

5 REGIONAL AND LOCAL AGENCY COMMENTS AND RESPONSES

This chapter provides responses to significant environmental issues raised in the comment letters received from regional and local agencies on the draft environmental impact report (DEIR) for the Humboldt Wind Energy Project, as required by California Environmental Quality Act (CEQA) Guidelines Section 15132.

COMMENT LETTERS

This section provides a list of all comments received from regional and local agencies on the DEIR during the public review period. Table 5-1 identifies the commenters and agencies that submitted written comments, and the dates of the comments.

Table 5-1. List of Written Comments Received from Regional and Local Agencies

Letter Number	Commenter	Agency Represented	Date Received
R1	Debra Garnes, Mayor	City of Rio Dell	June 5, 2019
R2	Plan Review Team	Pacific Gas and Electric Company	June 6, 2019
R3	Frank Shaw Bacik, President and Director of Legal Affairs	Town of Scotia Company, LLC	June 12, 2019
R4	Margaret Long, Attorney	Scotia Community Services District	(not stamped)

RESPONSES TO COMMENTS

This section provides responses to significant environmental issues raised in the comment letters received on the DEIR for the proposed project. The comment letters received are reproduced in their entirety in Appendix A.

Revisions to the DEIR in response to comments are shown in underline and ~~strikeout~~ format in the responses below. These revisions are also shown in Chapter 9, “Revisions to the DEIR.”

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R1-1 The commenter states that while the City of Rio Dell supports alternative energy, the proposed location of the project will have significant visual impacts. The commenter states that many City residents choose to live in Rio Dell because of its visual surroundings, and the project will adversely affect the desire of current and potential residents to live in the City, which will impact property values. The commenter states that there are other concerns beside the visual impact of the project, such as timberland conversion, biological impacts, increased fire danger, significant amounts of grading, erosion, and geologic stability and sediment discharges into the Eel River. The commenter also mentions that the City's primary water resource is just downstream of the project site. The commenter refers to a 2015 Forbes Magazine article that reports that wind power does impact property values. The commenter states that the City is concerned that the project is being fast-tracked for the benefit of the developer and the "detriment of the community."

The commenter expresses concern that the DEIR did not include the Mitigation Monitoring or Reporting Program (MMRP) required by Section 15097 of the CEQA guidelines, and therefore the City and its citizens cannot determine how effective the proposed mitigation efforts will be. The commenter states that the City of Rio Dell opposes the project and recommends the No Project alternative.

The commenter states that of Terra Gen's seven project objectives, only one references Humboldt County, and that the applicant can accomplish its objectives elsewhere in the state of California with fewer environmental impacts. The commenter states that per NREL maps, there are other locations with better wind characteristics, such as Cape Mendocino, where Redwood Coast Energy Authority (RCEA) has applied for a lease for a wind farm. The commenter wonders why the Cape Mendocino project was not identified as an alternative in the DEIR. The commenter also refers to Schoolhouse Hill as a potentially better location for the project and have fewer impacts. The commenter requests that Terra Gen attempt to contact the Schoolhouse Hill property owners so that the site can be included as an alternative.

The DEIR evaluates the direct and indirect environmental impacts of the project for each issue raised by the commenter. Section 3.2, "Aesthetics," of the DEIR evaluates visual impacts, Section 3.3, "Agriculture and Forestry," evaluates effects of timberland conversion; impacts on biological resources were evaluated in Section 3.5, "Biological Resources," and sedimentation and grading are evaluated in Section 3.7, "Geology and Soils," of the DEIR. It is beyond the scope of this DEIR to speculate on property values. Economic and social changes resulting from a project are not treated as significant effects on the environment (15064[e]).

Mitigation Monitoring and Reporting Program

Consistent with Section 15097 of the CEQA Guidelines, a mitigation monitoring and reporting program will be prepared for consideration by the decision makers while they determine whether to approve the project and certify the EIR as adequate. The DEIR identifies mitigation measures and evaluates whether proposed mitigation measures would be sufficient to mitigate impacts and identifies who would be responsible for carrying out the mitigation. Each of the alternatives will be considered by the decision

makers as part of the duty to adopt all feasible mitigation or alternatives to the project that would avoid or lessen project impacts. This includes the No Project alternative.

Rushing the Project Through the Process

The County is subject to the time limitations placed on public agencies to govern their implementation of CEQA. Section 15100 (b) of the Guidelines states that

“Public agencies should carry out their responsibilities for preparing and reviewing EIRs within a reasonable period of time. The requirement for the preparation of an EIR should not cause undue delays in the processing of applications for permits or other entitlements to use.”

To date the environmental review has taken 15 months, and the project application has yet to be considered by the Planning Commission.

The Applicant’s Statement of Objectives

CEQA requires that an EIR project description include a statement of the objectives for the proposed project. The County is not the applicant for the project but has contributed input to provide clarity in the objectives. A clearly written statement of objectives is used to assist in developing a reasonable range of alternatives to evaluate in the DEIR. The objectives will also aid the decision makers in preparing Findings of Facts or a Statement of Overriding Considerations, if necessary.

Please see Master Response 11, “*Alternatives*,” for information on site selection criteria.

R1-2 The commenter focuses this comment on aesthetics and reiterates that this topic is of primary concern to the City. The commenter states that the proposed turbines and their associated lighting, as well as meteorological towers with FAA lighting, will significantly degrade the visual beauty of the area. The commenter states that the photo simulations in the DEIR appear to be deliberately manipulated to minimize the project’s visual impacts. The commenter asks that there be an analysis of the impact of the shadows of the turbines. The commenter states that based on Figure 2-1 of the DEIR, the placement of the WTGs appears to create overly long lines, in conflict with the Aesthetic Mitigation Measure requirement that the WTGs be grouped. The commenter states that Section 3.2-2, “Aesthetics,” of the DEIR underplays the visual impact on State Scenic Highways and asks that the County Board of Supervisors ask Caltrans to designate eligible portions of state highways in the county as State Scenic Highways. The commenter states that per Section 312-17 et. seq. of the Humboldt County Zoning Regulations, the Planning Commission must find that proposed development conditions will not be “materially injurious” to nearby properties. The commenter argues that the visual impact of the wind towers and FAA flashing strobe lights “will be materially injurious to the City.” The commenter states that Rio Dell City Council believes that the project will negatively and substantially affect City property values.

The DEIR evaluates visual impacts in Section 3.2 “Aesthetics” and finds the impact to be significant and unavoidable. If the County approves a project that would result in significant and unavoidable impacts (i.e., impacts that cannot be reduced to a less-than-significant level), CEQA requires the County to explain the factors considered in trying to balance the economic, legal, social, technological, or other benefits of the proposed project against its unavoidable environmental risks and state in writing its

reasons for supporting the action (CEQA Guidelines Sections 15093). This Statement of Overriding Considerations must be supported by substantial information in the record. Please see the responses to Comments R3-8, R3-9, R3-10, R3-18, and I149-1, which address visual impacts and FAA lighting requirements.

Subsequent to the release of the DEIR, the applicant submitted a refined site plan that reduces the turbine count and size of the development footprint, which in turn reduces visual impacts compared to the project evaluated in the DEIR. Please see Master Response 1, “*Site Planning and Avoidance Measures*,” and “*Refinements to the Project Description*” in Chapter 1 of this FEIR for specific refinements to the project description since circulation of the DEIR. However, even with these project refinements, the impact on aesthetic resources remains significant and unavoidable.

R1-3 The commenter states that according to the DEIR, 91 acres of timberland will be converted, presumably because of the road widening and overhead transmission facilities required for the project. The commenter states that residents have expressed concerns regarding the planned conversion of timberland.

Timberland conversion is addressed in Section 3.2, “Agricultural and Forestry Resources.” The project is proposed largely on land owned by Humboldt Redwood Company LLC (HRC), which owns and manages 209,200 acres of forestland in southern Humboldt County. Timber harvest and forestry management are the primary activities on HRC lands, with approximately 203,000 acres of landholdings, including those lands that include a large portion of the project site and the gen-tie corridor available for harvest.

Project-related timber harvest within the gen-tie corridor would be conducted by HRC crews operating under a Timber Harvest Plan that will be prepared in accordance with Forest Practice Rules. The timber would be the property of HRC and would be counted toward the sustainable yield, which is calculated to be 914,618 net million board feet over a 5-year period.

*R1-4 The commenter states that residents have expressed concerns about the project’s impact on a variety of birds, including raptors. The commenter notes that California condors will be reintroduced in Redwood Natural Park in the near future, and although the applicant plans to implement detection technology that will stop the turbines if condors are nearby, the commenter asks what will be done if the condors take up residence in the area. The commenter notes that regarding bird deaths from the WTGs, there are two mitigation measures in the DEIR, 3.5-2b and 3.5-5a; however, the commenter states that there is no Mitigation Monitoring and Reporting Program (MMRP), as required by Section 15097 of the CEQA guidelines. The commenter states that this omission is contrary to the CEQA process and limits the information stakeholders have regarding the effectiveness of the proposed mitigation measures. The commenter notes that Mitigation Measure 3.5-7 (Avoid Impacts on Northern Spotted Owl Habitat Where Feasible; Mitigate Unavoidable Impacts) requires the mapping of northern spotted owl habitat so that habitat impacts can be minimized during the project’s final design. The commenter asks that the habitat mapping occur earlier in the project and cites *Sundstrom vs. County of Mendocino* ((1988) 202 Cal. App. 3d 296), which held that deferring an environmental assessment is contrary to CEQA. The commenter states that there are other sites for the project that would not impact as many avian species. The commenter asks that any deferred studies or reports and the MMRP be included in the DEIR for*

stakeholder review, and states that there appear to be deferred studies, surveys, or maps with relevant information regarding the habitat of northern spotted owls.

