

O7-1 *The commenter summarizes legal provisions related to CEQA.*

This comment does not raise specific questions or request information that pertains to the adequacy of the DEIR for addressing adverse physical impacts associated with the project, nor does it contain an argument raising significant environmental issues. This comment is published in this Response to Comments document for public disclosure and for decision maker consideration. No further response is required.

O7-2 *The commenter states that the DEIR provides inconsistent information on the width of the proposed project's transmission line corridor and requests (1) clarification on the width of the corridor, and (2) information regarding the activities that will be conducted within that corridor.*

The gen-tie is described in the project description in Chapter 2 on pages 2-14 through 2-17 of the DEIR. As described in the project description, the width of the gen-tie would be approximately 80 feet. The 80-foot corridor would be subject to periodic vegetation management, on an as-needed basis, to achieve the necessary fire safety standards.

The commenter also requests information regarding (1) whether the project will implement the American Wind Energy Association's policies to limit blade movement in low wind speeds, (2) the "cut-in" and "cut-out" speeds for the proposed turbines, and (3) whether the applicant will agree to implement curtailment as a mitigation strategy to reduce bird and bat fatalities.

Please see the response to Comment O7-5, below.

O7-3 *The commenter states that the maps in the DEIR are difficult to understand. The commenter also requests maps depicting the project footprint in relation to HRC's High Conservation Value Forest and Representative Sample Areas.*

The maps in the DEIR provide sufficient information about the project components to support the impact analysis. More detailed maps are available in the technical appendices to the DEIR. There is no requirement that an EIR provide a specific set of detailed maps. Showing the project footprint in relation to HRC's High Conservation Value Forest and Representative Sample Areas is not required for the decision makers to understand the project's impacts on forest lands. The DEIR adequately describes the forest lands within the project site and how the project footprint will temporarily and permanently impact such lands.

O7-4 *The commenter requests detailed grading plans.*

As is customary during the preparation of a DEIR, detailed grading plans are not yet available. However, the DEIR provides an estimate of the cubic feet to be graded (see page 2-19 in the project description) and acreages of disturbance caused by grading. The width of the project's gen-tie corridor is 80 feet. Vegetation management activities within the gen-tie corridor will be consistent with NERC Standard FAC-003 and with CPUC General Order 95 for overhead utility lines in high fire threat areas.

O7-5 *The commenter requests information regarding whether the project will implement the American Wind Energy Association’s policies to limit blade movement in low wind speeds and asks whether the applicant will agree to implement operational curtailment as a mitigation strategy to reduce bird and bat fatalities.*

The County is imposing the American Wind Energy Association’s (AWEA) low-wind-speed feathering measure as a mitigation measure in the FEIR. Curtailment is included as one of the stepwise strategies for bat mitigation. Please see Master Response 4, “Bats,” for information on the additional analysis of potential impacts to bats and for refinements of Mitigation Measures 3.5-18a through 3.5-18e, made since circulation of the DEIR. Curtailment is not recommended for bird species. Please see Master Response 2, “Marbled Murrelet,” and the response to Comment O9-26.

O7-6 *The commenter summarizes legal provisions related to CEQA.*

This comment does not raise specific questions or request information that pertains to the adequacy of the DEIR for addressing adverse physical impacts associated with the project, nor does it contain an argument raising significant environmental issues. This comment is published in this Response to Comments document for public disclosure and for decision maker consideration. No further response is required.

O7-7 *The commenter requests information regarding the biological resources surveys that were conducted.*

The project’s proposed temporary and permanent footprints were used as the main guide for the design of each biological survey. Survey areas were selected for each resource, as appropriate for the resource studied. The specific areas surveyed differed depending on the resource. For example, Stantec mapped vegetation throughout the entire project site, wherever the footprint of the project had the potential to result in temporary or permanent disturbance. Aerial eagle surveys, on the other hand, were conducted within a 10-mile survey buffer mapped around the turbine-related footprint. The biological resources reports are included in the Appendices to the DEIR and each technical report describes the survey area used in detail. Additional biological resource surveys have been conducted since circulation of the DEIR. These studies are included in Appendix B of this FEIR. The commenter does not provide any information indicating that any relevant biological resource was not studied. No further revisions are necessary.

O7-8 *The commenter suggests that the applicant’s consultants did not perform field surveys to analyze the impacts of Alternative 2.*

The applicant’s consultant used the same field survey methods for Alternative 2 that were used during the vegetation mapping for the proposed project. See *Humboldt Wind Energy Project – Updated Vegetation Mapping* prepared by Stantec Consulting Services, Inc., dated January 29, 2019, in Appendix B of this FEIR. The alignment described in Alternative 2 has now been incorporated, in substantial part, into the proposed project. Where the alignment differed from what was previously studied under either Alternative 2 or the proposed project, the applicant’s consultant conducted additional field surveys to provide baseline information for the refined analysis. See *Updated Vegetation and Aquatic Resources of Updated Project Areas, Humboldt County, California*, prepared by Stantec Consulting Services, Inc., dated September 9, 2019, in Appendix B of this FEIR.

The commenter suggests that the applicant’s consultant did not appropriately assess habitat suitability, because it failed to use the California Wildlife Habitat Relationship (CWHR) types.

The applicant's consultant used industry-standard methods to map vegetation communities by using the methods as described in *A Manual of California Vegetation, 2nd Edition* (Sawyer et al, 2009). The analysis then correlated the *Manual of California Vegetation* alliances to the CWHR. Please see *Humboldt Wind Energy Project Wildlife Assessment* prepared by Stantec Consulting Services, Inc. in Appendix M of the DEIR. Please note that the use of CWHR types is not necessary for an assessment of vegetation communities as habitat for wildlife species. Particularly for special-status species, the analysis in Appendix M of the DEIR included independent descriptions and assessment of the habitat for special-status species.

The commenter also suggests that information concerning size classes, canopy cover, stand density, etc. was omitted.

Where relevant, such as for the northern spotted owl and the marbled murrelet, technical reports provide information on specific habitat characteristics such as canopy cover and stand density. Please note that the analysis in the DEIR, as supplemented in the FEIR, found that regardless of canopy cover or stand density, no murrelet nesting habitat will be impacted by the project. In addition, all northern spotted owl activity centers will be avoided, regardless of canopy cover or stand density.

The commenter also suggests that the EIR failed to evaluate the significance of habitat loss to species.

The loss of habitat and the significance of such loss are thoroughly analyzed in Chapter 3.5, "Biological Resources," of the DEIR, including, for example, impacts from habitat loss on bald and golden eagles (see Impact 3.5-4), impacts from habitat loss on northern spotted owls (see Impact 3.5-6, 3.5-7), impacts from habitat loss on raptors (see Impact 3.5-9), and impacts from habitat loss on non-raptor avian species (see Impact 3.5-12). Please also see Chapter 9, "Revisions to the DEIR," in this FEIR for further refinements to these impacts. No further revisions are necessary.

O7-9 *The commenter requests information regarding residual old-growth trees.*

Chapter 3.5, "Biological Resources," of the DEIR recognizes the value of old-growth redwood forest and mature coniferous forests for nesting marbled murrelets and prohibits the removal of this habitat (see Mitigation Measure 3.5-1a). All forest types (and all land types) throughout the project impact areas were assessed for their value to special-status species, including mature second-growth forest. For example, nesting and roosting habitat for the northern spotted owl, which includes mature second growth forests, was recognized to be impacted and mitigation for such impacts is required (see Mitigation Measure 3.5-7). Please also see Master Response 3, "*Northern Spotted Owl*," for further refinements to the impact analysis and required mitigation since circulation of the DEIR. The detailed information that the commenter requests with respect to project impacts on mature second-growth forests is not required for the impact analysis. Mature second-growth forests are not considered sensitive natural communities unless the specific community is specifically included in CDFW's list of sensitive natural communities. The DEIR adequately analyzes the loss of second-growth mature forest on special-status species and also recognizes the limited instances when such second-growth forest itself qualifies as a sensitive natural community (see Table 3.5-15 in the DEIR).

O7-10 *The commenter requests information regarding CRPR 3 and 4 plants and asks why the DEIR did not analyze impacts to these plants.*

The survey results presented in the botanical resources technical reports include documentation of California Rare Plant Rank (CRPR) List 3 and 4 species. The DEIR did not include an analysis of these species because they do not meet the definition of endangered or rare under CEQA Guidelines 15380(b) or (c). The commenter does not indicate that any of the CRPR 3 and 4 species identified in the background technical reports warrant specific CEQA consideration. No revisions are necessary.

- O7-11 *The commenter requests information as to whether the project has the potential to impact known occurrences of western lily and suggests that the California Natural Diversity Data Base (CNDDDB) should be contacted for additional information.*

Protocol-level special-status plant surveys were conducted by the applicant's consultant, and western lily was not documented in the project area. These protocol-level surveys were conducted during the appropriate bloom period for western lily and were not conducted during a low rainfall year. Reference populations of western lily in Humboldt County were observed by the applicant's consultant in 2016, 2017, and 2019, ensuring that the project botanists had an accurate search image for the species and conducted surveys during appropriate identification periods. The locations of existing and historical CNDDDB occurrences of western lily near the project area were determined by a review of publicly available documents (Bencie and Wear 2004, USFWS 2009), herbarium specimen locations, and knowledge of the species' distribution in Humboldt County. There is, therefore, no reason to contact CNDDDB for the location of western lily. Western lily has not been documented in the project area and therefore the project will have no impact on known occurrences of western lily. No revisions are required.

- O7-12 *The commenter requests information regarding survey efforts for special-status plants and botanical resources.*

The survey efforts in 2018 are documented in *Humboldt Wind Energy Project Botanical Resources Report* prepared by Stantec Consulting Services, Inc., and in Appendix G of the DEIR. Approximately 560 acres of the project area were surveyed in the spring and summer of 2019, and the results are included in *Humboldt Wind Energy Project – 2019 Botanical Resources Survey Results Memo* prepared by Stantec Consulting, Inc., August 27, 2019, in Appendix B of this FEIR. The results of the 2019 surveys did not change the conclusions of significance and associated mitigation measures provided in the DEIR. Both the 2018 and 2019 Botanical Survey Reports contain figures showing the respective survey areas. As noted in the background technical reports, the 396 hours of survey time include only time spent on protocol-level special-status plant surveys and not on vegetation mapping, as indicated by the commenter.

- O7-13 *The commenter requests information regarding communications with CDFW regarding the sensitive status of Spanish lotus fields alliance and Wallace's spike moss mats alliance.*

The applicant's consultant contacted CDFW with a request to confirm that these were sensitive alliances. CDFW did not respond, so the DEIR conservatively assumes that these are sensitive natural communities.

- O7-14 *The commenter requests information regarding the yellow breasted chat, including why the DEIR concluded that the yellow breasted chat has only a low potential for occurrence in the project area.*

There are no documented occurrences of yellow breasted chat in the CNDDDB within Humboldt County. In addition, the yellow breasted chat has not been observed during bird use counts, or any other surveys

conducted in support of the project. While eBird is not an entirely reliable source of information, occurrences of yellow breasted chat by eBird users have been documented within the County, but in lower elevation areas within suitable habitat (riparian stands). As noted in the wildlife assessment in Appendix M of the DEIR, and in Chapter 3.5, “Biological Resources,” of the DEIR, the yellow breasted chat has a low potential to occur because no suitable habitat is present onsite. No revisions are necessary.

- O7-15 *The commenter requests that the EIR be updated to reflect information regarding the fisher, including specific locations where Stantec detected a fisher, and notes that the fisher (West Coast DPS) is proposed for listing as a threatened species under the Endangered Species Act.*

Pacific fishers were documented within the project site on Monument Ridge, approximately 2.5 miles east of Mount Pierce.

Table 3.5-5: *Special-Status Wildlife Species with Potential to Occur in the Project Area*, in Chapter 9 of this FEIR has been updated to include the proposal to list the Pacific fisher as an endangered species. However, USFWS has not acted on this proposal and the proposal remains a proposal at this time. If listing should occur prior to the certification of the EIR, no further revision of the EIR will be required because the EIR already adequately assesses impacts to Pacific fisher. The project will impact a very small amount of suitable habitat for Pacific fisher and will avoid Marbled Murrelet Conservation Areas and other public lands. Suitable habitat for fishers that will be impacted is present within actively managed timberlands. Any potential impacts to the Pacific fisher and habitat resulting from the construction or operation of the project are addressed by Mitigation Measures 3.5-19b, 19c, 19d, and 19e in the DEIR, which require avoidance measures and habitat restoration for special-status mammals. All temporary impacts to Pacific fisher habitat would be restored, and the maximum permanent impacts would total approximately 35 acres, which is de minimis when compared to the 210,000 acres of forest owned by HRC in Humboldt County, as well as other available forest in the area.

