project site is prevented by steep slopes and ridgeline-related turbulence. Elimination of the turbines would reduce the project generating capacity to 76.5 megawatts, thereby failing to accomplish the Applicant’s first project objective. County staff have independently verified that the southern ridge has much greater wind resource potential than the rest of the project site. Wind resource maps obtained from the California Energy Commission show that the wind power potential along the southern ridge ranges from Class 3 to 6, on a scale of 1 to 7, whereas the rest of the project site is in the range of Class 1-4. The only large acreages in buildable

areas with Class 5-6 wind potential are located on the western part of the southern ridge. The wind resource maps ~~strongly support the proponent's contention that the alternatives are economically infeasible~~ independently corroborate that Project Alternatives 1 and 2 would fail to accomplish the basic project objective of 80MW capacity.

Furthermore, the reduction in ~~limiting the project to less than its commercial~~ power generation potential would not fully realize the public and private project objectives or benefits, as listed in EIR §1.3, including development of alternative energy sources, sustained viability of agricultural uses, and additional tax revenues. The Alternatives would also likely make the project economically infeasible, potentially preclude financing, and fail to satisfy the Applicant's 82.5 MW power purchase agreement with PG&E.