Please see Master Response 5, “*Migratory and Special-status Birds*,” and Master Response 6, “*Eagles and Other Raptors*,” for information on the project’s operation, predictions of bird deaths, and efforts to mitigate for the loss. Specific information regarding impacts and mitigation for marbled murrelets is included in Master Response 2, “*Marbled Murrelet*,” and specific information regarding impacts to northern spotted owls is included in Master Response 3, “*Northern Spotted Owl*.” Also note that subsequent to release of the public DEIR, the applicant made refinements to the project plan that reduced the turbine count and the total area of ground disturbance. See Master Response 1, “*Site Planning and Avoidance Measures*,” and “*Refinements to the Project Description Since Circulation of the DEIR*” in Chapter 1 of this FEIR for more information.

Mitigation Deferral

CEQA does not ask an applicant to go through the time and expense of preparing engineering plans, facility designs, and detailed management or operational plans that implement mitigation measures prior to approval of the project. It is adequate to recognize a significant effect, adopt a measure that commits the lead agency to mitigate, and describe the specific performance criteria for mitigation, if the plans, design details, or precise means to mitigate are not practical to define at the time of project approval.

The submittal of such implementing plans and components must be tracked by the mitigation monitoring and reporting program (MMRP), if the EIR identifies them as mitigation for significant effects. An MMRP will be included at the time the project is considered for approval by the County.

Northern Spotted Owl

Please see Master Response 3, “*Northern Spotted Owl*,” for information and refinements to the mitigation plan. Note that the project applicant has refined the project layout and reduced the turbine count from that presented in the DEIR. See Master Response 1, “*Site Planning and Avoidance Measures*,” for further information.

Alternatives

See Master Response 11, “*Alternatives*,” for information on the siting of wind energy projects and the consideration of offsite alternatives.

R1-5 The commenter states that the City and residents are concerned about the amount of grading required to improve access roads for the project. The commenter states that the project area is seismically active and, according to Humboldt County GIS mapping information, where many landslides have occurred and with moderate to high instability. (The commenter includes a Humboldt County GIS map that shows the presence of many historic landslides in the project area.) The commenter states that the City “is surprised” that a geotechnical report and subsequent grading plan was not included in the DEIR. The commenter notes that the DEIR recognizes that there are unstable slopes in the study corridor and that the topography is rugged with most of the land sloping at 30 percent or more. The DEIR states that the greatest risk of landslides is in areas with slopes greater than 33 percent.

The commenter states that the Humboldt County General Plan, Standard S-SI, requires site-specific geologic reports for discretionary and ministerial projects. The commenter also states that Section 336-5 of the Geologic Hazards Land Use Matrix of the Humboldt County Code requires the preparation and submittal of an R-1 Report Geologic and Soils Report for the project. The commenter adds that Section 331-14(e) of the Humboldt County Code requires an Engineered Grading Plan, including a Soils Engineering Report and Engineering Geology Report, when grading activities exceed 5,000 cubic yards. The commenter states that without the geologic report and grading plan, it is impossible for the City to evaluate the potential risks from the grading. The commenter states that the City questions how the DEIR can conclude that "Possible risks to People and Structures Caused by Strong Seismic Ground Shaking, Seismic-Related Ground Failure, Liquefaction and Landslides and Geologic Hazards Related to Expansive Soils" are less than significant. The commenter states that the City requests that the geologic report and grading plan be included in the DEIR and the DEIR be recirculated. The commenter states that the City requests that all grading activities be limited to the period June 1 through October 15.

The DEIR provides an adequate, complete, and good faith effort at a full disclosure of the physical environmental impacts of the project and the DEIR's conclusions are based upon substantial evidence in light of the whole record. The GIS layer referenced by the applicant shows areas where landslides may have occurred recently and where there is evidence of slides occurring in the distant past. Some of the landslide data are from very old events where the slopes have been stable for a very long time. The GIS layer on its own should not be interpreted as an authoritative source for soil, geologic, or slope stability.

Section 3.7, "Geology and Soils," of the DEIR provides sufficient detail to enable readers to meaningfully evaluate project impacts. The section provides text and figures describing regional geologic conditions (Figure 3.7-1), seismic hazards in the form of a fault map (Figure 3.7-2), the potential for landslides in the form of a slope map (Figure 3.7-3), and unstable soil conditions in the form of a soils map (Figure 3.7-4). Table 3.7-3 provides a list of soils by type and acreage, and lists characteristics that influence seismic-related ground failure, liquefaction, and landslides, including the water erosion hazard value, wind erosion hazard value, permeability values, and shrink swell potential. Impacts associated with grading are described in sufficient detail to allow for a meaningful evaluation and consideration of the mitigation measures and alternatives that can lessen or avoid the impacts.

As noted on page 3.7-22 of the DEIR and referenced in the comment, the project would require the issuance of a grading permit. The application for the permit must include a detailed grading plan that incorporates recommendations from site-specific engineering soils and geotechnical reports. These studies must be submitted with the grading permit application.

CEQA does not require an applicant to go through the time and expense of preparing engineering plans that implement mitigation measures prior to the approval of the project. It is adequate to recognize a significant effect, adopt a measure that commits the lead agency to mitigate, and describe the specific performance criteria for mitigation, if the plans, design details, or precise means to mitigate are not practical to define at the time of project approval.

R1-6 The commenter states that City residents expressed concern about air traffic near the project. The commenter states that County staff reported that the WTGs and meteorological towers would be equipped

with requisite lighting. The commenter states that one resident expressed concern about possible conflicts with military overflights.

FAA-approved lighting would be required as described in DEIR Section 3.9, “Hazards and Hazardous Materials.” Construction of the turbines would follow the recommendations provided in the FAA Technical Note titled *Development of Obstruction Lighting Standards for Wind Turbine Farms* (DOT/FAA/AR-TN05/50). Design considerations would include appropriate paint and lighting that would increase visibility to pilots, thereby reducing potential aircraft accidents.

In addition, by following the requirements under Advisory Circular 70/7460-1K, *Obstruction Marking and Lighting*, meteorological towers and transmission poles would comply with FAA lighting regulations. Furthermore, 14 CFR Part 77.13 requires that the construction of proposed objects exceeding 200 feet above ground level, or when requested by the FAA, must be made known to the FAA Administrator.

There is a military easement which crosses the site. The applicant has been working with the Department of Defense to obtain approval for the installation of components within the easement. This is not an environmental factor that requires further study.

R1-7 The commenter restates that the City’s primary water source is an infiltration gallery several miles downstream of the project site. The commenter states that the City and residents are concerned about potential erosion and sediment discharges to the river, and potential impacts on “the fishery” and other aquatic life. The commenter repeats the request that grading not occur during the period of October 15 through June 1.

Please refer to Section 3.10, “Hydrology and Water Quality,” of the DEIR for an evaluation of project grading activity and soil erosion. As discussed on page 3.10-13, significant impacts on the beneficial uses of North Coast waters can result from changes in drainage patterns or sediment loads entering existing streams and other on-site watercourses, or from the placement of road crossings across existing drainages. Such changes and actions can alter a water body’s physical structure and natural function. Potential impacts associated with soil erosion would be addressed through the application of management practices consistent with the HRC HCP, including storm-proofing roads at existing drainage crossings, designing road drainage systems that are disconnected from natural streams and watercourses, and the application of best management practices for stormwater drainage.

DEIR Mitigation Measure 3.10.1, which implements performance standards taken from the HRC HCP, requires that compliance with these standards be demonstrated through the grading permit process. This mitigation measure also includes special provisions to be implemented in the event that the applicant seeks to work during the period between October 15 and June 1. Specific performance standards are required, including water quality sampling, to ensure the effectiveness of the mitigation.

R1-8 The commenter states that the City is concerned about potential impacts on City streets. The commenter questions the DEIR’s statement that only pickup trucks without trailers will access Monument Road through the City. The commenter questions how Mitigation Measure 3.12-1 will be enforced given that there is no MMRP. The commenter states that previously the City expressed concern about heavy trucks and equipment traveling on City streets, and that the applicant agreed that the project site would not be accessed through the City, but later a 100-ton crane used Wildwood Avenue, Pacific Avenue and

Monument Road to access the site. The commenter states that the City asks the applicant to provide a copy of the haul route maps and place signage along Wildwood Avenue near the Highway 101 off-ramp, communicating that access through the City is limited to conventional vehicles.