- O7-16 *The commenter questions the survey approach for eagles and indicates that CNDDDB should have been contacted for additional information on golden eagle nests.*

The applicant’s consultant did not contact CNDDDB to obtain additional data on golden eagle nests, as the consultant had access to HRC’s location-specific eagle data and all CNDDDB occurrences corresponded with HRC occurrences. Golden eagle territories overlap with the project site. However, mapping of such territories is neither required by CEQA nor by the USFWS survey protocol for eagles. Information regarding nest site is contained within the eagle technical reports (see Appendices E and H of the DEIR and Appendix B of this FEIR). Please note that the Eagle Conservation Plan Guidance was developed by USFWS for the purposes of potentially obtaining an Eagle Take Permit. If the applicant elects to prepare an Eagle Conservation Plan, the guidance will be applied.

CEQA does not require an analysis of whether the project would take a listed species (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal. App. 4th 1383 [“CEQA neither requires a lead agency to reach a legal conclusion regarding “take” of an endangered species nor compels an agency to demand an applicant to obtain an incidental take permit from another agency”]).

The surveys conducted by the project applicant were adequate to address the project's impacts on local populations of eagles, as required by CEQA. With mitigation, impacts on eagles were found to be less than significant.

Please also see Master Response 6, "*Eagles and other Raptors*," in Chapter 2 of this FEIR.

Helicopter surveys are a standard and well-accepted method for detecting eagles in forest environments because they allow for the examination of nesting habitat across a broad area, are not limited by forest cover, provide direct views into nests to determine occupancy and clutch size, and can be completed in a manner that is more effective than that provided by fixed-wing aircraft surveys. Helicopter surveys were supplemented with follow-up ground-based surveys in 2019, which corroborated the results of the helicopter surveys and no new nests were located during ground-based surveys.

Regarding CNDDDB suppression of data, see above. Based on multiple years of survey efforts, the project's consultants have located no golden eagles nesting within the project site. Long-term surveys from HRC were also consulted and did not contain golden eagle nesting records within the project site.

The commenter notes a discrepancy between the text and figure in the survey report with regard to the coverage of the aerial eagle survey.

The intent of the particular section of the survey report referred to by the commenter is to indicate that the study area was fully surveyed over the course of all survey events combined. Survey efforts for aerial eagle surveys in forested landscapes require a distribution of effort according to the landscape, the timing of each survey event, and existing information on the local eagle nesting community. The 2018 survey effort provided full coverage of the best potential eagle nesting habitats in the survey area over the course of the survey events. Multiple flights occurred in areas of the highest quality potential nesting habitat while, in aggregate across the survey events, all suitable nesting habitat areas were surveyed.

All golden eagle records documented by HRC are submitted to CNDDDB, and the project applicant's consultant used all available data regarding golden eagle sightings from HRC (which are location-specific) and CNDDDB and conducted their own aerial and follow-up ground-based nesting surveys. The commenter has provided no evidence that there are specific nest sites that the applicant's consultant survey methods failed to identify. The commenter speculates that there may be additional sites but provides no basis to support this speculation. No further revisions are necessary.

O7-17 The commenter asks questions regarding northern spotted owl habitat assessments and surveys.

The applicant's consultant conducted a thorough habitat assessment for northern spotted owl using HRC's existing habitat data and additional field surveys following USFWS guidance. In addition, an auditory and visual disturbance analysis was conducted using HRC's survey results. The applicant's consultant also conducted its own northern spotted owl surveys and performed an analysis using survey results, results from HRC and other landowner surveys, and activity centers documented in CDFW's Spotted Owl Database (2015-2018). In addition, a 1,000-foot buffer around all activity centers will be in place, except for one location, where construction activities are proposed to occur, outside of the northern spotted owl breeding season, within 800 feet of the activity center.

The applicant's consultant used the survey buffer (0.7 mile) for the "redwood zone," as defined in the USFWS northern spotted owl protocol, because the area surveyed meets the description of this zone, as described in Appendix C of the 2011 Revised Recovery Plan for northern spotted owl (USFWS 2011). "This region is characterized by low-lying terrain (0 to 900 m) with a maritime climate; generally mesic conditions and moderate temperatures. Climatic conditions are rarely limiting to northern spotted owls at any elevations. Forest communities in the project area are dominated by redwood, Douglas-fir-tanoak forest, coast live oak, and tanoak series. The vast majority of the region is in private ownership, dominated by a few large industrial timberland holdings. The results of numerous studies of northern spotted owl habitat relationships suggest stump-sprouting and rapid growth rates of redwoods, combined with high availability of woodrats in patchy, intensively-managed forests, enables northern spotted owls to maintain high densities in a wide range of habitat conditions within the redwood zone. This modeling region contains the Green Diamond and Marin" Density Study Areas (USFWS 2011, pg. C-9 and C-10).

HRC's habitat data for northern spotted owl was used as a preliminary desktop-level background research tool, and the applicant's consultant conducted a more thorough habitat assessment using standard field survey methods. HRC's northern spotted owl habitat assessment data were supplemented with the current survey results (see *Northern Spotted Owl Survey Results 2019: Humboldt Wind Energy Project, Humboldt County, California* prepared by ICF, dated September 2019 in Appendix B of this FEIR). The specific methods used were industry-standard for developing habitat spatial data as described in the USFWS *Protocol for Surveying Proposed Management Activities That May Affect Northern Spotted Owls* (USFWS 2012). Stantec's characterization and mapping of habitat rules followed the definitions provided in the California Forest Practice Rules (2017). The level of detail requested by the commenter is not required to provide an accurate assessment of habitat for determining project impacts under CEQA. The scope and methodology used in the habitat assessment is adequately described in the assessment itself and the results matched the definitions of habitat included in the report and in the USFWS protocol.

Please also see Master Response 4, "*Northern Spotted Owl*," which describes northern spotted owl survey methodology, surveys conducted since circulation of the DEIR, the analysis of impacts on activity centers, and refined mitigation measures. In addition, since circulation of the DEIR, the applicant has revised the gen-tie alignment to completely avoid all northern spotted owl activity centers and to avoid nesting and roosting habitat to the maximum extent possible.

O7-18 *The commenter requests information regarding why the DEIR analysis assumed "very low" existing sound levels if "natural ambient" sound levels occur when analyzing impacts to marbled murrelet and northern spotted owl in the project area.*

The DEIR properly assumes very low sound levels and not natural ambient (even lower than "very low") because the project site is located within an actively logged landscape with logging truck traffic and tree felling activities. The determination to use "very low" sound levels was made in accordance with the USFWS guidance on estimating the effects of auditory and visual disturbance on marbled murrelet and northern spotted owl (USFWS 2006).

Please see the response to Comment O7-32, below, for additional details on this topic.

O7-19 *The commenter requests information regarding northern spotted owl occupancy within the study area and project area, including whether surveys were conducted to determine occupancy.*

Occupancy surveys for northern spotted owl were conducted during March to August 2019 and are included in *Northern Spotted Owl Survey Results 2019: Humboldt Wind Energy Project, Humboldt County, California* prepared by ICF, dated September 2019, in Appendix B of this FEIR. The project has been designed to avoid all northern spotted owl activity centers and to allow HRC and other landowners to maintain functional habitat within 0.7 mile and 1.3 mile of activity centers at or above the habitat retention thresholds described in the California Forest Practice Rules (2017).

Please also see Master Response 4, “*Northern Spotted Owl*,” which describes the northern spotted owl survey methodology, surveys conducted since circulation of the DEIR, the analysis of impacts on activity centers, and refined mitigation measures.

O7-20 *The commenter requests information regarding the DEIR’s marbled murrelet habitat assessment.*

The methods that Stantec and HT Harvey used to determine marbled murrelet habitat on the project site relied on professional judgment and scientifically accepted measures and metrics. Stantec’s conclusion that there are only four stands of forest within 0.25 mile of the refined project area that provide nesting habitat for murrelets, two of which are of low quality, took into consideration stands of fewer than 124 acres in size but determined that these smaller stands were not suitable based not only on size but also on the time since logging, fire history, presence of fragmentation, and the absence of nesting substrate such as platforms. Figure C-5: Location of Marbled Murrelet Stands in Relation to Temporary and Permanent Disturbance in Appendix C in this FEIR shows a map of potential murrelet habitat in relation to the project’s footprint. Protecting the exact location of the stands does not undermine any of the conclusions in the DEIR because the DEIR provides a general description of the distance of these stands to the proposed project. The project, as designed, will not disturb any of these stands and the project sponsor conducted radar studies to determine the flight path of the birds in relation to the proposed turbine locations. The methodology for conducting the habitat surveys is thoroughly explained in *Humboldt Wind Energy Project Marbled Murrelet Habitat Assessment and Auditory and Visual Disturbance Analysis Report* in Appendix K to the DEIR.

The commenter references the Pacific Seabird protocol (Evans-Mack et al. 2003) as if it was appropriate for the determination of procedures within the project site.

While some elements of this protocol were used in the marbled murrelet habitat assessment, the protocol is now 16 years old and much primary research has been generated in California since the protocol was established. The 2003 protocol geographically spans the entire range of the murrelet, while there are now specific studies of murrelet habitat available for the redwood region of California where the project is located (some examples are Baker et al. 2006, Meyer et al. 2007, Golightly et al. 2009). These more recent studies were used for Stantec’s habitat assessment. Furthermore, the protocol was designed for projects that will disturb or manipulate murrelet habitat (e.g., a timber harvest), and the term “project area” as defined in the protocol refers to murrelet habitat that will be manipulated. No murrelet habitat within the project footprint will be manipulated or altered. Please also note that the original threatened listing for the marbled murrelet specifically identified the loss of old-growth forest as contributing to the need to list the species. Scientific research conducted since the listing has confirmed the need for old growth or mature trees (see above references) in California and the association with large blocks of land (see Meyer et al. 2002, Meyer and Miller 2002, Meyer et al. 2007, USFWS 2009, Falxa et al. 2016).

The commenter believes that the DEIR applied habitat suitability criteria inappropriately but offered no specifics in their statement.

FEIR Figure C-5: Location of Marbled Murrelet Stands in Relation to Temporary and Permanent Disturbance in Appendix C in this FEIR shows a map of potential murrelet habitat in relation to the project footprint. Stantec did not use stand size as an exclusive criterion for evaluation, although size and habitat cohesiveness were important considerations. For example, stands 66 and 68 are each less than 124 acres in size, but nonetheless were evaluated in detail. Stands 66 and 68 are outside the project footprint and considered low-quality habitat. Stand 1 is not within the project's footprint and no turbines or roads will be built in stand 1. Further, Stand 1 has been harvested as previously reported and is not considered habitat. Stands 63, 64, and 66 are within 0.25 mile of the project, but none of these stands will be impacted. Contrary to statements made by the commenter, there are no other suitable stands for marbled murrelet within 0.25 mile of the project area and the commenter has not identified any such stands. In particular, there is no evidence of successful nesting by murrelets in younger redwoods in California or in single trees, and the commenter has provided no such evidence. No revisions are necessary.

Please also see Master Response 2, "*Marbled Murrelet*," in Chapter 2 of this FEIR.

The commenter asserts that the description of methodology for on the ground evaluations is too vague and states the opinion that stand 1 could be potential habitat for marbled murrelets.

The description of the methodology used in the habitat assessment in Appendix K of the DEIR is sufficient for the decision-makers to understand the methodology used. Maps and aerial photos were used as a preliminary step for determining which stands required walk-through surveys; the results of the habitat assessment were not based on maps and aerial photos alone. The specific stands that were evaluated in the field are identified in the technical report. Standard field methods and professional opinion were used to identify suitable branch platforms. Stand 1 has been heavily logged and therefore is not considered marbled murrelet habitat, as noted in the habitat assessment.

The stands that were determined to be unsuitable for marbled murrelet nesting and were not visited were ruled out based on desktop-level analysis, including recent logging history and stand size. No stands that provide potential nesting habitat for marbled murrelets will be directly impacted by the project, including Stands 66 and 68.

