



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Order Instituting Rulemaking to Promote Policy and Program Coordination and Integration in Electric Utility Resource Planning.

Rulemaking 04-04-003
(Filed April 1, 2004)
(QF Issues)

Order Instituting Rulemaking to Promote Consistency in Methodology and Input Assumptions in Commission Applications of Short-Run And Long-Run Avoided Costs, Including Pricing for Qualifying Facilities.

Rulemaking 04-04-025
(Filed April 22, 2004)
(QF Issues)

DECLARATION OF SHAWN SMALLWOOD IN SUPPORT OF CARE'S PETITION TO MODIFY D.07-09-040

This declaration is being made pursuant to Rule 16.4(b), "Any factual allegations must be supported with specific citations to the record in the proceeding or to matters that may be officially noticed. Allegations of new or changed facts must be supported by an appropriate declaration or affidavit."

Alameda County's Altamont Pass Wind farm is one of the oldest and largest collections of wind turbines in the United States, with as much as 580 MW¹ of capacity. As many of the wind turbines were installed in the 1970s and are now out of date, there is great potential to replace older models with the newest and most efficient technology. Fewer new-generation wind turbines can replace many of the older ones now in the Altamont Pass, thereby reducing the number of hazardous obstacles to birds.

¹ 369.58 MW of output capacity in the Alameda County portion of the APWRA is exhibit F of the CUPs, see http://www.altamontsrc.org/alt_doc/alt_permit/exhibit_f_owners_output.pdf

Additionally, repowering presents an opportunity to more carefully site the wind turbines so that they are safer for birds.

It's been nearly a year since a controversial legal settlement² was forged among wildlife groups, wind companies, Alameda County regulators, and CARE. That agreement promised to reduce deaths of golden eagles and three other raptor species by 50 percent in three years and called for the shutdown or relocation of the 300 or so most lethal of the approximately 5,000 wind turbines in the Altamont Pass. Monitoring has proven that the mitigation has been ineffective and has not reduced avian mortality from wind turbines operated by QFs in the Altamont Pass Wind Resource Area.

The APWRA provides many benefits to the State of California by generating significant amounts of renewable electric energy. However, the technology has resulted in killing a large number of protected species, including some threatened and endangered species.

I have studied this area for eight years. I have prepared multiple reports of research on the problem and related issues. Since the settlement agreement of 11 January 2007, I have had several papers published, including the following:

Smallwood, K. S. 2008. Wind power company compliance with mitigation plans in the Altamont Pass Wind Resource Area. *Environmental & Energy Law Policy Journal*, University of Houston Law Center. In press.

Smallwood, K. S., C. G. Thelander. 2008. Bird Mortality in the Altamont Pass Wind Resource Area, California. *Journal of Wildlife Management* 72:215-223.

Smallwood, K. S. 2007. Estimating wind turbine-caused bird mortality. *Journal of Wildlife Management* 71:2781-2791.

² http://www.altamontsrc.org/alt_settlement.php

Smallwood, K. S., C. G. Thelander, M. L. Morrison, and L. M. Ruge. 2007. Burrowing owl mortality in the Altamont Pass Wind Resource Area. *Journal of Wildlife Management* 71:1513-1524.

A pre-print draft of my paper in *Environmental & Energy Law Policy Journal* is attached to this affidavit, with permission from the Journal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 18th day of April, 2008, at Davis, California.



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