As the commenter mentioned, Mitigation Measure 3.12-1 requires the preparation of a transportation route plan that routes heavy truck trips around Monument Road and Mattole Road. The mitigation measure also provides that “All truck traffic shall use Jordan Road for ingress and egress from U.S. 101.” This mitigation measure makes it very clear that trucks will not be permitted through the town of Rio Dell. The transportation route plan will document this and identify how drivers will be informed and how this requirement will be enforced. The Mitigation Monitoring and Reporting Program (MMRP) will be prepared prior to public hearings on the project. The mitigation measures in the DEIR (and refined in this FEIR) are fully enforceable through permit conditions and agreements. The request for the inclusion of haul route maps is noted and will be forwarded to the decision makers.

R1-9 The commenter states that City residents have expressed concerns regarding increased wildfire risk from the project, which proposes approximately 32 miles of new overhead transmission lines. The commenter states that Cal Fire has identified the project area as a High fire severity zone. The commenter states that transmission lines have caused “devastating” fires, such as the Camp Fire near Paradise. The commenter cites a Sacramento Bee report that Cal Fire investigators attributed 17 major wildfires in Northern California to power line problems. The commenter notes that the DEIR states that project construction or operations activities could create sparks or flames. The commenter states that Mitigation Measure 3.13-2a requires the preparation and implementation of a Fire Safety and Management Plan, but that it is another deferred plan, and the City believes that the potential risk of wildfire associated with the project is a significant impact. The commenter states that researchers from Imperial College London, the University of Edinburgh, and SP Technical Research Institute of Sweden, fire is the second leading cause of accidents from wind turbines, after blade failure. The commenter states that the City believes that the DEIR should have analyzed the possible use of the PG&E substation in Rio Dell, which “would eliminate the need for more than 20 miles of new” transmission lines. The commenter states that this alternative should be explored.

Please see Master Response 10, “Wildfire,” and Section 3.13, “Fire Protection Services and Wildfires,” of the DEIR. Regarding deferred mitigation, please see the response to Comment R1-4.

The connection of a power generator to the state electrical transmission system is regulated by California Independent Systems Operator (CAISO), which manages the grid to ensure a stable power supply. A connection must be made where capacity is available to accept the additional load. The applicant conducted a detailed technical analysis of substations that have capacity to feed the power generated by the proposed project into the regional grid and the Bridgeville substation was chosen based on its capacity. Since circulation of the DEIR, the project applicant has refined the footprint of the proposed project, including reducing the number of turbines, and shortening the gen-tie by several miles, to avoid or minimize impacts on sensitive resources. Please see Master Response 1, “Site Planning and Avoidance Measures,” for technical details that were applied to project siting and “Refinements to the Project Description Since Circulation of the DEIR” in Chapter 1 of this FEIR for specific refinements that have been made to the project description since circulation of the DEIR.

R1-10 The commenter states that the DEIR considered five alternatives. The commenter states that the City agrees that wind power projects will be developed in California to meet the state’s 2045 renewable energy goals; however, the commenter states that the City recommends the No Project alternative. The commenter briefly discusses the other alternatives, noting that CEQA requires that an Environmentally Superior Alternative be identified. The commenter states that the City believes that offshore facilities should be evaluated as a possible alternative. The commenter states that the offshore wind resource near Humboldt Bay is “among the best in the nation,” and adds that offshore wind speeds are more consistent and could help maintain a stable power grid when solar power is offline.

Please see Master Response 11, “Alternatives,” for additional details on the alternatives considered. An offshore wind project is not considered feasible and is rejected as speculative. Offshore wind projects are more expensive to build and operate than those on land, requiring considerably greater capital outlays per MW installed. This is particularly true in California where deeper water requires additional design considerations.

R1-11 The commenter states that City residents have expressed concern over the removal of the WTGs after the project concludes. The commenter states that the City recommends that a performance bond be required to ensure that all facilities and equipment will be removed at the project’s end and that the natural contours of the site be restored. The commenter states that the City is concerned that the project is being fast-tracked and asks the County to “move cautiously,” even though the applicant could receive tax credits if the construction starts before the end of 2019. The commenter expresses surprise that many people seem to be unaware of the project. The commenter states that included with the comment letter are copies of City Council meeting minutes regarding public comment about the project. The commenter requests that the public comments be considered and responded to in the Final Environmental Impact Report. The commenter states that with the deferral of technical studies, including geologic reports and grading plans, as well as the required Mitigation Monitoring and Reporting Program (MMRP), “the City believes that the DEIR is technically and legally flawed.” The commenter states that the City believes that the deferred studies and MMRP should be included in the DEIR and the DEIR recirculated for comment. The commenter concludes by stating that the City of Rio Dell officially opposes the project and recommends the No Project alternative. (Additional materials follow the letter, including a list of links to studies about wind power facilities, a summary of Sundstrom v. County of Mendocino [(1988) 202 Cal. App. 3d 296], and City of Dell Rio City Council meeting minutes for meetings on May 7, 2019 and May 14, 2019.)

Please see the responses to Comments R1-1 through R1-10 regarding the adequacy of the DEIR and the mitigation measures it includes.

The project description is to either repower the facilities or remove them at the end of 30 years. Whatever action is taken will require a discretionary action to consider the environmental effects at the time. The County is looking at requiring some form of surety to ensure that if the project stops operation, the components will be removed and the site will be restored to its pre-project condition.

Multiple opportunities for public comment have been provided over the course of this environmental review process and more will be offered when the project is considered by the Planning Commission.

The first opportunity for public input was during the scoping period. On July 31, 2018, the County issued a notice of preparation (NOP) to inform agencies and the general public that an EIR was being prepared. The County invited comments on the scope and content of the document and participation at two public scoping meetings. The NOP was filed with the State Clearinghouse, posted with the County Clerk, and mailed to property owners adjacent to the project boundary and to 13 state agencies. It was also posted on the County's website for a 30-day comment period.

The County held two public scoping meetings to solicit input from the community and public agencies. The meetings were held on Tuesday, August 14, 2018, at the Sequoia Conference Center in Eureka, California, and on Wednesday, August 15, 2018, at the Winema Theater in Scotia, California. The purpose was to solicit input on the scope and content of the DEIR, including suggested alternatives and mitigation measures.

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**Letter
R2
Response** **Plan Review Team
Pacific Gas and Electric Company
June 6, 2019**

R2-1 The commenter thanks Humboldt County for submitting the project plans, and states that the PG&E Plan Review Team is reviewing the information and will respond within 45 days if there are comments on the project.

This comment is not directed at the adequacy or content of the DEIR. No further response is required.

R2-2 The commenter states that the email and attachment does not constitute PG&E consent to use any portion of its easement for any purpose not previously conveyed. The commenter asks that if modifications are made to the project design, that the plans be resubmitted to PG&E.

This comment is not directed at the adequacy or content of the DEIR. No further response is required.

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R3-1 The commenter introduces the Town of Scotia Company, LLC (TOS) as operating most properties in the community of Scotia, CA. The commenter states that after careful consideration and review of the DEIR, TOS joins other public entities in the area in urging Humboldt County to reject the DEIR “as inadequate, inaccurate, and inconsistent with the CEQA.” (A footnote incorporates by reference the comments and DEIR responses of these other entities.) The commenter states that the project could irreparably damage the environment and materially impact the TOS community, and urges the County to adopt the No Project alternative. The commenter states that TOS supports alternative energy projects that are in appropriate locations, but the commenter adds that the Humboldt Wind Project is not such a project and instead will cause significant, unmitigated, and unavoidable impacts to the community.

CEQA requires that an EIR be prepared with a sufficient degree of analysis to inform the public and decision makers so they are able to make a decision that intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.

The County believes that the DEIR meets this standard for adequacy and the commenter provides an opinion that is not supported by substantial evidence. The DEIR addresses the reasonably foreseeable direct, indirect, and cumulative impacts that could result from the implementation of the proposed project in Sections 3.2, “Aesthetics”; 3.3, “Agricultural and Forestry Resources”; 3.4, “Air Quality”; 3.5, “Biological Resources”; 3.7, “Geology and Soils”; 3.8, “Greenhouse Gas Emissions”; 3.9, “Hazards and Hazardous Materials”; 3.10, “Hydrology and Water Quality”; 3.11, “Noise”; and 3.12, “Transportation and Traffic” in the DEIR.

R3-2 The commenter begins an executive summary of comments and concerns, the first of which is titled False Water Supply Claim. The commenter states that the DEIR and Appendix T erroneously state that effluent from Scotia’s sewer plant will provide 62 acre feet of construction process water.

The DEIR stated that water demand would be met by the use of treated wastewater sourced from the nearby Scotia Community Services District’s wastewater treatment and cogeneration facilities and from Humboldt Redwood Company discharges into the “Log Pond” located in the Town of Scotia. Subsequent to the circulation of the DEIR, the applicant clarified that construction water would be obtained directly from Humboldt Redwood Company (HRC). Currently, water is purchased by HRC from the Scotia potable water supply for use in the HRC cooling towers of the co-generation plant. HRC discharges this water into the Log Pond. In the arrangement with HRC, the applicant will collect water before it is discharged into the Log Pond.. This water, prior to discharge into the Log Pond, is the property of HRC, which has rights to the use of this water and can sell the water for use by the proposed project (Thibeault, Humboldt Redwood Company, LLC, pers. Comm., , June 25, 2019). The water source will not be the Scotia Community Services District’s wastewater treatment facilities but rather the HRC cogeneration facility. This change is reflected in Impact 3.10-4 of the DEIR in Chapter 9.