07-21 The commenter requests information regarding the bat assessment used in support of the DEIR.

Stantec used industry-standard practices to deploy bat detectors across the project area as the project footprint changed over time. This is a common method used during pre-construction surveys at proposed wind development sites. These methods follow the general recommendations in a variety of published guidelines, including the USFWS Wind Energy Generation and the CEC/CDFW guidelines followed during the implementation of the study.

The methods and results of bat acoustic sampling conducted between March and October 2018 using 10 ground-level detectors and one detector placed in a meteorological tower constructed at the site in September 2018 are included in Appendix L of the DEIR, titled *Humboldt Wind Energy Project Bat Acoustic Monitoring report, Humboldt County, California*. The *Bat Acoustic Monitoring Report*

Addendum prepared by Stantec Consulting Services, dated August 5, 2019 in Appendix B of this FEIR also contains the results of bat acoustic sampling conducted between March 2018 and June 2019. This report includes data from two additional detectors placed in two additional MT towers constructed at the site over the 2018–2019 winter. Thus, approximately 14 months of data were collected at representative sites and habitats across the project site. Detectors were placed in MET towers as soon as the towers became available for detector deployment, as indicated in the work plan.

The acoustic detectors used were high-quality effective full-spectrum detectors and the analysis of the data used the best available analysis software to evaluate the data sets using reference bat call metrics for the suite of species potentially present in northwestern California. The pallid bat is included in that reference data set and the analysis software “looked” for calls of that species, which is why the species was included in the survey report. The pallid bat’s habitat requirements, however, make it unlikely to occur in the project area.

The commenter states that “virtually no data was collected from with[in] the rotor swept area,” notes that the 2018 report showed a distinction between ground-level detectors and the one MET tower detector, and suggests that temporary towers should have been deployed.

Acoustic data from a limited time from the one MET tower installed in early September 2018 was the only data from the rotor-swept area available at the time of the report. As stated above, the FEIR includes data from an additional two detectors placed in MET towers, for a total of three detectors in MET towers. These detectors were installed in the MET towers as soon as the towers became available for installation. The use of temporary towers was investigated but because temporary towers would require guy wires (those used for the acoustic survey were in free-standing lattice towers), the permitting of those towers would have required resource evaluations and possibly endangered species take permits (for potential collisions with guy wires) that would have taken longer than the time period during which the acoustic survey took place.

While limited data collection occurred in the rotor-swept area compared to the near-ground detectors, bat acoustic survey data can neither be used to directly identify the rate at which bats will collide with a proposed wind facility, nor can they be used to provide the number of bats occurring in an area. However, bat acoustic surveys can, and do, provide site-specific information on the overall species assemblage in an area, provide an index to their seasonal and temporal presence and activity levels, and provide insight into the atmospheric conditions during which bat activity is greater or lesser. The bat acoustic surveys completed at the site provide this background information and therefore provide an adequate basis for the County to assess the risks and potential impacts to bats from the proposed project. The additional data provided by the 2019 studies did not change the DEIR’s significance conclusions regarding bats.

Please also see Master Response 4 “*Bats*,” for information on the additional analysis of potential impacts to bats and for the refinements to Mitigation Measures 3.5-18a through 3.5-18e that have been made since circulation of the DEIR.

O7-22 *The commenter requests information regarding the Bird Use Report and suggests there could be population-level impacts on common non-raptor birds.*

The commenter states an opinion but does not provide any evidence that wind projects are creating population-level impacts on common non-raptor birds. No revisions are necessary.

O7-23 *The commenter requests information regarding containment and removal activities that will occur in the event Sudden Oak Death is identified in any inspections.*

The following sentence has been added to Mitigation Measure 3.5-23e describing the measures to be taken for the handling of plant material evidencing Sudden Oak Death. This requirement follows guidance on Sudden Oak Death provided by the California Oak Mortality Task Force (July 2014):

“Whenever possible, infected tree debris shall be left on site, a practice recommended by the California Oak Mortality Task Force and which has not been shown to increase the risk of infection to adjacent trees. Tree branches shall be chipped and cut, the wood split, and the woodpiles stacked in sunny locations as feasible. Woodpiles shall be stacked downslope of and away from host species as feasible. If tree debris cannot be left onsite, it shall be disposed of at an approved and permitted dump facility.”

O7-24 *The commenter requests information regarding the temporary and permanent impacts to each CWHR habitat type, by habitat stage.*

Please see the response to Comment O7-8, above.

O7-25 *The commenter requests information regarding impacts to marbled murrelet habitat in Stand 1 and Stand 76 and requests additional information regarding Mitigation Measure 3.5-1b, including whether buffers would be implemented for activities that may cause visual disturbance.*

There are no anticipated impacts to Stand 1 or 76. Stand 1 is not considered suitable habitat for the marbled murrelet. The HRC map classification scheme is 25 years old and irrelevant to the habitat assessment. There is no suitable habitat in the project footprint.

The no-disturbance buffers are primarily for sound because of forest screening. Stands where buffers are most important (because of suitable habitat) are also adjacent to Highway 101, which has a high existing ambient noise baseline because of noise associated with the highway and the off-ramp at the site. Thus, the project will contribute little change to the existing condition, either visual or auditory. The mitigation for exceeding the auditory buffers of adding an additional murrelet to the mitigation plan is no longer necessary, because the project has demonstrated that it can meet the auditory buffers. Please see *Supplement to Humboldt Wind Energy Project Marbled Murrelet Habitat Assessment and Auditory and Visual Disturbance Analysis Report* prepared by H.T. Harvey & Associates and Stantec Consulting, Inc., dated September 30, 2019, and the refinements to Mitigation Measures 3.5-1a, below and in Chapter 9 of this FEIR.

O7-26 *The commenter requests information regarding noise levels and the measures that will be implemented to monitor construction noise levels.*

All four stands near Highway 101 experience elevated noise levels and for these stands background estimates have been replaced with empirical measures (see *Supplement to Humboldt Wind Energy Project Marbled Murrelet Habitat Assessment and Auditory and Visual Disturbance Analysis Report* in Appendix

B of this FEIR). Noise levels in the 5th stand (presumably the commenter is referring to Stand 76) are irrelevant because this stand is located miles from the project site.

Since circulation of the DEIR, the County has revised Mitigation Measure 3.5-1b to include a biological monitor to ensure that construction activities follow the measure’s recommendations.

Mitigation Measure 3.5-1b: Avoid Indirect Impacts on Nesting Marbled Murrelet.

During the marbled murrelet nesting season (March 24–September 15), the project applicant shall maintain a no-disturbance buffer between the construction activity and marbled murrelet nesting habitat as described below. An exhibit showing the project improvements and marbled murrelet nesting habitat buffers shall be prepared demonstrating compliance with this mitigation measure. A biological monitor shall be present during construction activities to ensure compliance with this mitigation measure. ~~In the event the buffers cannot be maintained, an additional marbled murrelet shall be added to the compensatory mitigation required in Mitigation Measure 3.5-2c.~~ The following auditory disturbance buffers shall be maintained between the construction activity and marbled murrelet nesting habitat:

<i>Construction Activity</i>	<i>Buffer Distance (meters)</i>
Noise “high” (81–90 dB)	100
Noise “very high” (91–100 dB)	250
Noise “Extreme” (101–110 dB)	400

The “high” and “very high” buffers described in the table above are not applicable in situations where potential marbled murrelet nesting habitat is separated from construction activity by Highway 101 or where habitat is directly adjacent to highway 101. Instead, the project applicant shall maintain a no disturbance buffer of 50 meters between construction activities that generate “very high” noise and these habitat stands during the period one hour after sunrise to one hour before sunset (because of the elevated preconstruction ambient noise at this site during operating hours, per USFWS Guidelines). Between one hour before sunset to one hour after sunrise, the project applicant shall maintain this 50 meter no disturbance buffer between these stands and construction activities that generate “high” noise.

If implementation of the buffers described above is infeasible, the project applicant shall consult with CDFW and USFWS regarding an alternative buffer size. The project applicant shall provide documentation of concurrence from CDFW and USFWS to the Humboldt County Planning & Building Department for the alternative buffer size before issuance of construction permits.

O7-27 This commenter requests information regarding how operational noise generated by the project’s wind turbines may affect wildlife.

As discussed in Chapter 3.11, “Noise,” of the DEIR, a noise analysis was conducted using a WTG with a maximum sound power level of 110 dBA, which is the loudest (or worst-case), turbine that is expected to be used at the project site. The USFWS (2006) provides guidelines for auditory and visual buffer distances to protect marbled murrelets and northern spotted owls from disturbance. As discussed in Impact 3.5-1 (Construction Impacts on Marbled Murrelet Nesting), a 400m buffer is the recommended buffer to prevent disturbance to marbled murrelets resulting from their exposure to noise in the range of

101–110 dB. No marbled murrelet habitat occurs within 400 meters of a proposed WTG, therefore no noise impacts on marbled murrelet are anticipated as a result of turbine operation. Likewise, no vibration impacts resulting from the proposed project are expected to result. No further analysis is necessary.

O7-28 *This commenter requests information supporting the DEIR’s conclusion that corvid management at Van Duzen County Park would offset murrelets killed by the project and the feasibility of seasonal curtailment of one or more of the project’s turbines as an adaptive management strategy.*

Additional evidence supporting the County’s conclusions about the efficacy of corvid management is included in *Compensatory Mitigation Strategy for Marbled Murrelets Impacted by Operation of the Humboldt Wind Energy Project*, prepared by H.T. Harvey & Associates, dated September 2019, in Appendix B of this FEIR.

Predation was identified as a concern in the *Recovery Plan for the Marbled Murrelet* (USFWS 1997) and since then there have been multiple studies using different techniques and at different sites that validate and quantify the problem of predation on murrelet nests. No nests will be disturbed in the proposed mitigation. All calculations of benefit were adjusted for survivorship to breeding age and are not based simply on the number of observed chick fledgings.

Performance standards for corvid management have been included in the strategy. Indirect take estimates can be found in the *Marbled Murrelet Collision Risk Assessment Associated with the Humboldt Wind Energy Project Proposed for Humboldt County, California: 2-Year Report* prepared by H.T. Harvey and Associates, dated September 2019, and in the *Supplement to Compensatory Mitigation Strategy for Marbled Murrelets Impacted by Operation of the Humboldt Wind Project* by H.T. Harvey & Associates and Stantec Consulting Services, Inc., dated October 3, 2019, both in Appendix B of this FEIR. Steller’s jays can travel beyond 2 km from the campground (West et al. 2016 and others). A description of anthropogenic food supplementation is discussed in the Mitigation Strategy Report along with the scientific evidence and implementation at other California parks. Full funding by the applicant of the mitigation strategy will be a condition of project approval imposed by the County. Relocation of facilities removes trash and supplemental food from the old growth forest.

Since circulation of the DEIR, the project applicant has reduced the proposed turbine count from 60 to 47, thereby removing turbines from higher-risk areas for marbled murrelets. Please also see Master Response 1, “*Marbled Murrelet*,” and response to Comment 09-16 for a discussion of seasonal curtailment feasibility for the marbled murrelet.

Regarding the question about the removal of derelict fishing gear, this suggested mitigation option is one of the few offshore mitigation efforts that could potentially benefit marbled murrelets. While no studies have specifically addressed the effects on marbled murrelets of the removal of derelict fishing gear, this mitigation approach was suggested as one of several options for consideration in addition to a corvid management program, the relocation of recreational facilities out of murrelet habitat, and habitat enhancements in buffer forest adjacent to Founder’s Grove.

O7-29 *The commenter requests information regarding the DEIR’s analysis of potential impacts on bald and golden eagles.*

Efforts to definitively map eagle territories and core use areas within those territories were not completed as part of the surveys, as these are neither required by CEQA nor by USFWS Eagle Conservation Plan Guidance. Rather, an eagle nest survey following protocols in the USFWS Eagle Conservation Plan Guidance was completed and avian use surveys (including eagle use point count surveys according to the USFWS guidance, bird use count surveys, and small bird use county surveys) provided additional information on eagle presence and use in the project area. Combined, the data from these surveys provide an indication of potential eagle territories in the project area and the results of those surveys have been provided in a series of reports included in Appendices to the DEIR, including a map of documented and historic nest locations. A second aerial eagle nest survey was completed in 2019 and the results from this survey have been incorporated into this FEIR. The results from that survey do not change the analysis or mitigation measures presented in the DEIR.