R3-3 *The commenter states that Scotia attracts residents and businesses because of its scenic visual surroundings. The commenter states that the project will adversely change the surroundings and that no mitigation can adequately ameliorate the material injury to Scotia. The commenter states that the project will cause unmitigated and significant adverse impacts on Scotia's status as a Special Historic District of statewide, even national significance; solid waste; agricultural and forestry resources; geology and soils, erosion; greenhouse gas emissions; hazardous materials; safety hazards from use of explosives; operational hazards; hydrology and water quality; transportation and traffic; fire safety, protection, risk planning; biological resources; and murrelets and raptors, etc.*

The DEIR contains numerous mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact whenever it is feasible to do so where potentially significant impacts are identified (CEQA Section 21002.1[b] and CEQA Guidelines Section 15126.4). However, not all impacts can be mitigated to a level that is below a level of significance, even after the application of all feasible mitigation and compliance with regulatory programs.

When a lead agency approves a project that would result in significant and unavoidable impacts (i.e., impacts that cannot be reduced to a less-than-significant level), CEQA requires the decision-making body to balance the economic, legal, social, technological, or other benefits of the proposed project against its unavoidable environmental risks and state in writing its reasons for supporting the action (CEQA Guidelines Sections 15093). This Statement of Overriding Considerations must be supported by substantial information in the record. The County may approve the project even though the project would cause a significant effect on the environment if the County makes a fully informed and publicly disclosed decision that shows there is no feasible way to lessen or avoid the significant effect and identifies how the expected benefits from the project outweigh the significant and unavoidable environmental impacts of the project (CEQA Guidelines Section 15043).

Also see the response to Comment R3-1 regarding the adequacy of the DEIR.

R3-4 *The commenter argues that for almost all of the project's impacts, analysis has been deferred to a later time and that the unspecified later studies, plans, or programs are supposed to provide insight into the significance of potential impacts or needed mitigation. The commenter states that the "rush job" serves only the interests of Terra-Gen and that the EIR consultant has "improperly" truncated its analysis and is relying on the subsequent preparation of plans "Not Subject to Public Review" to resolve most concerns.*

The reasonably foreseeable direct, indirect, and cumulative impacts of the project are fully evaluated in the DEIR. Please refer to the response to Comment R3-1 regarding the adequacy of the DEIR.

See the response to Comment R3-3 above for information on deferred mitigation. The project has been under review for over 15 months. Please see Master Response 1, "Site Planning and Avoidance Measures," for information on the history and siting of the proposed project.

Multiple opportunities for public comment have been provided over the course of this environmental review process and more will be offered when the project is considered by the Planning Commission. Please see the response to Comment I25-1 for a summary of how the County and the applicant have provided opportunities for public comment.

R3-5 *The commenter states that the strategy is to distribute the project impact and mitigation analysis into dozens of “black box” processes submitted after project approval and certification of the environmental review. The commenter states that plans will be provided only to the County Planning Director “or some other agency,” thereby piecemealing the review to minimize or manipulate impacts. The commenter asserts that this practice is heavily relied upon in the DEIR, which the commenter describes as “hollow of substance” and more “baldface advocacy” than analysis. The commenter asks for a more thorough DEIR to be prepared and circulated.*

This comment represents an opinion that is unsupported by substantial evidence. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15064(b)). Argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence that is not credible does not constitute substantial evidence (CEQA Guidelines Section 15064[a]). No further response is required.

R3-6 *The commenter states that TOS objects to the fact that alternatives such as off-shore wind power have not been considered. The commenter states that off-shore wind power is a superior option. The commenter also states that other on-shore locations were not adequately considered, such as the Schoolhouse Hill area, which according to NREL wind maps has similar wind characteristics to the proposed project site. The commenter urges that most of the adverse visual impacts of the project could be eliminated and asks that the alternative be given a thorough analysis and circulated for public review.*

See Master Response 11, “Alternatives,” for information on alternative site locations, including offshore locations. An offshore wind project is not considered feasible and is rejected as speculative. Offshore wind projects are more expensive to build and operate than those on land, requiring considerably greater capital outlays per MW installed. This is particularly true in California where deeper water requires additional design considerations.

R3-7 *The commenter begins to provide more specific comments on the project and the DEIR. The commenter states that the project does not have a reliable source of construction process water, despite the DEIR’s assertion that the water for project construction activities will come from partially treated wastewater effluent from the nearby Scotia Community Services District’s (SCSD) Scotia Log Pond. The commenter states that SCSD has not been approached by the applicant, the County, or AECOM regarding use of the log pond water, but if they had, the proposed use would have been rejected as an unpermitted use. The commenter states that the Log Pond property and associated treatment plants are owned and operated by SCSD, and SCSD permits do not allow sewage effluent to be exported or sold for use off-site, and that usual power plant or sawmill discharges to the pond can significantly alter the chemical composition of the water. The commenter states that the pond does not contain 62 acre feet of water, and TOS always retains a supply of water in the pond for fire-fighting purposes. The commenter argues that the DEIR simply assumed that the Log Pond water was available and did not include research regarding that assumption. The commenter notes that SCSD is considering placing floating solar panels on the surface of the pond, which would conflict with any withdrawal of water for construction processes. The commenter states that the DEIR’s water supply analysis must be completely revised with a new impact analysis and recirculated for public review and comment.*

Please see the response to Comment R3-2, above.

According to the NPDES permit for the Town of Scotia Wastewater Treatment Facility (WWTF) and the Eel River Power, LLC, Steam Electric Power Plant, water is drawn for the power plant from the Scotia potable water system and is permitted to discharge approximately 13.81 million gallons of water per day (MGD) into the Log Pond from various discharge points. (p.5-6, 83-86.) This daily discharge volume would provide the total volume of water required for all construction-related activities over the project's 12–18 month construction period. There is more than sufficient water for construction use on a daily basis.

The quality of water discharged from the cooling towers is suitable for dust suppression and other construction-related uses (Thibeault, Humboldt Redwood Company, LLC, pers. Comm., June 25, 2019). The NPDES permit provides that reclaimed wastewater may be used for dust-suppression activities (p. 20-21, 85). The project would also comply with regulations of California Water Code and Department of Health Services for all uses of reclaimed wastewater, as required by the NPDES permit (p.20-21).

R3-8 The commenter states that adverse impacts to aesthetics are the greatest concerns of TOS and neighboring communities given the visual prominence of the landscape where the project is planned. The commenter states that the DEIR employs visual resource assessment methodologies based upon federal guidelines for visual impact assessments of highway projects, and that this is inappropriate methodology. The commenter states that this approach distills the aesthetic impact of the project into “physical perspectives,” including subjective elements. The commenter notes that the analysis concludes that the project will have significant adverse unavoidable impact upon scenic vistas, even after mitigation, and that there is no basis, reasoned analysis, or substantial evidence presented to support an argument for overriding those concerns.

The comment accurately reflects the conclusion of the DEIR. The DEIR includes numerous mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact whenever it is feasible to do so where potentially significant impacts are identified (CEQA Section 21002.1[b] and CEQA Guidelines Section 15126.4). An EIR should focus on mitigation measures that are feasible, practical, and effective (*Napa Citizens for Honest Govt. v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 360).

CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors. The County may approve the project even though the project would cause a significant effect on the environment if the County makes a fully informed and publicly disclosed decision that shows there is no feasible way to lessen or avoid the significant effect and identifies how the expected benefits from the project outweigh the significant and unavoidable environmental impacts of the project (CEQA Guidelines Section 15043).

R3-9 The commenter explains that TOS has a special interest in maintaining the historic nature of the Town of Scotia because it owns most of the town and the town's residents are either tenants of TOS or homeowners who purchased their homes from TOS. The commenter describes TOS ownership as resulting from the distribution of the bankruptcy estate following the reorganization of the Pacific Lumber Company in 2007. The commenter states that by law the TOS is required to disclose the project to prospective purchasers. The commenter notes that the DEIR states that the visual impact of the project

will be significant and adverse to Scotia. The commenter states that a photo visualization provided by Terra Gen likely minimizes the project's potential impact on the scenic vistas.

The DEIR for the proposed project provides an adequate, complete, and good faith effort at a full disclosure of the physical environmental impacts and the conclusions are based upon substantial evidence in light of the whole record. See the response to Comment R3-8 for information on the implementation of feasible mitigation.