Please also see Master Response 6, “*Eagles and other Raptors.*”

The commenter questions habitat calculations regarding the loss of golden eagle habitat provided on page 3.5-88 and in Table 3.5-9 of the DEIR.

The information on page 3.5-88 and in Table 3.5-9 of the DEIR is not inconsistent. Page 3.5-88 indicates that there will be 37.53 acres of permanent loss of grassland and 3.97 acres of permanent loss of shrub/scrubland habitat. These numbers are consistent with the permanent loss numbers for these habitat types in Table 3.5-9. Temporary impact areas would occur during construction only and would become available habitat for eagles following project construction and site restoration.

Please note that the 37.53 acres of permanent loss of grassland habitat stated in the DEIR have been reduced to 28 acres in this FEIR, based on the refined project layout. Please refer to “*Refinements to the Project Description Since Circulation of the DEIR,*” in Chapter 1 of this FEIR. These 28 acres occur along the immediate edge of grassland habitat on Bear River Ridge and Monument Ridge, an area encompassing approximately 785.5 acres. This acreage represents just a portion of a typical golden eagle territory and, in addition, represents a thin band of roadway extending along the crest of the ridgeline adjacent to an existing road. The 28 acres represent a small, linear area that is not expected to limit the foraging opportunities for golden eagles nesting in the area. During two years of aerial eagle nest surveys and two years of eagle nest surveys, it was observed that high-quality golden eagle food sources, such as high-density ground squirrel colonies, were not present in the grassland area to be disturbed by the proposed project.

The commenter questions the DEIR’s analysis of the use of APLIC standards on collisions or electrocutions of eagles within the project gen-tie, stating that the use of APLIC standards does not eliminate the potential for avian collisions or electrocutions.

The use of APLIC standards will reduce the potential for avian collisions and electrocutions. The APLIC standards represent the best available practices to follow to reduce and minimize these potential impacts. Regarding electrocutions, the size of the gen-tie will require conductor spacing and hanging so that conductor-to-conductor and conductor-to-ground contact by eagles is not possible. Regarding collisions, the final gen-tie design will take into account the location and visibility of the shield wire in areas that might pose a greater risk of collision. At the Eel River crossing, the project applicant has proposed constructing the gen-tie at the deck height of an existing bridge, thereby minimizing the potential for

collisions by eagles or other species with the gen-tie at this location. The final gen-tie design will include considerations for collisions made by a qualified biologist experienced with the application of the APLIC standards to include visibility marking where appropriate.

The commenter requests additional information regarding Mitigation Measure 3.5-3, which pertains to eagle nest buffers and monitoring during construction.

The buffers were based on guidance provided in the two USFWS references cited in the DEIR. Monitoring will be completed by experienced avian field biologists using observations made from a distance and according to behavior profiles developed in consultation with CDFW and USFWS. Should monitoring indicate that construction activity has a potential effect on actively nesting adult eagles, such as increased flights from the nest or extended time away from the nest (two of a number of potential indications), construction activity within the buffer would be halted until the observations can be discussed with CDFW and USFWS along with the need for any remedial actions or if alternative construction practices could be implemented to eliminate the disturbance effect and allow continued construction activity.

Regarding the management of potential eagle prey, the project will be required to reduce the potential attraction of eagle prey to areas around the turbines by allowing turbine pads to revegetate, which will reduce the visibility of prey as the vegetation grows taller. Anti-coagulants will not be used to control prey. The project applicant will also be required to ensure that all construction debris will be removed from the site to eliminate cover for rodents and other prey from the turbine pads and will be required to follow good housekeeping practices during operations, which includes the removal of potential attractants for eagles to the turbine pad areas, such as dead wildlife or wildlife parts (carcasses and offal of large mammals during hunting season, etc.).

The commenter inquires about the intention of the project applicant to obtain an eagle take permit and suggests additional eagle mitigation measures.

The project applicant is currently still evaluating, in consultation with USFWS, options for pursuing and obtaining an eagle take permit. The pursuit of an eagle take permit is voluntary and is not a mitigation measure required in the EIR.

The additional eagle mitigation measures suggested by the commenter are either already incorporated into the DEIR (procedures and buffers for blasting) and project layout (studies for eagle use across the project indicate no consistent high use area within the project footprint) or are not feasible (daytime curtailment).

O7-30 *The commenter requests information regarding northern spotted owl habitat assessments and surveys.*

Please see the response to Comment O7-17, above and the *Northern Spotted Owl Survey Results 2019* prepared by ICF, dated September 2019, in Appendix B of this FEIR. This report describes the northern spotted owl survey results along with 2019 survey locations and dates. For project activities that fall within 400 meters of activity centers, the project will be required to comply with Mitigation Measure 3.5-6.

The project does not conflict with or preclude landowners from complying with the northern spotted owl conservation measures established in the HRC HCP.

The EIR distinguishes between temporary and permanent impacts by delineating those areas that will be restored within one year of disturbance and those that will be occupied permanently by project features. Please also see Master Response 3, “*Northern Spotted Owl*,” and Master Response 8, “*Conflict with Adopted HCP*.”

CEQA does not require the level of detail requested by the commenter on any project alternatives. The Final EIR contains updated numbers (in all cases similar to or less than the numbers disclosed in the DEIR) for temporary and permanent impacts to northern spotted owl habitat for the refined project footprint.

The project footprint has been refined since the preparation of Appendix I in the DEIR. The refined project footprint reflects temporary and permanent impacts to fewer acres of northern spotted owl habitat than were originally estimated. Temporary and permanent impacts on northern spotted owl habitat for the final project layout are provided Master Response 3, “*Northern Spotted Owl*,” and in Chapter 9 of this FEIR. Impact acreage was calculated by overlaying project features and disturbance areas with the northern spotted owl habitat mapped.

O7-31 *The commenter refers to the EIS/EIR prepared for Humboldt Redwood Company HCP and states that the proposed project is not a covered activity.*

The County agrees that this project is not a covered activity under HRC’s HCP. This DEIR does not tier off the EIS/EIR prepared for HRC’s HCP. Pursuant to CEQA, the County is imposing mitigation for the loss of northern spotted owl habitat independently of the HCP EIS/EIR. Please also see Master Response 8, “*Conflict with Adopted HCP*.”

O7-32 *The commenter requests information related to Mitigation Measure 3.5-6.*

Please see the response to Comment O7-17 above. As described in the technical reports included in Appendix B of this FEIR, the applicant’s consultant used the “very low” category to describe ambient noise levels on the project site based on definitions provided in USFWS guidelines (USFWS 2006). “Natural ambient” levels refer to sound levels experienced in habitat “not substantially influenced by human activities” and includes sources native to forest habitats. Human-generated “white noise,” such as from a distant highway, may apply when it is < 50 dB and relatively uniform across the action area, while “very low” sound levels refer to “generally limited to circumstances where human-generated sound would never include amplified or motorized sources.”

The project site is predominantly located along currently used logging roads within a managed timber landscape. In addition, the project site regularly experiences windy conditions, which is the reason for the placement of a wind farm in this location. Under USFWS guidance, the project area qualifies as a “very low” noise environment, not a “natural ambient” noise environment.

MM 3.5-6 has been revised to require that buffers be placed around activity centers documented during the 2019 northern spotted owl occupancy surveys.

The County has included barred owl management at an off-site location as part of the potential suite of mitigation measures to compensate for the permanent loss of northern spotted owl habitat in refined Mitigation Measure 3.5-7.

The applicant's consultant has confirmed that there is no northern spotted owl habitat present within the footprint for the expansion of the Bridgeville substation. Please see Appendix I, *Humboldt Wind Energy Project Northern Spotted Owl Habitat Assessment and Auditory and Visual Disturbance Analysis Report, Humboldt County, California*.

O7-33 *This comment requests information regarding Mitigation Measure 3.5-8, including the basis for the 1:1 ratio and the EIR's conclusion that such a ratio would be sufficient.*

If a northern spotted owl is taken by project operations (which is not expected to occur), the County's mitigation for this loss under CEQA consists of habitat conservation or barred owl management. If barred owl management is selected for the direct loss of individual owls, a 1:1 preservation ratio is a rationale determination for determining adequate mitigation, as each northern spotted owl loss must be compensated for by one northern spotted owl conserved through barred owl management. The commenter does not indicate why they believe a 1:1 ratio would be inadequate.

With respect to habitat acquisition for the direct take of northern spotted owl (not anticipated), the applicant would be required to preserve habitat that would provide the ability of at least one nesting pair of northern spotted owl to offset the loss of each northern spotted owl taken (a core area consisting of 100 acres of contiguous nesting and roosting habitat, as defined in the USFWS Revised Recovery Plan for Northern Spotted Owls (USFWS 2011). If the project's operation results in the take of an individual northern spotted owl, it is anticipated that northern spotted owl take permits would be obtained from CDFW and USFWS. In that event, the County would coordinate with these agencies to ensure that appropriate offsite conservation lands were obtained that would preserve northern spotted owl habitat at a ratio of no less than 1:1.

O7-34 *The commenter requests information on various raptor species, including long-eared owls and burrowing owls, and on Mitigation Measures 3.5-9 and 3.5-10. The commenter also inquires about the DEIR's evaluation of project effects on raptors, including the species evaluated, habitat impacts, and pre-construction activity raptor nesting surveys.*

The likelihood of the long-eared owl to occur in the project area was determined to be low because of its overall rarity in the county and the unpredictable nature at which it has been documented. One observation of a short-eared owl has occurred in the project area, incidentally to avian use surveys completed over a two-year period. Given the low occurrence of the long-eared owl, its rarity in the county, and the unpredictable nature at which it occurs, the project is not expected to affect this species.

The ferruginous hawk, northern harrier, and burrowing owl do not breed in the project area and are present infrequently in winter. The approximately 40 acres of potential habitat loss created by the project is located along a small portion of the northeastern edge of the Cape Mendocino Grasslands IBA, which is approximately 220,00 acres in size. Given the infrequent and short-duration occurrence of these species in the project area, a potential impact equaling approximately 0.01% of the IBA is not expected to result in a significant adverse effect on these species.

The prey management program described in the DEIR has been removed from the mitigation required in this FEIR. Burrowing owls are not expected to occur in the project area during the nesting season. However, should burrowing owls be detected during nesting bird surveys, the burrow and a buffer around the burrow shall be avoided until the burrowing owl vacates the burrow (see Mitigation Measure 3.5-9 [Avoid Impacts on Nesting Raptors]).

Pre-construction raptor nesting surveys would be conducted several weeks to several days (7-30 days) ahead of construction, depending on the species and the timing of each species' nesting season. The use of a 500-foot buffer is a standard practice and the DEIR notes that the buffer distance may be adjusted in consultation with USFWS and CDFW.

Tree removal activities are considered permanent where they will occur to provide right of way for project roads, at turbine foundations, at the small access pad around each turbine, and at the project substation and O&M facilities. Tree removal is considered temporary where forest vegetation will be allowed to grow back after construction. The acreage "not surveyed" is extremely minor and has been further reduced as the project layout has been refined since circulation of the DEIR. It is not possible to estimate impacts from areas that were not surveyed, as these areas are not accessible. However, because these areas constitute only a fraction of the total project disturbance area and are proximate to areas intensely surveyed, the inability to survey these particular areas is not considered to be a significant omission, or to influence any of the impact conclusions in the DEIR or FEIR.

Forest and woodland habitat is abundant in Humboldt County, adjacent counties, and in greater Northern California, which defines the general project "region." Grassland habitats have not been definitively measured or reported within this same region.

O7-35 The commenter requests information regarding the horned lark, which the commenter claims is necessary to evaluate the severity of project impacts to the horned lark population that occurs on Bear River Ridge.

Please see the response to Comment S4-12. The EIR has been updated to explain that no compensatory mitigation for horned larks is required, and that a horned lark construction impact avoidance plan, rather than a horned lark mitigation plan, will be prepared.

O7-36 The commenter requests information regarding the Western yellow-billed cuckoo, including how much potential nesting habitat for the yellow-billed cuckoo would be impacted by the project.

The area identified in the EIR as potential habitat for yellow-billed cuckoo is being avoided. The gen-tie line has been realigned as described in Alternative 2, which is 1.5 miles from the area identified as potential habitat for yellow-billed cuckoo. No further revisions are necessary.

O7-37 The commenter requests information regarding the little willow flycatcher, including how much potential nesting habitat for the little willow flycatcher would be impacted by the project.

The primary area discussed in the DEIR as potential habitat for little willow flycatcher is located along the Eel River. As discussed in the response to Comment O7-36, the gen-tie line has been realigned to avoid this area. In addition, the language in the Biological Resources Section in Chapter 9 of this FEIR has been corrected to indicate that it is possible rather than likely for willow flycatchers to fly over the

ridge. The text included in the DEIR incorrectly implied that willow flycatchers were likely to migrate over the ridge, but given the relatively narrow project area on the ridge compared to the broad migratory path of neotropical migrants, “possible” is a more accurate characterization of the likelihood of occurrence during migration. Please see Master Response 5, “*Migratory and Special-Status Birds,*” and *Willow Flycatcher Status and Risk Evaluation for Proposed Humboldt Wind Project, Humboldt County* prepared by H.T. Harvey & Associates, dated March 4, 2019, in Appendix B of this FEIR for a more detailed discussion of the risk of operational impacts.

The commenter also requests information regarding the preconstruction nesting bird surveys that would be required under Mitigation Measure 3.5-13.

Professionally-vetted, standard nesting bird survey practices will be used for preconstruction nesting bird surveys. Surveyors will walk the 250-foot survey buffer searching for nests and birds exhibiting nesting behavior. Surveys will be conducted both by eye and by using binoculars. The qualifications of surveyors will be approved by the County, which may consult with CDFW. The adequacy of the exclusion zone is based on professional opinion and shall be determined by a County-approved biologist and shall be based on the nesting species and its sensitivity to disturbance. In general, exclusion zones of up to 250 feet for raptors and 50 feet for passerines are sufficient to prevent substantial disturbance to nesting birds. However, these buffers may be increased or decreased at the discretion of the biologist, as appropriate, depending on the bird species and the level of disturbance anticipated and observed near the nest. Active nest sites shall be monitored periodically throughout the nesting season to identify any sign of disturbance.

O7-38 *The commenter requests information regarding Mitigation Measure 3.5-15, including the scientific basis for concluding that habitat compensation is not required for project impacts to roosts used by other special-status bat species. The commenter asks for a clarification of why compensatory mitigation for the loss of bat roosts is limited to Townsend’s big-eared bats.*

Mitigation measure 3.5-15 provides a step-wise approach to identifying potential roost habitat for bats and a process for avoiding impacts to those roosts during critical times of year for bats (pup-rearing, wintering, etc.). This approach, which includes consultation with CDFW, is designed to avoid direct impacts on bats, which could occur if roosts are removed while bats are present. This makes compensatory mitigation unnecessary. Essential roosts of Townsend’s big-eared bats are discreet habitat features on the landscape and known roosts from within the County are limited. While the roosts of other bat species are also discreet locations, individually, combined they are more abundant across the landscape and are therefore less limiting for those species and compensatory mitigation is not warranted. As noted in Mitigation Measure 3.5-15, should a Townsend’s big-eared bat roost be found, consultation with CDFW will include an analysis of the project layout with respect to the roost, options for removal (if needed), suitable mitigation opportunities, and monitoring and reporting requirements. However, given that the project is avoiding old growth forest, the likelihood that the project will impact the roosts of this species is very low. Please also see response to Comment O9-13.

O7-39 *The commenter requests information regarding Mitigation Measure 3.5-19c, which pertains to special-status mammal species, including information regarding the proposed buffer, monitoring, and passive relocation.*

The adequacy of the 50-foot buffer is based on the professional opinion and experience of qualified biologists. The commenter has not provided any evidence that a 50-foot exclusion buffer is inadequate. Answers to the detailed questions that the commenter has asked about the preconstruction surveys are not necessary for the County to conclude that professionally-conducted surveys will be adequate to protect the identified species. Relocation of non-listed species is a standard practice and will be conducted in coordination with CDFW. No animals would be relocated without first consulting CDFW.

The only features that would be permanently fenced are the project substation and the operations and maintenance facility. In addition, the turbines located on Russ Ranch property will have ranch-type fencing that will be wildlife permeable.

O7-40 *The commenter requests information regarding the fencing referenced in Mitigation Measures 3.5-19d and e.*

This temporary construction fencing is not inconsistent with project security. Security fencing around the project substation and the maintenance facility would be installed during operations. Any impacts of this limited fencing on wildlife would be minimal.

Habitat mitigation for impacts to special-status mammals is the restoration of temporarily impacted areas and compensatory mitigation for sensitive natural communities, as described in Mitigation Measure 3.5-23e. There are detailed performance standards for these restoration activities in the *Reclamation, Revegetation, and Weed Control Plan* included in Appendix B of this FEIR. Mitigation measure 3.5-19 has been revised as follows:

Mitigation Measure 3.5-19e: Restore Special-Status Mammal Habitat.

~~If restoration and/or enhancement of special-status mammal habitat is selected as a mitigation strategy,~~
The project applicant shall implement Mitigation Measure 3.5-23e, “Develop and Submit a Reclamation, Revegetation, and Weed Control Plan,” and include performance standards, and a monitoring and reporting program to track revegetation and/or enhancement success.

O7-41 *The commenter requests further analysis regarding impacts on certain special-status mammals and whether the presence of wind turbines may cause avoidance behavior and the functional elimination of habitat.*

There is no evidence that noise from wind turbines creates any adverse impacts on special-status mammals. To the County’s knowledge, there have been no studies or reports linking noise from wind turbines to health impacts on mammals to a level of population-level decline. Elimination of habitat has been adequately discussed in the DEIR. The County is not aware of any evidence that wind turbines have caused avoidance behavior. No further revisions are necessary

O7-42 *The commenter requests further information regarding the distances traveled by certain special-status amphibians and reptiles from aquatic habitat.*

The DEIR cites Thomson et al. 2016 and Morey 2000b as sources of information for distances traveled from aquatic habitat by the western pond turtle and Cook 2013 for information on foothill yellow-legged frogs.

O7-43 *The commenter requests information regarding Mitigation Measure 3.5-21c, which requires preconstruction surveys for special-status amphibians and reptiles and, under certain circumstances, passive relocation of such species.*

The adequacy of the 50-foot buffer is based on the professional opinion and experience of qualified biologists. The commenter has not provided any evidence that a 50-foot exclusion buffer is inadequate. Answers to the detailed questions that the commenter has asked about the preconstruction surveys are not necessary for the County to conclude that professionally conducted surveys will be adequate to protect the identified species. Relocation of non-listed species is a standard practice and will be conducted in coordination with CDFW. No animals would be relocated without first consulting CDFW.

O7-44 *The commenter requests information regarding Mitigation Measure 3.5-21e, which requires the applicant to provide compensatory mitigation at a 1:1 ratio for permanent impacts to habitat for the foothill yellow-legged frog.*

The compensatory mitigation requirement called for in Mitigation Measure 3.5-21e is not contingent on the results of preconstruction surveys required under Mitigation Measure 3.5-21d. Temporary impacts to foothill yellow-legged frog habitat will be mitigated through the restoration of temporarily disturbed areas. A 1:1 compensation ratio is a standard and professionally accepted ratio for impacts to special status species. This mitigation measure applies only to the foothill yellow-legged frog. The project has eliminated the plan for horizontal directional drilling under the Eel River for the gen-tie due to the risk of frac-out. The project proponent is now proposing an above-ground crossing of the gen-tie over the Eel River, eliminating this risk. Please see “*Changes to the Project Description Since Circulation of the DEIR,*” in Chapter 1 of this FEIR.

O7-45 *The commenter requests information regarding Mitigation Measure 3.5-21e, which requires the applicant to purchase and record mitigation lands for foothill yellow-legged frog.*

The County, in consultation with CDFW, will use professional judgment to determine the suitability of offsite mitigation land for foothill yellow-legged frogs. Habitat suitability will be based on the presence of features that support the species. Lands used as compensatory mitigation for the foothill yellow-legged frog will also likely qualify as mitigation for aquatic resources and sensitive natural communities. Performance standards for the mitigation of these resources are included in the *Reclamation, Revegetation, and Weed Control Plan* in Appendix B of this FEIR. Standard measures such as endowments, deed restrictions, conservation easements, or other instruments will be used to ensure the long-term maintenance and management of mitigation lands.

O7-46 *The commenter states that Class I stream crossings on permanent roads should be constructed with bridges to allow for fish passage and reduced maintenance issues. The commenter also states that Eel River does not drain into Humboldt Bay. The commenter also requests information regarding the consistency of the project with certain wet weather operation limitations in HRC’s HCP, as well as information regarding erosion and sedimentation. Permanent stream crossings constructed by the project would be designed to allow for the same or a higher level of fish passage than is currently present.*

For purposes of jurisdictional delineation, the project's *Aquatic Resource Survey Report*, included in Appendix F of the DEIR, conservatively assumes that all drainages potentially affected by the proposed project drain into Humboldt Bay.

With respect to HRC's HCP, Humboldt Wind LLC is not a Covered Party and is not a permittee under that HCP. Nonetheless, the project is not in conflict with the management objectives of the HCP and will not preclude any permittee from compliance with the terms and conditions of its HCP, including the specific measure the commenter refers to. The EIR imposes on the project a number of wet-weather BMPs in Mitigation Measure 3.5-28, which are consistent the management objectives of the HCP. The project-specific BMPs have been designed to minimize sediment delivery to watercourses and downstream fish habitat. See Mitigation Measure 3.10-1 for further wet-weather restrictions. Also see Master Response 8, "*Conflict with Adopted HCP.*"

O7-47 *The commenter requests information regarding Mitigation Measure 3.5-22c, which requires the applicant to develop an eelgrass monitoring and protection plan, including remedial actions that would be required if eelgrass beds are adversely affected by project activities.*

Mitigation Measure 3.5-22c has been revised to indicate that an *Eelgrass Monitoring and Protection Plan* has been prepared by the applicant. This plan is included in Appendix B of this FEIR. The revised mitigation measure is as follows:

Mitigation Measure 3.5-22c: Avoid Impacts on Sediment and Habitats in Humboldt Bay and Implement Eelgrass Monitoring and Protection Plan.

The project applicant shall avoid all impacts on sediment and adjacent habitats (such as eelgrass beds) in Humboldt Bay by using existing shipping channels and pinning the barge against wooden piles connected to the shore by a mooring line. The barge shall not come in contact with Humboldt Bay sediment or habitats at any time. The project applicant ~~shall~~ has developed an eelgrass monitoring and protection plan to ensure that eelgrass beds will not be adversely affected during offloading of components in Humboldt Bay. The project applicant shall implement the following mitigation and monitoring measures in the eelgrass monitoring and protection plan to avoid impacts on eelgrass .

1. Depths along the outer margin of the piling field, which extends approximately 60 feet beyond the terminal wall within the project area, range from -5 feet at the northern end of the terminal, to less than -1 ft MLLW at the gap in the piling field (see Figure 1 in *Eelgrass Avoidance Recommendations for the Humboldt Wind Energy Project* prepared by Merkel & Associates, Inc. June 2019, Appendix B in this FEIR). Eelgrass occurs at depths ranging from approximately -5.4 ft to +1.1 feet MLLW within the project area. To avoid impacts to eelgrass, tug/barge operators shall maintain a minimum operational buffer distance of 10 feet from the perimeter of mapped eelgrass beds with respect to barge positioning and spud leg mooring placement and be aware of shallow shoals near the southern periphery of the piling field where the risk of grounding in eelgrass habitat is greatest (Figure 3.5-4 in Appendix C of this FEIR).
2. Eelgrass bed margins within the APE boundary (shown in Figure 2 in *Eelgrass Avoidance Recommendations for the Humboldt Wind Energy Project* prepared by Merkel & Associates, Inc. June 2019, Appendix B in this FEIR) shall be staked with PVC posts prior to commencement of

offloading activities to provide visual guidance for operators to avoid eelgrass beds with respect to tug thrusting as well as barge and spud leg mooring placement. To avoid grounding or tug thrust impacts during barge repositioning, the barge operators shall move the barges out to the main channel to rotate them due to the narrow dimensions and presence of eelgrass on both sides of the terminal channel.