R3-10 The commenter refers to Impact 3.2-1, and states that the DEIR admits that the WTGs would be noticeable at all viewing distances throughout Scotia and would degrade visual quality, having a significant impact. The commenter states that this is inconsistent with the Humboldt County General Plan, which seeks to protect all scenic vistas in Humboldt County. The commenter quotes the plan regarding the value of the County's scenic beauty to residents and visitors (Section 10.7.2). The commenter notes that the DEIR asserts that the General Plan does not identify specific scenic vistas, and therefore concludes that there would be no impact upon scenic vistas by the project. The commenter states that TOS agrees with the DEIR that "the relevant CEQA criterion is whether the proposed project would degrade the existing visual character or quality of public views." Per the commenter, the DEIR also states that ground disturbance due to project construction and placement of pads would adversely impact scenic vistas along Bear River ridge, and that grading, compaction, and vegetation removal would increase the potential for erosion, further degrading the aesthetics of the site. The commenter states that the General Plan allows for wind generating facilities in most land use designations but requires consideration of both the height and appearance of those facilities. The commenter notes that the General Plan requires that those facilities not be detrimental to public convenience or welfare, and not result in material damage or prejudice to other property in the vicinity. The commenter states that these requirements cannot be satisfied by the project.

The DEIR includes numerous mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact whenever it is feasible to do so where potentially significant impacts are identified (CEQA Section 21002.1[b] and CEQA Guidelines Section 15126.4). An EIR should focus on mitigation measures that are feasible, practical, and effective (Napa Citizens for Honest Govt. v. Napa County Bd. of Supervisors (2001) 91 Cal.App.4th 342, 360).

Master Response 1, "Site Planning and Avoidance Measures," describes refinements that have been made to the project since circulation of the DEIR to avoid and minimize impacts on sensitive biological resources. Please also refer to "Refinements to the Project Description Since Circulation of the DEIR," in Chapter 1 of this FEIR for details on these refinements. These refinements have resulted in a reduction in the number of WTGs that would be placed on Bear River Ridge and Monument Ridge and have reduced the project's disturbance area on both ridges, but they do not eliminate the impact; therefore, the impact remains significant and unavoidable. The impact could only be avoided by not placing any WTGs on Bear River Ridge, which would result in a project too small to generate sufficient amounts of renewable energy to make the project financially feasible, or by no construction of the project, which would be the No Project alternative. Neither of these scenarios has been found feasible.

When a lead agency approves a project that would result in significant and unavoidable impacts (i.e., impacts that cannot be reduced to a less-than-significant level) that are disclosed in the EIR, CEQA

requires the decision-making body to balance the economic, legal, social, technological, or other benefits of the proposed project against its unavoidable environmental risks and state in writing its reasons for supporting the action (CEQA Guidelines Sections 15093). This Statement of Overriding Considerations must be supported by substantial information in the record. The County may approve the project even though the project would cause a significant effect on the environment if the County makes a fully informed and publicly disclosed decision that shows there is no feasible way to lessen or avoid the significant effect and identifies how the expected benefits from the project outweigh the significant and unavoidable environmental impacts of the project (CEQA Guidelines Section 15043).

R3-11 The commenter includes quotes from the DEIR that address the visual impact of the WTGs and rotor blades on the landscape and vistas of the project site and acknowledge the changes that the project facilities would make to the views.

This comment is not questioning the adequacy or content of the DEIR. No further response is required.

R3-12 The commenter states that there are additional conflicts with the General Plan because of the negative impacts of the prominent appearance of the WTGs and the spinning rotor blades. The commenter argues that the General Plan serves to protect the scenic beauty of the County and that the DEIR found that impacts to aesthetics would be significant, adverse, and unavoidable, even after mitigation. The commenter states that the Planning Commission or Board of Supervisors would have to find overriding considerations in order to approve the project. The commenter adds that the DEIR does not contain an argument for overriding the General Plan policies.

Please see the response to Comment R3-10. The DEIR fully discloses the visual impacts of the project. No revisions are necessary.

R3-13 The commenter states that TOS disagrees with the DEIR's conclusion that the project will have no significant adverse effect upon historic resources in Scotia. The commenter states that the project will have significant and adverse unmitigated impact upon "the special sense of place which contributes to the cultural and historical significance of the town of Scotia." The commenter states that the County required a Historic Resources Assessment for town development and adopted a Special Historic Resource Zoning Designation and Historic District Zoning Code Regulations that are applicable to only Scotia (Humboldt County Zoning Code Regulation §§19.1.19 et seq.).

The comment provides an opinion on the conclusions in the DEIR. An EIR is not inadequate simply because experts in a particular environmental subject matter dispute the conclusions reached by the experts whose studies were used in drafting the EIR, even where different conclusions can reasonably be drawn from a single pool of information (CEQA Guidelines Section 15151, Guide to the California Environmental Quality Act [CEQA] [Remy et al. 2007:499–500]; *Greenebaum v. City of Los Angeles* [1984] 153 Cal. App. 3d 391, 413). Perfection is not required, but the EIR must be adequate, complete, and a good faith effort at full disclosure (CEQA Guidelines Section 15151). The DEIR for the proposed project provides an adequate, complete, and good faith effort at a full disclosure of the physical environmental impacts and the conclusions are based upon substantial evidence in light of the whole record.

R3-14 The commenter states that the County required the preparation of a Historic Resources Assessment in connection with a certified EIR that was completed between 2006 and 2009 (later referred to as “the 2007 report”) as part of required documentation for the creation of the Scotia Community Services District. The commenter states that the DEIR noted that the Historical Resources Assessment determined that Scotia meets eligibility requirements for registration on the National Register of Historic Places (NRHP). The commenter quotes statements from the DEIR that, per the commenter, support the conclusion that the project would have a significant adverse impact upon historical resources. The quotes refer to the town’s early lumber industry origins and traditional structures, and the architectural significance of the potential historic district.

Please see Section 3.6, “Cultural and Tribal Cultural Resources,” in the DEIR. Although the project would introduce a new vertical element to a horizontal view, it would not result in a substantial adverse change to the historical resource that would materially impair that resource. The ability of the town of Scotia to convey its historic significance is grounded in the seven elements of integrity: location, setting, design, materials, workmanship, feeling, and association. Although the introduction of turbines on the ridge above town has the potential to change the setting and the feeling of the town of Scotia, it would retain sufficient elements of integrity that its eligibility would not be affected. The turbines would not preclude the continued eligibility of Scotia as a historical resource under any of the evaluative criteria for either the California Register of Historical Resources (CRHR) or the NRHP. The rural setting would remain largely intact, and the town would still convey its significance as a working lumber community of regional and statewide importance.

R3-15 The commenter states that during the 2009 EIR review, Humboldt County adopted a historic resource zoning designation of “D” (Design), and made it applicable to Scotia only. The commenter states that the zoning regulations restrict development that would “interfere” or “conflict” with the design, materials, workmanship, or historical integrity of structures determined to contribute to historic significance. The commenter presents statements from the DEIR that refer to Scotia’s character and “distinctive identity.” The commenter opines that “The utter inconsistency between an early 20th century setting, materials and workmanship and the stupefying scope and scale of the big wind factory project, its construction and operation, simply cannot be reconciled.” The commenter presents Humboldt County General Plan’s definition of significant cultural resources (CUP-S1) and the plan’s policy that substantial adverse changes to significant cultural resources “shall not be allowed” unless the cultural resources are found to not be significant or there is an overriding benefit from the project plus compensating mitigation to offset the loss (CUP-5). The commenter states that both the 2007 report and the DEIR both “find Scotia to be significant,” and that there is no overriding benefit to the project.

Please see the response to Comment R3-15 for a discussion of project impacts to the TOS. The DEIR acknowledges the potential impact and identifies feasible Mitigation Measure 3.6-3a (Prepare a Historic American Landscape Survey Report). This measure states that before any project-related ground disturbance, the project applicant shall retain a professional who meets the Secretary of the Interior’s Professional Qualifications Standards for Architectural History to prepare written and photographic documentation of the historic landscape that will be negatively affected by the project. The documentation of historical resources shall be prepared based on the National Park Service’s Historic American Landscape Survey (HALS) report guidelines; however, the documentation will not be reviewed

by the National Park Service or transmitted to the Library of Congress, and therefore does not need to be a full-definition dataset.

R3-16 The commenter provides information about Monument Ridge and its historic use as a base for land surveys. The commenter states that there is a plaque on a high point of a ridge overlooking Scotia that marks the initial point for all land surveys in Humboldt, Mendocino, and Trinity counties. The commenter states that the initial point was selected because of its high unobstructed views of the surrounding and distant areas. The commenter states that the project's turbines will obstruct the views and the function of the initial point and expresses frustration that the initial point is not included in the DEIR.

The adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a deep dive into scientific analysis: “[T]he courts have looked not for an exhaustive analysis but for adequacy, completeness, and a good-faith effort at full disclosure” (*California Native Plant Society v. City of Santa Cruz*, supra, 177 Cal.App.4th at p. 979; accord *Laurel Heights I*, supra, 47 Cal.3d at p. 406; see Guidelines, § 15151).