3. The project applicant shall complete pre and post-construction eelgrass surveys in accordance with the *California Mitigation Policy and Implementing Guidelines* (NOAA 2014b) to confirm that impacts on eelgrass have been avoided during the offloading operation. These guidelines require completion of pre-implementation surveys within the project APE and appropriate reference site(s) within the active growth period for eelgrass (May – September) 60 days prior to the commencement of the project. Post-construction surveys of the APE and reference site shall be completed within 30 days following the completion of barge offloading activities, or within the first 30 days of the next active growth period following project implementation that occurs outside the active growing season. All monitoring shall be conducted by qualified biologists who are experienced with eelgrass monitoring. Survey reports shall be submitted to the appropriate state and federal resource/regulatory agencies and to the Humboldt County Planning & Building Department within 30 day of completion of each survey.

Implementation: Project applicant.

Timing: No less than 90 days before ~~At the time of~~ project component delivery.

Enforcement: Humboldt County Planning & Building Department, California Department of Fish and Wildlife.

The performance standard used is complete avoidance. Monitoring and reporting of activities is required to both state and federal resource/regulatory agencies within 30 days of the completion of each survey. Enforcement of these measures will be the responsibility of Humboldt County.

O7-48 *The commenter requests information regarding the DEIR’s analysis of direct and indirect impacts to List 3 plants and cumulative impacts to List 4 plants. This commenter also requests analysis regarding the project’s compliance with the HCP’s provisions for the protection of sensitive plants. The commenter also requests clarification regarding whether vegetation maintenance along the transmission line corridor is being considered a temporary or permanent impact. The commenter also requests additional information regarding potential impacts to List 1 and List 2 plant species. The commenter also requests information regarding the project’s impact on insect pollinators. The commenter also requests information regarding Mitigation Measure 3.5-23b, which requires avoidance and minimization measures for special-status plants and Mitigation Measure 3.5-23c and Mitigation Measure 3.5-23d, which requires a revegetation plan including certain provisions.*

Regarding CNPS list 3 and 4 species, please see the response to Comment O7-10, above.

With respect to whether the project is in conflict with HRC’s HCP, please see Master Response 8, “*Conflict with Adopted HCP.*”

Except with respect to foraging habitat for northern spotted owl, vegetation maintenance along the gen-tie line is considered a temporary impact for resources that would be allowed to grow back after construction, such as List 1 and 2 special-status plant species and non-timber sensitive natural communities. For resources that would not be allowed to grow after construction, due to ongoing vegetation maintenance activities, the impacts are considered permanent and will be offset by compensatory mitigation.

This FEIR includes an updated impact analysis for special-status plant species, including Pacific gilia and Siskiyou checkerbloom, based on the refined project layout and additional special-status plant surveys conducted. See Appendix B of this FEIR for the updated survey report and Appendix C of this FEIR for maps of the original and refined project footprint.

Potential impacts on Pacific gilia, Howell's montia, and short-leaved evax will be minimal. These species are widely distributed in the region, and the small potential impacts would not result in regional impacts on these species or cause them to drop below self-sustaining levels. Pacific gilia occurs in northwestern California and southwestern Oregon. There are currently 83 known occurrences of Pacific gilia documented in the CNDDDB, 55 of which are in Humboldt County. Short-leaved evax occurs in northwestern California and southwestern Oregon. There are currently 56 known occurrences of short-leaved evax documented in the CNDDDB, nine of which are in Humboldt County. Howell's Montia occurs in northwestern California and northwards into British Columbia. There are currently 114 known occurrences of Howell's Montia documented in the CNDDDB, 110 of which are in Humboldt County.

Because the proposed project would affect a small amount of the available habitat in the project area and would not substantially affect local or regional populations of these species during construction, the potential impacts of project construction and operation on Pacific gilia, Howell's montia, and short-leaved evax would be less than significant.

Regarding the project's potential impacts on insect pollinators, the County is not aware of any scientific evidence on which to conclude that the project would impact insect pollinators, nor has the commenter provided any such evidence. The FEIR has been updated to include the results of the surveys required under Mitigation Measure 3.5-23a, and no changes to the conclusions in the DEIR are warranted based on the results of these surveys.

Mitigation Measure 3.5-23b has been amended to require the presence of the qualified biologist during construction activities to ensure that special-status plants are flagged during preconstruction surveys and avoided. For purposes of determining that a plant has not been affected, the County is entitled to assume that if the biological monitor has flagged plants for avoidance during construction, that the plant will in fact be avoided. Mitigation Measure 3.5-23a now reads as follows:

Mitigation Measure 3.5-23a: Conduct Preconstruction Botanical Surveys for Special-Status Plants.

The project applicant shall conduct appropriately timed botanical surveys before construction for all areas of ground disturbance that could support special-status plant populations. A qualified biologist shall be present during construction activities to ensure that special-status plants are flagged for avoidance during preconstruction surveys. Floristic surveys shall be conducted by a qualified botanist during the species' blooming period in accordance with methods described in CDFW's 2018 *Protocols for Surveying and*

Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018b). The results of the survey shall be presented in a report submitted to Humboldt County and CDFW no later than August 2019. If additional special-status plants are detected in the project area, they shall be incorporated into project siting, design, avoidance, and management in accordance with Mitigation Measures 3.5-23b through 3.5-23d below.

Please see *Reclamation, Revegetation, and Weed Control Plan* included in Appendix B of this FEIR. Topsoil seeds and plants will not be “dumped” at other locations within the project area. Such areas may be used for monitored revegetation efforts. Contrary to the statement by the commenter, the DEIR does conclude that mitigation for loss of sensitive natural communities will benefit special-status plants that are not associated with the sensitive natural community.

Mitigation Measure 3.5-23d has been revised to indicate that the revegetation plan has been prepared and included in Appendix B of this FEIR.

O7-49 *The commenter requests further information regarding Mitigation Measure 3.5-23e, which requires the applicant to develop and submit a reclamation, revegetation, and weed control plan, and also requests information regarding the applicability of HRC’s HCP to the seed mix.*

The applicant has prepared a *Reclamation, Revegetation, and Weed Control Plan*, included in Appendix B of this FEIR. It contains performance standards, time frames for reclamation and restoration of the project site, and provisions for a monitoring program.

With respect to conflict with the HCP, please see Master Response 8, “*Conflict with Adopted HCP.*”

O7-50 *The commenter requests further information regarding Mitigation Measure 3.5-24b, which requires compensatory mitigation for sensitive natural communities and/or riparian habitat permanently affected by the project but does not requires such mitigation for the loss of merchantable timber.*

CEQA does not require an EIR to discuss compliance with the provisions of all potentially applicable laws, including compliance with the California Forest Practice Rules. CEQA also does not require a discussion of the relationship between the Timber Harvest Plan (THP) and the County’s mitigation measures. Except where it is habitat for northern spotted owl, the County is not requiring mitigation for loss of merchantable timber that is grown for purposes of harvesting, because it is not a sensitive natural community. The County understands that the applicant will be applying for a timberland conversion permit and is preparing a THP.

O7-51 *The commenter requests information regarding Mitigation Measure 3.5-23e and states that the measure does not establish the compensatory mitigation ratio requirement necessary to achieve a “no net loss” standard.*

The County considers a no net loss standard to be a 1:1 mitigation ratio. The minimum requirement for habitat lift/enhancement is also a no net loss standard, or 1:1 ratio. Enhancement at a 1.5:1 ratio maximum or 1:1 ratio minimum is sufficient to mitigate for permanent impacts to sensitive natural communities because it establishes that impacts will be replaced on a “same for same” basis, hence achieving a no net loss standard.

O7-52 *The commenter requests information regarding Mitigation Measure 3.5-24c, in particular the requirement that trees removed from riparian habitat be replaced with the same or similar species at a ratio of 3:1.*

Please see the *Reclamation, Revegetation, and Weed Control Plan*, which is included in Appendix B of this FEIR.

The replacement ratio is based on the number of trees. The length of time it takes these species to grow to functional capacity is included in the plan.

O7-53 *This commenter requests clarification regarding the extent to which the County's conclusions regarding the significance of project impacts to riparian habitat hinge on the lake and streambed alteration agreement. The commenter also requests information regarding Mitigation Measure 3.5-25a and 3.5-25b, in particular the County's conclusion that a 1:1 mitigation ratio would reduce the project's impacts on wetlands and other waters of the United States to a level of insignificance.*

The County's conclusion that mitigation would reduce the project's impacts to riparian habitat to less than significant is not based on the applicant's entry into a lake or streambed alteration agreement with CDFW. The County's 3:1 requirement is independent of any ratio required by CDFW. The rationale that a 1:1 mitigation ratio for impacts to wetlands is sufficient is because a 1:1 ratio ensures no net loss. This is because the amount of habitat replaced is exactly equal to the amount of habitat disturbed. The County will require that habitat replacement occur at acceptable locations and will be completed within a specified timeframe (see the *Reclamation, Revegetation, and Weed Control Plan* in Appendix B of this FEIR). Performance standards for wetland mitigation are also included in the plan. The County is the enforcement agency for all mitigation measures in the EIR.

Waters of the state, as defined in this comment, were included in the analysis presented in the DEIR. Therefore, no further information is necessary.

O7-54 *The commenter requests information regarding the DEIR's conclusion that project infrastructure would not impede movement by birds, bats, and terrestrial wildlife.*

That a project could result in the fatality of some numbers of birds and bats does not mean that it would "interfere substantially" with the movement of these species. The migratory corridor issue raised by Appendix G to the CEQA Guidelines is intended to address barriers to movement that substantially preclude passage. The amount of airspace occupied by the rotor-swept area of the turbines is infinitesimal in relation to the extent of the surrounding unoccupied airspace. Therefore, the turbines themselves do not constitute a substantial impediment to flight migration. The FEIR has been corrected to delete the sentence fragment "...and project operations would consist of activities that are similar to other land uses in this area" (Page 3.5-181 of the DEIR).

O7-55 *This comment states that the DEIR's conclusion that impacts of turbine operation on migrating birds would be reduced to a level of insignificance with mitigation is not supported by substantial evidence.*

The DEIR acknowledges that birds use ridges as well as riparian corridors as main travel pathways. However, because birds travel along riparian corridors, the project reduces impacts to such birds by

avoiding locating turbines in these corridors. The impacts caused by locating turbines on ridges have been acknowledged, but as noted above, are not significant when considering whether turbines are a substantial impediment to movement. Please also note that the impact conclusion in the DEIR is “less than significant,” not “a level of insignificance” as stated by the commenter.

O7-56 This commenter requests information regarding the DEIR’s conclusion that impacts of turbine operation on migrating birds would be reduced to a level of insignificance.

CEQA does not require an EIR to explain how a project has been designed in response to environmental factors. Instead, CEQA requires the lead agency to determine how the project, as designed, may have a significant impact on biological resources. The DEIR has met that requirement. Project bird surveys were not specifically focused on riparian areas as no turbines are sited in locations with this habitat. Rather, the surveys were designed to document avian presence within locations where turbines are sited. Had more focused surveys been conducted in riparian areas it is highly likely that more birds would have been observed. The analysis of migratory birds and migration corridors included in the DEIR is already adequate and a revised assessment of project impacts to migratory birds and avian migration corridors is not necessary. Please also note that the impact conclusion in the DEIR is “less than significant,” not “a level of insignificance” as stated by the commenter.

O7-57 The commenter states that the DEIR’s conclusion that access roads would not represent barriers to wildlife movement is not supported by substantial evidence and requests further information in support of that conclusion.

The County has reasonably concluded that project access roads would not represent significant barriers to wildlife movement. Exact vehicular use on these roads has not been measured, and therefore it is not possible to provide the criteria requested by the commenter. However, these roads are privately owned, access to the public is restricted and thus are understood to be used lightly, mainly by logging trucks. In addition, the project is not proposing any new roadways, only realignment or rebuilding in place of existing roadways. Use of these roadways for project construction and operation is also episodic and light. Therefore, the project will not result in the creation of barriers to wildlife movement. No revisions are necessary.

O7-58 The commenter states that the DEIR’s conclusion that impacts associated with wildlife collisions would be reduced to a level of insignificance is confusing and requests further information in support of that conclusion.

The language in this FEIR has been revised to reference Mitigation Measure 3.5-19a instead of 3.5-19b. Further, the timing section of MM 3.519a has been revised to state “continuously during all project related construction and operational activities, as applicable.”

Project mitigation measures will be implemented by the project applicant and enforced by the County for the life of the project. It is well understood that maintaining lower vehicle speeds reduces the risk of vehicular collisions. It is acknowledged that impacts to certain taxa, such as amphibians, cannot completely be avoided.