R3-17 The commenter addresses deferred assessment and mitigation and presents conclusions that are “general principles from California case law.” The conclusions include (1) deferring the environmental assessment of a significant impact conflicts with CEQA, (2) CEQA prohibits deferring the adoption of mitigation until a future study identifies the mitigation, (3) such a study must be performed as part of the EIR and not after project approval, (4) the DEIR must be recirculated for public review if new information regarding adverse impacts or available mitigation becomes available after the DEIR is issued, and (5) performing limited studies and evaluations of potential project impacts before issuing the DEIR, and later performing additional studies and determining mitigation efforts without republishing the DEIR, improperly piecemeals the project review and can alter the significance of the impacts.

Specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review, provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards that the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. The DEIR adequately identifies the level of significance for the identified impacts, identifies mitigation measures capable of minimizing those impacts, and identifies the resulting level of significance. The mitigation measures proposed do not rely on future studies that would result in the identification of as-yet-unknown impacts.

R3-18 The commenter presents “examples of improperly deferred assessment and mitigation and planning in the DEIR.” The commenter states that regarding Chapter 3.2, “Aesthetics,” the DEIR acknowledges the project's significant and adverse impacts, but the determination of mitigation measures is set for a future time and will not include a public process. The commenter notes that the DEIR found that there would be adverse visual impacts as well as the potential for erosion. The commenter states that according to the Mitigation Measure 3.2-1b, “Implement Operational Measures to Reduce Aesthetic Impacts, several mitigation plans will be prepared in the future, such as a Storm Water Pollution Prevention Plan, a Grading and Erosion Control Plan, and a Reclamation and Weed Control Plan. The commenter

questions why these plans were not included in the DEIR and made available for public review. The commenter states that the FAA may require aviation safety lights on the WTG towers, which the DEIR notes will cause a source of light pollution. As a result, the commenter requests that the DEIR be updated with the FAA's lighting requirements and recirculated for public comment.

The specific design of the mitigation can be permissibly deferred where mitigation is known to be feasible, but practical considerations prevent a lead agency from establishing specific standards early in the development process. It is common practice to develop more detailed plans for issuance of a grading permit or implementing design criteria once the project has been approved establishing the design parameters. Such deferral of the specific design of mitigation is permissible when the lead agency commits itself to devising mitigation measures that will satisfy specific performance standards for evaluating the efficacy of the measures and the project implementation is contingent upon the mitigation measures being in place (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884; *POET, LLC v. California Air Resources Board* (2013) 218 Cal.App.4th 681, 735-738; *Sacramento Old City Association v. City Council* (1991) 229 Cal.App.3d 1011, 1028-1029).

R3-19 The commenter states that according to the DEIR, construction waste from the project will be mitigated by a Construction Waste Management Plan, but the commenter questions why the plan has not been prepared for public review. The commenter asks that the plan be prepared and included in the DEIR and the DEIR be recirculated for review and comment.

CEQA does not ask an applicant to go through the time and expense of preparing engineering plans, facility designs, and detailed management or operational plans that implement mitigation measures prior to the approval of the project. It is adequate to recognize a significant effect, adopt a measure that commits the lead agency to mitigate, and describe the specific performance criteria for mitigation, if the plans, design details, or precise means to mitigate are not practical to define at the time of project approval.

The commitment to mitigate should be accompanied by a list of potential approaches to achieve the avoidance or lessening of the significant effect to demonstrate that the eventually selected measures are reasonably expected to be feasible and effective. Examples of items found acceptable to submit after project approval as mitigation are: transportation management plans, parking supply plans with specific locations, grading plans, plans for protection from downstream damage by drainage changes, drainage improvement plans, HEC-2 modeling to support precise design of bank protection, and a final map. The submittal of such implementing plans and components must be tracked by the mitigation monitoring program, if the EIR identifies them as mitigation for significant effects.

R3-20 The commenter refers to the DEIR's estimate in Section 3.3, "Agriculture and Forestry Resources," that the project will harvest of up to 900 acres of merchantable timber and convert up to 91 acres of forest land. The commenter states that a Timber Harvest Plan and a Conversion Permit are required for these activities but are not included in the DEIR. The commenter states that not including the plan in the DEIR is another effort to piecemeal the project to minimize the impact of the entire project.

Timberland conversion is addressed in Section 3.2, "Agricultural and Forestry Resources." The project is proposed largely on land owned by Humboldt Redwood Company LLC (HRC), which owns and manages 209,200 acres of forestland in southern Humboldt County. Timber harvest and forestry management are

the primary activities on HRC lands, with approximately 203,000 acres of landholdings, including a large portion of the project site and gen-tie corridor, available for harvest.

Project-related timber harvest within the gen-tie corridor would be conducted by HRC crews operating under a Timber Harvest Plan that will be prepared in accordance with Forest Practice Rules. The timber would be the property of HRC and would be counted toward the sustainable yield, which is calculated to be 914,618 net million board feet over a 5-year period.

R3-21 The commenter refers to Section 3.6 of the DEIR, “Cultural Resources, Including Tribal Cultural Resources,” regarding the project’s significant and unavoidable environmental impacts to cultural resources, and states that a Historical American Land Survey Report must be prepared to identify the impacts and appropriate mitigation. The commenter states that the DEIR does not consider the impact of industrial scale development on the initial site. Regarding Mitigation Measure 3.6-3b, “Prepare and Implement a Site Protection Plan,” the commenter states that the DEIR recommends the preparation of a detailed site plan to protect historic built environment resources, but the commenter states that this is another deferred activity that will not be submitted for public review. Regarding Mitigation Measure 3.6-3c, “Incorporate Plants Appropriate for the Wiyot Tribe Ethnobotanical Area into the Reclamation, Revegetation, and Weed Control Plan Required as Part of Mitigation Measure 3.5-23e,” the commenter questions the undefined nature of a mitigation plan for ethnobotanical plans in the Reclamation, Revegetation, and Weed Control Plan. The commenter notes that the selection criteria for culturally significant plants is yet to be determined, and that the plan should be prepared, incorporated in the DEIR, and recirculated.

Section 3.6, “Cultural and Tribal Cultural Resources,” of the DEIR identifies and describes visual impacts to Bear River Ridge, which has been described as a sacred high place within the Wiyot territory (see Impact 3.6-4 [Change to the Significance of a Tribal Cultural Resource]). This impact would result from the placement of wind turbine generators (WTGs) on the ridge, which is a significant tribal cultural resource because of its spiritual importance to the Tribe. No feasible mitigation is available to reduce this significant impact; therefore, this impact would remain significant and unavoidable.

With respect to Mitigation Measure 3.6-3b, the context of the Site Protection Plan is to preserve a historical structure that has been identified. The Mitigation Measure that specifies the preparation of the Site Protection Plan is appropriate to allow the final plan to reflect the approved project and the engineering plans prepared for the project’s implementation. Please see the response to Comment R3-19, above.

Please also see Master Response 7, “Special Status Plants and Sensitive Natural Communities,” and the *Revegetation, Reclamation, and Weed Control* plan in Appendix B of this FEIR for a discussion of how measures will be implemented to avoid, minimize, and mitigate impacts on special-status plants and natural communities and for additional details on which plants may be used in the revegetation and reclamation effort. Mitigation Measure 3.6-3c (Incorporate Plants Appropriate for the Wiyot Tribe Ethnobotanical Area into the Reclamation, Revegetation, and Weed Control Plan) specifically calls for the use of appropriate plants in the revegetation effort to compensate for the disturbance of ethnobotanically significant areas. Additionally, the *Reclamation, Revegetation, and Weed Control Plan* specifies that plant species found on the Wiyot Tribe List of Plant Species of Environmental and Cultural

Concern will be considered for salvage during construction. The Wiyot Tribe will be able to select up to 100 plants to be salvaged and placed into 1-gallon containers and/or up to 200 plants fewer than 3 feet in height to be salvaged and remain bare rooted during transfer to a location designated by the Wiyot Tribe.

R3-22 Regarding Impact 3.7-2, (Possible Risks to People and Structures Caused by Strong Seismic Ground Shaking), the commenter states that the DEIR notes possible risks to people and structures from strong seismic activity, which is relatively common in the area of the project. The commenter expresses frustration that the primary mitigation proposed is for the project to comply with the California Building Code. The commenter notes that other geotechnical reports and investigations are required but will be deferred until after the project review, and therefore the public will not be able to review and respond to them. The commenter states that the public must be able to evaluate the project's potential impacts and possible mitigation regarding site preparation, appropriate sources and types of fill, road, pavement, and parking areas, appropriate foundation design, soil corrosion of concrete and steel, seismic ground shaking, expansive soils, and unstable soils. The commenter expresses frustration that the DEIR does not contain this information yet indicates that the impact will be less than significant. The commenter states that the geotechnical report should be disclosed, and the DEIR recirculated.

As noted on page 3.7-22 of the DEIR and referenced in the comment, the project would require the issuance of a grading permit. It is important to note that the basis for the Less Than Significant finding is not that future studies will be conducted, but rather that there are clear and objective requirements contained in the California Building Code and the County's grading ordinance and General Plan that mitigate the potential impacts. The application for the grading permit must include a detailed grading plan that incorporates recommendations from site-specific engineering soils and geotechnical reports to demonstrate compliance with these requirements. These studies must be submitted at the time that the grading permit application is submitted. It is important to note that a grading permit is a ministerial review and not subject to a public process. The DEIR does identify what the potential impacts are and how they will be mitigated through the issuance of a grading permit.