O7-59 *The commenter requests information regarding how data from the preconstruction habitat assessment for bats would be used to avoid roost habitat. The commenter notes the lack of compensatory mitigation for roosts of bat species other than Townsend's big-eared bats and potential impacts the project may have if roosts of those species are located near project turbines and opportunities to modify the project to avoid potential impacts.*

Mitigation measure 3.5-15 provides a step-wise approach to identifying potential roost habitat for bats and a process for avoiding impacts to those roosts during critical times of year for bats (pup-rearing, wintering, etc.). To the extent that the removal of any documented or suspected roosts can be avoided through minor project alterations, such as minor modifications to turbine pad margins or the edges of fill slopes, micro-siting will be conducted in the field in consultation with the County and CDFW. Regardless, the bat species known to be most susceptible to collision with wind turbines are primarily the migratory tree roosting species (hoary bat, red bat, and silver-haired bat) that roost singly (or rarely in small groups). Given that these species are not listed and do not appear to be as attracted to wind turbines as the migratory species, impacts to these species are not anticipated to be significant (i.e., impacts to these species will not constitute a population-level decline) to warrant compensatory mitigation.

Please also see Master Response 4, “Bats,” for additional information on the mitigation proposed for impacts on bats.

O7-60 *The commenter requests an analysis regarding the project's consistency with the policies established in HRC's Management Plan and states that, because the project is not a covered use under HRC's HCP, the HCP likely would need to be reopened prior to initiation of the wind project on HRC lands. The commenter also requests information regarding whether the project's proposed road construction was included in any of HRC's annual road plan.*

HRC's management plan is not a local policy or ordinance that applies to the project. As noted by the commenter, the plan describes HRC's forest management practices and policies. The wind project will have no impact on HRC's ability to continue implementing its management plan.

Please also see Master Response 8, “Conflict with Adopted HCP,” for additional information on the project's relationship to the HRC HCP.

O7-61 *The commenter requests information regarding the DEIR's conclusion that the HCP measures for marbled murrelets are consistent with the measures described in Mitigation Measure 3.5-1b.*

Please see Master Response 8, “Conflict with Adopted HCP,” for additional information on the project's relationship to the HRC HCP.

O7-62 *The commenter states that the DEIR fails to discuss the project's consistency with the HCP's conservation measures for northern spotted owl and requests further information regarding the project's potential impact on HRC's ability to meet the HCP's conservation measures.*

As discussed in Master Response 8, “Conflict with Adopted HCP,” the project is not required to comply with HCP conservation measures, which apply to covered activities and permittees under the HCP. There is no evidence to support the claim that the project would prevent HRC from complying with the

conservation measures in the HCP and the commenter has provided none. The County has concluded that the project is not in conflict with the HCP. It is acknowledged that one of the management objectives in the HCP is for HRC to maintain an average reproductive rate of at least 0.61 fledged young per pair. It is also acknowledged that, even without the project, the running average of reproductive rates for the northern spotted owl is below the requirements. The project has conducted surveys for northern spotted owl activity centers within 0.25 mile of the project and compiled existing data on activity centers from HRC and CDFW's Spotted Owl Database within 0.7 mile of the project. The project is avoiding all activity centers, and there will be 1,000-foot buffers around all activity centers except for one. No work activities will be conducted within 1,000 feet of this activity center during the nesting season. The project has also demonstrated that with its activities, HRC will be able to maintain all habitat retention and activity center avoidance requirements under the HCP. With these protections, there is no reason to believe that the project will contribute to the decline in fledgling reproductive rate already being experienced. With respect to habitat loss and fragmentation, the habitat being removed is far enough away from activity centers and represents an infinitesimal amount of northern spotted owl habitat available within 0.7 mile of activity centers, and therefore is not expected to affect the reproductive success of the northern spotted owl. Nonetheless, the project will compensate for the loss of northern spotted owl habitat in accordance with Mitigation Measure 3.5-7.

The prey management program has been removed from Mitigation Measure 3.5-7. Please see Chapter 9 of this FEIR for this revision. The EIR does not anticipate any substantial northern spotted owl fatalities from collisions with turbines and therefore, no significant impact would occur on reproductive success or HCP's management objective of maintaining pairs on an average of 80% of a minimum of 108 activity sites would occur.

Please also see Master Response 3, "*Northern Spotted Owl*," for additional refinements to the impact analysis since circulation of the DEIR and Appendix B of this FEIR for additional studies. Maps showing northern spotted owl activity centers in relation to project components are included in Appendix C (Figures C-2a and C-2b: Northern Spotted Owl Activity Center Map) of this FEIR.

O7-63 *The commenter states that the DEIR's statement that Mitigation Measures 3.5-22a through 3.5-24e require implementation of erosion control measures for disturbed areas and other BMPs intended to avoid sediment input to watercourses is not supported by substantial evidence. The commenter also states that it is unclear how the DEIR could conclude that implementing the proposed mitigation would achieve consistency with the HCP's requirements for water quality protection.*

The commenter overlooks the fact that Mitigation Measure 3.5-22a incorporates by reference Mitigation Measure 3.10-1, which directly addresses erosion control. Mitigation Measure 3.10-1 incorporates by reference some of the provisions of the HCP, where feasible. It should be noted that the project applicant is not a permittee under the HCP, and the project is not a covered activity. Therefore, there is no legal requirement that the project "comply with" the provisions of the HCP. Under CEQA, the lead agency must show that the project will not "conflict with" the HCP. The alternative means for erosion control set forth in Mitigation Measure 3.10-1 are equivalent to the measures in the HCP quoted in Mitigation Measure 3.10-1. As such, the project will not conflict with the management goals of the HCP with respect to the protection of aquatic resources. No revisions are required.

O7-64 *The commenter states that a SWPPP has not yet been prepared and the DEIR therefore has no basis for concluding that it will adequately mitigate impacts to water quality and fish habitat. The commenter also states that the conclusion that revegetation of disturbed areas would mitigate water quality impacts is not supported by substantial evidence because it allows a year to pass between the commencement of construction activities and the implementation of revegetation activities.*

It is customary for construction-level plans such as SWPPs to be prepared after the certification of an EIR. SWPPs require standard erosion and sediment control measures that must adhere to state and federal water quality regulations. The County does not anticipate significant water quality impacts to occur during the year between the commencement of construction and the implementation of revegetation activities if standard erosion and sediment control measures are adhered to. The project applicant is not required to prepare a watershed analysis as required of permittees under the HCP. No revisions are necessary.

O7-65 *This commenter states that there is insufficient information about seismic risk analysis and seismic design engineering in the project description. The commenter requests: a geotechnical investigation that presents the geotechnical engineering requirements necessary to meet criteria related to seismic ground motion; and site-specific grading information.*

As described in the DEIR, there are numerous policies, standards, and other local and state requirements that the project will be required to meet, including General Plan policies and standards, California Building Code requirements, and other applicable regulatory requirements. In particular, the California Building Code requires the preparation of a project- and site-specific, design-level geotechnical report by a licensed geotechnical engineer. The final geotechnical report, which is subject to review and approval by the County's Planning & Building Department, will address a wide variety of geotechnical issues, including the specific information requested in the comment. The Humboldt County Grading and Erosion Control Ordinance also requires a site-specific erosion and sediment control plan. Because the project has not yet reached the design-level stage, it is not appropriate to prepare these reports at this time. However, the DEIR discloses the potential impact and concludes that, through compliance with regulatory requirements, geological impacts would be less than significant. This approach is sufficient to satisfy the requirements of CEQA. No revisions are necessary.

O7-66 *The commenter requests a copy of the site-specific restoration plan that will address areas temporarily impacted by turbine construction.*

As stated in the DEIR, following the construction of the turbines, all temporary impact areas would be stabilized in accordance with the SWPPP and a site-specific restoration plan. The SWPPP would be subject to its own regulatory requirements and required to meet various performance standards related to stormwater flows so as to control such flows. The site-specific restoration plan will be prepared as described in the *Reclamation, Revegetation and Weed Control Plan* in Appendix B of this FEIR and will be implemented to preserve native vegetation communities in the project area and reestablish native plant cover, natural communities, and wildlife habitat to the greatest extent feasible. The SWPPP and the restoration plan will be developed in accordance with the County's Grading, Excavation, Erosion, and Sedimentation Control Ordinance and will contain a number of specific provisions identified on pages 3.5-167 through 3.5-169 of the DEIR.

O7-67 *The commenter states that the DEIR fails to provide sufficient geologic or geotechnical information to inform design constraints or assess potential impacts associated with boring under the Eel River channel.*

Since publication of the DEIR, the applicant has voluntarily adopted the alternative gen-tie route described in Alternative 2 in the DEIR. This alternative route would provide an overhead (rather than underground) crossing of the Eel River in order to, among other things, avoid impacts on special-status fish species that could result during a frac-out. Because the project has been modified to avoid an underground crossing of the Eel River, the information requested by the commenter is no longer relevant to the project. Please see “*Refinements to the Project Description Since Circulation of the DEIR*,” in Chapter 1 of this FEIR for a list of project refinements.

O7-68 *The commenter states that the DEIR’s discussion of slope stability and mass wasting hazards is inconsistent with provisions of the Humboldt County General Plan that require geologic reporting (S-S1) and landslide mapping (S-S2).*

Both Standard S-S1 (Geologic Report Requirements) and Standard S-S2 (Landslide Maps) are identified as applicable to the proposed project on page 3.7-19 of the DEIR. As required in the General Plan, these documents will be prepared consistent with County building regulations to address geologic hazards and geologic conditions, and then provided to the County in connection with its review of the proposed project. The General Plan does not require that these materials be prepared prior to publication of a DEIR and will instead be prepared once site-specific final design criteria are available. The County’s actions are consistent with these General Plan standards. No revisions are necessary.

O7-69 *The commenter requests that the EIR evaluate the increased risk of wildfires associated with running the gen-tie over the Eel River and identify any mitigation measures necessary to reduce or eliminate any significant impacts identified.*

The commenter does not provide any evidence to support a claim that there will be any increased risk of wildfires, and no such risk is expected to occur. Further, any such risks would be addressed through the implementation of Mitigation Measure 3.13-2a, which requires the preparation of a fire safety and management plan (including preventative strategies and programs adopted to minimize the risk of electrical lines and equipment causing wildfires), as well as Mitigation Measure 3.13-2b, which requires the preparation of an emergency response plan. Vegetation management under the gen-tie line will maintain adequate clearances per CPUC GO 95, NERC Standard FAC-003, and other regulatory standards to minimize the risk of fire.

Section 3.13, “Fire Protection Services and Wildfire Hazards,” of the DEIR provides an analysis of wildfire impacts and Master Response 10, “*Wildfire*,” in this FEIR provides further discussion of the history of wildfire in the region and the regulatory requirements and mitigation measures that reduce the potential for wildfires.

O7-70 *The commenter requests that impacts associated with the conversion of forest to non-forest be analyzed using the approximately 1,500 acres of forestland within the 2,218-acre survey corridor presented in the DEIR as the area of analysis, as opposed to the total acreage of forested land in the County (i.e., approximately 1.9 million acres). The commenter also states that the acreage reported as being converted*

to non-forest use in the DEIR does not include the gen-tie corridor and access roads and may underreport the actual amount of conversion.

As the lead agency, the County has discretion to determine the scope of analysis for the evaluation of environmental impacts and the applicable methodology (*Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California* (1989) 47 Cal.3d 376, 409.) Here, given a concern for maintaining its overall forest resources, the County exercised its discretion to consider the potential impacts associated with the conversion of forest land on the County's forest resources as a whole, as opposed to the specific project area.

In addition, the 2,218-acre survey corridor presented in the DEIR no longer serves as an appropriate metric given the applicant's refinement of the proposed project layout. As presented in the DEIR, the 2,218-acre survey corridor was narrowed to an approximately 900-acre representative project footprint for which all potential project impacts were evaluated. This footprint has been further refined in this FEIR to approximately 680 acres, and the project is expected to result in the conversion of 35 acres of forested land to non-forest uses. Even if the conversion of forest uses was analyzed using the 2,218-acre survey corridor, the conversion of 35 acres to non-forest uses would not be considered a significant impact on forest resources.