CEQA does not ask an applicant to go through the time and expense of preparing engineering plans that implement mitigation measures prior to the approval of the project. It is adequate to recognize a significant effect, adopt a measure that commits the lead agency to mitigate it, and describe the specific performance criteria for mitigation, if the plans, design details, or precise means to mitigate are not practical to define at the time of project approval.

R3-23 The commenter notes that Impact 3.7-4 (Erosion during Project Construction and Operation) requires that a grading and erosion control plan be prepared as a mitigation measure. The commenter expresses frustration that the plan will be reviewed by Humboldt County Planning before any grading permits are issued, but there will be no opportunity for public review. The commenter states that because of the project's extensive earthwork, the DEIR should include information about potential impacts. The commenter states that because the project involves significant timber harvesting during winter months, the timber harvest plan and a wet weather operations plan should be prepared and submitted with the DEIR. The commenter states that the public needs to know the details of the harvesting, mitigation, and regeneration efforts. The commenter expresses frustration with the DEIR's conclusion that the impact will be less than significant, states that without the information provided by these plans and reports the

public cannot evaluate the potential impacts and proposed mitigation efforts, and this “subverts” the public information intent of CEQA.

Please see the response to Comment R3-22.

R3-24 The commenter believes that the Public Draft EIS finds that significant GHG emissions would be created by construction activities and references the finding that impacts from the generation of NO_x during construction would be significant and unavoidable. The commenter also states that the amortization of GHG emissions over the projected lifetime of the project provides an inaccurate analysis of GHG impacts.

The commenter is correct that the analysis under Impact 3.4-1 within Section 3.4, “Air Quality,” evaluated the temporary maximum daily emissions of criteria air pollutants, including NO_x, and found the temporary maximum daily emissions of NO_x to result in a potentially significant and unavoidable impact to air quality. The discussion under Impact 3.4-1 of the DEIR provided an analysis of potential air quality impacts associated with the emissions of criteria air pollutants during project construction and operations. While NO_x is a precursor to ozone, a GHG, the analysis within the air quality section of the DEIR and specifically Impact 3.4-1 considers emissions of NO_x as a criteria air pollutant; within this context, the analysis focuses on locally increased concentrations of NO_x, which can cause adverse health effects. This analysis identified a finding of a significant and unavoidable impact associated with short-term emissions of NO_x potentially exceeding maximum daily emissions thresholds during construction activities. As shown in Table 3.4-4, the annual emissions of NO_x would not exceed the NCUAQMD annual emissions thresholds. Unlike criteria air pollutants, which tend to have localized or regional impacts, GHG emissions tend to disperse more broadly. GHG emissions are more of a global concern because they have longer atmospheric lifetimes than criteria air pollutants. For the purposes of analysis, GHG emissions are typically considered on an annual or multi-year basis. The finding of significance associated with temporary maximum daily emissions of NO_x during construction activities is not an indicator of potential impacts associated with GHG emissions. The analysis of potential impacts from GHG emissions uses thresholds of significance unique from those used for the analysis in Impact 3.4-1 and the finding of less than cumulatively significant for this impact is accurate and appropriate, as further detailed in Section 3.8.3.

An individual project will not, by itself, contribute significantly to climate change; however, cumulative emissions from many projects and plans all contribute over time to global GHG concentrations and the climate system. In addition, GHG emissions can persist in the atmosphere for decades. Potential impacts associated with GHG emissions are not considered acute or temporary and are often considered in the context of total project emissions, in which amortized construction emissions are added to annual operational emissions. NCUAQMD has not yet identified recommended GHG significance thresholds for the evaluation of development projects subject to CEQA review. Other districts (e.g., SCAQMD, 2008; San Luis Obispo County Air Pollution Control District, 2012) recommend amortizing GHG emissions from a project’s construction activities over the project’s operational lifetime—typically assumed to be 25 years for wind turbine generators (WTGs) (EIA 2017)—to allow for a comparison with the significance thresholds for long-term GHG emissions. For an appropriate comparison to the significance threshold, construction emissions were amortized over the lifetime of the project and added to the annual operational emissions in order to not underestimate the average annual GHG emissions over the lifetime of the

project. However, the determination of significance is ultimately based on evaluation of the project's long-term contribution to or conflict with state GHG reduction goals.

R3-25 *The commenter states that per Section 3.9 of the DEIR, a Hazardous Materials Business Plan would be prepared in accordance with the California Health and Safety Code and County regulations, and the project applicant would submit the plan to the Humboldt County Public Health Services Department for review and approval. The commenter states that because the business plan would include information that is important to the public, it must be prepared and provided for public review in a reissuance of the DEIR. The commenter states that per Mitigation Measure 3.9-1 (Investigate Known Hazard along the Project Alignment), there must be soil sampling and testing at an area where there is an underground storage tank, and the information compiled and provided to the public in a revised DEIR. The commenter refers to Impact 3.9-3 (Potential Safety Hazards) and states that there is concern regarding the possible use of explosives during project construction. The commenter asks that per Mitigation Measure 3.9-2, a blasting plan must be prepared and provided for public review in a revised DEIR. The commenter states that while Impact 3.9-4 (Operational Hazards) acknowledges the possibility of operational incidents, it is not sufficient for the project to rely upon an Operations and Maintenance Plan and remote monitoring to manage potential incidents. The commenter states that the plan must be provided to the public through a revised DEIR.*

A Hazardous Materials Business Plan would be prepared in accordance with the California Health and Safety Code and County regulations, and the project applicant would submit the plan to the Humboldt County Public Health Services Department for review and approval. The Hazardous Materials Business Plan would delineate hazardous material and hazardous waste storage areas; describe proper handling, storage, and disposal techniques; describe methods to be used to avoid spills and minimize impacts in the event of a spill; describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction; and establish public and agency notification procedures for spills and other emergencies, including fires.

The specific design of the mitigation can be permissibly deferred where mitigation is known to be feasible, but practical considerations prevent a lead agency from establishing specific standards early in the development process. Such deferral of the specific design of mitigation is permissible when the lead agency commits itself to devising mitigation measures that will satisfy specific performance standards for evaluating the efficacy of the measures and the project implementation is contingent upon the mitigation measures being in place (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884; *POET, LLC v. California Air Resources Board* (2013) 218 Cal.App.4th 681, 735-738; *Sacramento Old City Association v. City Council* (1991) 229 Cal.App.3d 1011, 1028-1029).

R3-26 *The commenter addresses Impact 3.10-1 (Construction Drainage and Water Quality Effects), and notes that the DEIR identifies potentially significant water quality effects from grading and earth movement, soil erosion, culvert replacement, directional drilling, etc. The commenter states that a Storm Water Pollution Prevention Plan (SWPPP) must be prepared and presented to the public through a revised DEIR.*

Please see the response to Comment R1-7.

R3-27 *The commenter notes that Mitigation Measure 3.12-1 (Rehabilitate/Reconstruct County-Maintained Roads Damaged by Truck Traffic) requires the applicant to prepare a transportation route that avoids heavy trucks on certain town streets, but states that such trucks are already being used on those roads, so the route plan must be completed as soon as possible and provided to the public. The commenter states that the measure does not provide specifics about rehabilitation/reconstruction criteria or operations and asks that the transportation plan and rehabilitation/reconstruction criteria be made available to the public via a revised DEIR. The commenter states that the WTGs and propeller blades require very large transportation vehicles, yet the DEIR indicates that there will be no significant impact and no impediment to vehicular traffic or emergency response during the transportation of these project components. The commenter states that the Traffic Control Plan discussed in Mitigation Measure 3.12-2 (Create a Traffic Control Plan and Notify the Public Regarding Anticipated Roadway Obstructions) and a transportation permit should be prepared and included with a revised DEIR.*

The DEIR contains a complete discussion of the method and route for the transport of oversized project components. As noted in Section 3.10, “Transportation and Traffic,” of the DEIR, components would be transported overland to project sites on heavy trucks, which would use U.S. 101 before reaching the temporary Jordan Creek staging area at the Pepperwood off-ramp (DEIR Figure 2-17). On reaching the temporary staging area, the equipment would be either off-loaded and stored temporarily or hauled directly to a project site to be assembled or installed. As fully disclosed in the DEIR, the base tower section may exceed the allowable height of two overpasses: Hookton Road and 12th Street. At these two locations, temporary detours would be required to bypass the physical constraints of the overpass. See Section 2.3.2, “Component Transport to the Project Site,” in Chapter 2.0, “Project Description,” of the DEIR for temporary detours and physical improvements that are proposed for project area roadways and other transportation facilities.

The delivery of project components would be coordinated through both Caltrans and County encroachment permit processes. These processes would be used to determine the final trailer configuration, clearance requirements, emergency service access, lane closures (if required), California Highway Patrol (CHP) escort (as required), and transportation times.

R3-28 *The commenter addresses DEIR Section 3.13, “Fire Protection Services and Wildfire Hazards,” and states that the project would be located in an area with a high fire hazard severity rating, while project construction activities could create sparks or flames. The commenter refers to the DEIR’s findings that the project will increase the demand for fire protection services in the area. The commenter notes that per Mitigation Measure 3.13-1a (Prepare and Implement a Fire Services Financing Plan), the applicant shall develop and implement a fire services financing plan, and the commenter asks that the plan be prepared and presented to the public in a revised DEIR. The commenter asks that the Fall Protection and Rescue Plan (Mitigation Measure 3.13-1b), Fire Safety and Management Plan (Mitigation Measure 3.13-2a), and Vegetation Management Plan be prepared and circulated via the DEIR.*

Please see Master Response 10, “Wildfire,” in this FEIR for a further discussion of regulatory requirements and mitigation measures that reduce the potential for wildfires.

R3-29 *The commenter states that per the DEIR, the project could have significant adverse impacts on marbled murrelets and that many will be killed. The commenter states that the DEIR does not contain enough*

information about the Buffer Plan and Worker Environmental Plan and how they will be implemented and measured, so it is not possible for the commenter to fully evaluate them. The commenter notes that because murrelets are both state and federally listed, the ESA and CESA require an Incidental Take Permit, an Implementation Agreement, and consultation documentation with other responsible agencies. The commenter states that comments on the mitigation process cannot be provided because the appropriate information is not included in the DEIR. The commenter asks that these plans and other documents be prepared and provided to the public for review and comment via a recirculated DEIR.

The DEIR provides sufficient information and analysis of potential impacts on state and federally listed species. The project applicant has been coordinating with USFWS and CDFW and proposes to secure an incidental take permit from these agencies for the potential take of marbled murrelets that might result from the project's operation. The need for these permits is clearly stated in the DEIR. With implementation of the avoidance and minimization measures described in the DEIR, no take of any state- or federally-listed species, including the marbled murrelet, is anticipated as a result of project construction. An incidental take permit would cover any take related to the project's operation. Please also refer to Master Response 2, "Marbled Murrelet," for a detailed description of additional studies conducted in support of the impact analysis, proposed mitigation strategy, and impact conclusions regarding the marbled murrelet.

R3-30 The commenter states that the Marbled Murrelet Mitigation Plan required of the applicant by Mitigation Measure 3.5-2c (Implement Compensatory Mitigation to Offset Operational Impacts on Marbled Murrelets) cannot be evaluated because it is not included. The commenter questions language in the DEIR that refers to a murrelet being "created" for each one taken. The commenter states that the plan must be developed now so that the measures for limiting the project's impact on the birds can be evaluated and commented on by the public.

Please see Master Response 2, "Marbled Murrelet," for a detailed description of additional studies conducted in support of the impact analysis, proposed mitigation strategy, and impact conclusions regarding marbled murrelets. Additional technical information regarding marbled murrelets is included in Appendix B of this FEIR, as stated in Master Response 2.

R3-31 The commenter states that the Town of Scotia opposes the project and recommends that the No Project alternative be selected. The commenter states that the DEIR is "technically and legally flawed" because many of the plans, studies, and reports that the DEIR references for evaluation and mitigation are not included and therefore not available for public review as per CEQA requirements.

The commenter expresses a general opinion about the adequacy of the DEIR. The basis for the commenter's opinion is contained in the comments that precede and each comment is more precisely addressed in the responses to comments provided above. As described above, none of the warrants for recirculation are presented based upon the comments. The DEIR meets the standards for adequacy of the EIR content and process requirements outlined by the Guidelines. The adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a deep dive into scientific analysis: "[T]he courts have looked not for an exhaustive analysis but for adequacy, completeness, and a good-faith effort at full disclosure." (*California Native Plant Society v.*

City of Santa Cruz, supra, 177 Cal.App.4th at p. 979; accord *Laurel Heights I*, supra, 47 Cal.3d at p. 406; see Guidelines, § 15151.

R4-1 The commenter states that regarding the gen-tie, the DEIR indicates that the utility undergrounding to meet the PG&E Bridgeville substation is three miles upstream from Scotia CSD's water intake. The commenter states that the DEIR provides no analysis of the effect on Scotia CSD, including hydrology or soil impacts. The commenter states that the DEIR section is and should include a study on these impacts.

The proposed gen-tie to the Bridgeville substation is a 115kV above-ground sub-transmission line that was originally proposed to cross under the Eel River. Since circulation of the DEIR, the project applicant has refined the footprint of the proposed project, including reducing the number of turbines, shortening the gen-tie, and removing plans to underground the line under the river to avoid or minimize impacts on sensitive resources. Please see Master Response 1, "Site Planning and Avoidance Measures," for technical details that were applied to project siting and Refinements to the Project Description Since Circulation of the DEIR in Chapter 1 of this FEIR for the specific changes that have been made to the project description since circulation of the DEIR.

R4-2 The commenter states that Alternative 2 discusses the risk of frac-out during boring under the Eel River, but neither the water quality section nor Appendix T addresses directional bore drilling impacts, particularly pertaining to Scotia CSD's water intake infrastructure. The commenter states that if Alternative 2 is proposed or if any bore drilling activities are proposed for the project, the impacts need to be studied and addressed within the DEIR.

An undercrossing of the Eel River is no longer proposed. Please also see the response to Comment R-1 above.

R4-3 The commenter states that there are multiple places in the DEIR where the use of the treated wastewater effluent (recycled water) from the Log Pond is proposed. The commenter notes that the Log Pond is owned by Scotia CSD, which was not contacted or consulted prior to the release of the DEIR. The commenter states that the proposed use of the Log Pond water is not acceptable for reasons outlined below.

Please see the response to Comment R3-2.

R4-4 The commenter states that the Scotia CSD and Humboldt Redwood Company operate under a National Pollutant Discharge Elimination System ("NPDES") co-permit, and that the proposed recycled water use is not permitted by the state within the NPDES permit. The commenter states that the water in the Log Pond is not fully treated and could pose human health risks. The commenter states that due to the treatment and chemical use of water in the Log Pond, access is limited to authorized personnel and those with specific permissions only. The commenter states that the Log Pond does not hold enough water to support the proposed project, and that a portion of the water is kept in reserve for fire suppression purposes, and that draining the pond would pose a risk to Scotia residents.

Please see the response to Comment R3-7.

R4-5 The commenter states that the project's wind turbine generators would be very visible and that the Scotia CSD and Scotia's historic district have significant concerns regarding the negative impacts on housing prices, economy, and quality of life for residents. The commenter states that Scotia CSD does not agree with the DEIR's conclusions regarding the project's impact on the area's aesthetics and believes that further studies must be done.

The DEIR fully discloses the impacts of the project. Please see Section 3.6, "Cultural and Tribal Cultural Resources," in the DEIR. Subsequent to the release of the DEIR, the applicant revised the project footprint and reduced the number of planned turbines on Bear River Ridge and Monument Ridge.

Although the project would introduce a new vertical element to a horizontal view, it would not result in a substantial adverse change in the historical resource that would materially impair that resource. The ability of the town of Scotia to convey its historic significance is grounded in the seven elements of integrity: location, setting, design, materials, workmanship, feeling, and association. Although the introduction of turbines on the ridge above the town has the potential to change the setting and the feeling of the town of Scotia, it would retain sufficient elements of integrity that its eligibility would not be affected. The turbines would not preclude the continued eligibility of Scotia as a historical resource under any of the evaluative criteria for either the CRHR or the NRHP. The rural setting would remain largely intact, and the town would still convey its significance as a working lumber community of regional and statewide importance.

R4-6 Regarding the project's potential impact on cultural resources, including tribal resources, the commenter states that the DEIR is void of any analysis of cultural resources and does not define the project's potential impacts. The commenter states that the impacts need to be studied and addressed by the DEIR.

The comment provides an opinion on the conclusions in the DEIR. The DEIR does provide an analysis and impacts to archaeological resources, tribal cultural resources, and historical resources. An EIR is not inadequate simply because experts in a particular environmental subject matter dispute the conclusions reached by the experts whose studies were used in drafting the EIR, even where different conclusions can reasonably be drawn from a single pool of information (CEQA Guidelines Section 15151; Guide to the California Environmental Quality Act [CEQA] [Remy et al. 2007:499–500]; *Greenebaum v. City of Los Angeles* [1984] 153 Cal. App. 3d 391, 413). Perfection is not required, but the EIR must be adequate, complete, and a good faith effort at full disclosure (CEQA Guidelines Section 15151). The DEIR for the proposed project provides an adequate, complete, and good faith effort at full disclosure of the physical environmental impacts and the conclusions are based upon substantial evidence in light of the whole record.

R4-7 The commenter states that the DEIR references a dam over the Eel River in Scotia CSD, but the dam does not exist. The commenter states that the DEIR is inadequate and incomplete in its representation of the project and in the analyses related to water supply, wastewater impacts, hydrology, water quality, aesthetics, and cultural resources.

This comment provides opinion that is not supported by substantial evidence. No revisions are necessary.