The acreage analyzed in the DEIR and refined in this FEIR includes the construction of access roads. The gen-tie corridor is not included in the calculation of forest conversion land because, although overhead transmission lines would be present, the underlying land would still provide early seral forest uses, and it therefore is not considered a permanent conversion of forest land. Even if the entirety of the transmission line corridor were considered to be a conversion of forest land to non-forest uses, the impacts would not be considered significant in relation to the County's overall forest resources. In addition, the expected permanent conversion of forest land has now been reduced to 35 acres in this FEIR. This revision does not change the findings, conclusions, or recommendations of the DEIR. (Please note that for the purpose of determining impacts on the northern spotted owl, the impact on habitat within the gen-tie corridor is considered a permanent impact.)

O7-71 *The commenter states that the greenhouse gas ("GHG") emission analysis is incorrect because it fails to accurately account for the loss of carbon sequestration from the project's removal of trees and sources of GHG emissions from cement processing. The commenter also wants to know the potential carbon emissions from concrete production. Finally, the commenter asks for evidence that the trees removed for the project are slated for removal anyway and that the project would replace trees in accordance with standard timber harvesting practices.*

Please see Master Response 9, "*Adequacy of the Greenhouse Gas Analysis*," for an estimate of carbon storage provided by the trees to be removed.

The modeling results indicate the total annual carbon sequestration loss to be approximately 4,195 MT CO₂ per year.¹ Overall, the project would have a beneficial impact on GHG emissions, as it would provide

¹ The potential carbon sequestration loss from the project was calculated using the CalEEMod emission factors for each vegetation type (i.e., forest land [trees, scrub], grassland, and wetlands). The proposed disturbed area that was not yet surveyed was conservatively assumed to be forest, as this vegetation type has the highest carbon sequestration value (111 MT CO₂ per year). Per the CalEEMod

a source of renewable (GHG-free) energy at a rate that would exceed the potential carbon sequestration losses calculated. See Section 3.8, Table 3.8-2, of Chapter 9, “Revisions to the DEIR,” for more information.

O7-72 *The commenter states that the DEIR provides no discussion or analysis of impacts that could occur to biological resources during, and after, decommissioning.*

The project description indicates that the County will require a separate discretionary permit for the decommissioning of the project, which would trigger additional CEQA review. That said, because decommissioning is a reasonably foreseeable outcome of the project, the EIR discloses that decommissioning impacts would be similar to the construction-related impacts of the project. The County will impose standard security requirements to ensure that the decommissioning activities and related mitigation measures are carried out. No revisions are necessary.

O7-73 *The commenter requests information regarding: (1) the geographic scope that was contemplated for each sensitive biological resource analyzed in the cumulative impacts analysis; and (2) whether the “list approach” or “plans and policies approach” was used for each biological resource analyzed in the DEIR.*

Regarding the geographic scope, the cumulative impacts analysis for biological resources generally contemplated impacts throughout the County, as reflected in the County’s General Plan and supporting EIR and/or the cumulative projects list presented in Table 4-2 (which contains projects that could result in County-wide impacts). For some species, the geographic scope also included adjacent migration and movement corridors, including rivers and streams for aquatic species, and the Pacific Flyway for migratory birds. For anadromous fish species, the scope also included the Pacific Ocean to account for the migration of these species.

Regarding the evaluation of species-specific cumulative impacts, the analysis of cumulative impacts principally involved the consideration of regional plans and policies, which reflect the extent of past development in the region as well as potential future development activities, all of which have contributed to certain cumulative impacts identified in the cumulative impacts analysis. For certain impacts, including impacts on waters of the United States (which include impacts on the Eel River), aquatic resources, and related impacts on special-status fish, the DEIR also used the list approach in analyzing cumulative impacts. The DEIR also evaluated the potential cumulative impacts associated with the construction and operation of the Van Duzen Storage Project. Please note that the application for Van Duzen Storage Project has been withdrawn by the applicant since circulation of the DEIR.

O7-74 *This comment states that the list of cumulative projects does not provide sufficient information to analyze impacts at either the regional or landscape level.*

The DEIR adequately identifies all cumulative projects causing related impacts in the area that will be affected by the proposed project. (See *Citizens to Preserve the Ojai v County of Ventura* (1985) 176 Cal.App.3d 421, 429.) The information provided in the DEIR is sufficient to identify reasonably

User Guide Appendix A, Calculation Details for CalEEMod, temporary disturbance areas were not included in this calculation as they will recover to become vegetated and not count toward any net change in vegetation.

foreseeable and approved projects and analyze the project's potential cumulative impacts. Table 4-2 identifies all of the cumulative projects within the geographic area, states the location of each project, specifies the project type, and provides information on timing. Some of these projects would impact specific areas of the County (e.g., the Scotia Operations Demolition Project) while others relate to region-wide activities (e.g., timber operations) or County-wide planning efforts (e.g., the Commercial Cannabis Land Use Ordinance). Consistent with CEQA Guidelines Section 15130(b)(2), the analysis of individual cumulative impacts considers the nature of the resource affected, the location of the project, and the type of project under review.

Although not stated with the degree of specificity that the commenter may prefer, all of the basic information regarding each project identified in the cumulative projects list is provided and may be used, as desired by the commenter, to seek additional information. Additional information regarding a number of the cumulative projects is publicly available, some of which is provided on the County's website. However, the information provided in the DEIR regarding the cumulative projects is sufficient to allow for an analysis of the cumulative impacts and of the project's potential contribution to those cumulative impacts. The commenter has not identified how the omission of more detailed information regarding these projects has misled the public or otherwise resulted in prejudice. No revisions are necessary.

O7-75 The commenter requests clarification regarding the permanent impacts to wildlife habitat that would result from development of the project. The commenter also states that the DEIR fails to support the conclusion that the mitigation measures would mitigate the project to a level that would not make a cumulatively considerable contribution to a significant cumulative impact to special-status mammal species. The commenter also states that the mitigation measures for special-status mammals are limited to actions designed to avoid and minimize direct impacts to such species during construction, and they would do nothing to mitigate the project's contribution to habitat loss, which is the significant cumulative impact identified in the EIR.

Please see revised Table 3.5-9: Land Cover Types Mapped within the Project Site and Fields Landing, by Disturbance Type, Table 3.5-11: Temporary and Permanent Impacts of the Proposed Project on Northern Spotted Owl Habitat, and Table 3.5-12: Acreages of Potential Raptor Nesting and Foraging Habitat that Would Be Affected by Project Construction, in Chapter 9 of the FEIR.

Support for the conclusion regarding special-status mammals is provided in the DEIR in the form of a qualitative analysis sufficient to consider the context within which the project would occur. (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 749.) The loss of habitat from project development combined with conversion of forested lands from historic and ongoing logging activity, timber-related industry in the Eel River Valley, and agricultural activity would result in a significant cumulative impact on special-status mammal species. Cumulative projects include both historic activities and future activities reflected in the County's General Plan and associated EIR as well as the projects identified in the cumulative projects list in Table 4-2, including timber harvest activities conducted by HRC and Sierra Pacific Industries. Table 4-2 identifies the location of these activities and the timing associated with such activities. Some of these activities, for example timber activities conducted within the HRC ownership, would be located in proximity to the proposed project.

As stated on page 4-7 of the DEIR, the implementation of Mitigation Measure 3.5-19c would guide the development of project- and species-specific avoidance and minimization measures to address the project-related conversion of habitat; Mitigation Measure 3.5-19d would require the use of barriers and various best management practices to minimize impacts on special-status mammals; and Mitigation Measure 3.5-19e would require the applicant to compensate for the loss of habitat through a menu of options that include the enhancement or restoration of land by preparing and implementing a reclamation, revegetation, and weed control plan. These measures support the conclusion that the project would not make a cumulatively considerable contribution to a significant cumulative impact on special-status mammal species.

The commenter also states that the DEIR fails to provide the context needed to understand the severity of cumulative impacts to bird and bat species and the project's contribution to those impacts. As required by CEQA, the cumulative impacts analysis provides a qualitative analysis sufficient to consider the context within which impacts would occur. (Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners (1993) 18 Cal.App.4th 729, 749.)

The DEIR states that forest land in the County is home to many birds and bats and generally describes that historic logging practices have resulted in the loss of habitat for these species. The DEIR considers this historic loss of forest habitat to be a significant cumulative impact. Regarding the project's contribution to this cumulative impact, in addition to the general discussion contained in the cumulative impacts analysis, the DEIR discloses such information in Chapter 3.5, "Biological Resources," which evaluates in great detail the potential impacts on bird and bat species. Additional information is also included in the many technical reports in the Appendices to the DEIR. (see *Cadiz Land Co., Inc. v. Rail Cycle L.P.* (2000) 83 Cal.App.4th 74, 110.)

The commenter asks whether avian and bat mortality associated with the project, combined with habitat loss caused by other projects, is expected to be so severe that it might cause local extinctions.

No extinction would occur as a result of project impacts.

The commenter requests further information regarding the conclusion that compliance with existing regulations governing waters of the United States would ensure that the project would not result in a net loss of functions and acreage of wetlands and other waters.

During implementation of Mitigation Measures 3.5-25a and 3.5-25b, the proposed project would be required to avoid and minimize impacts on wetlands and other waters of the United States and, where avoidance is not possible, compensate for impacts on wetlands and waters. The standard for mitigation under these Mitigation Measures would be no net loss and would be calculated according to the U.S. Army Corps of Engineers' (USACE's) wetland mitigation procedures. After review and approval by the pertinent agencies, mitigation would be carried out at a ratio of no less than 1:1, or another ratio approved by the appropriate jurisdictional agency, whichever is higher. The project therefore would be required to achieve no net loss of aquatic functions, which would ensure that the project would not make a *cumulatively considerable contribution to a significant cumulative impact.*

O7-76 *The commenter states that the DEIR fails to analyze cumulative impacts to sensitive natural communities, special-status plants, special-status reptiles and amphibians, and migratory corridors and landscape linkages.*

When an EIR concludes that a project's potential contribution to a cumulative impact will be fully mitigated, a separate cumulative impact analysis is not required. (*Environmental Protection Info. Ctr. v. Department of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 526.) Here, all of the potential impacts referenced by the commenter were found, on a project basis, to be less than significant with mitigation. For these same reasons, the project would not make a cumulatively considerable contribution to any significant cumulative impact related to these areas of analysis. Accordingly, no further analysis was required in the DEIR. This conclusion is supported for the following reasons.

For sensitive natural communities, implementation of Mitigation Measures 3.5-24a through 3.5-24c would avoid and minimize impacts on sensitive natural communities and riparian habitat and, where avoidance is not possible, compensate for these impacts in a manner to ensure the reestablishment/restoration of sensitive natural communities and riparian habitat on a no-net-loss basis. These measures, which would ensure that the project would result in no net loss of sensitive natural communities and riparian habitat, would also ensure that the project would not make a cumulatively considerable contribution to any significant cumulative impact.

With respect to special-status plants, the implementation of Mitigation Measures 3.5-23a through 3.5-23e would avoid and minimize impacts on special-status plants and associated habitats and, where avoidance is not possible, compensate for the effects of project construction on such habitats. This includes replacement of special-status plants after removal and, for impacts on Siskiyou checkerbloom, compensation at a mitigation ratio of at least 1.5:1. Mitigation for the permanent loss of sensitive natural communities (Mitigation Measures 3.5-24a through 3.5-24c) also would benefit the special-status plant species supported in those communities. These measures, which as implemented would avoid and compensate for impacts to special-status plants, would ensure that the project would not result in a cumulatively considerable contribution to any significant cumulative impact.

For reptiles and amphibians, the implementation of proposed Mitigation Measures 3.5-21a through 3.5-21e would avoid and minimize impacts on special-status amphibians and reptiles by avoiding and minimizing impacts on habitats that could support these species, minimizing impacts on such species during construction, and developing and implementing a preconstruction survey plan for these species. Where avoidance is infeasible, the applicant would coordinate with CDFW to passively relocate the special-status amphibian or reptile. The project also would provide compensatory mitigation for permanent impacts on foothill yellow-legged frog habitat at a minimum 1:1 ratio. These measures, which as implemented would avoid and compensate for impacts on special-status amphibians and reptiles, would also ensure that the project would not make a cumulatively considerable contribution to any significant cumulative impact.

With respect to migratory corridors and landscape linkages, the DEIR concludes that the project would not result in a significant impact given the limited nature and extent of new infrastructure, a lack of new barriers to wildlife movement corridors, and the availability of large expanses of suitable habitat

elsewhere. These same factors also would ensure that the project would not make a cumulatively considerable contribution to any significant cumulative impact.

The commenter states that the cumulative impacts analysis fails to include the Humboldt Redwood Company's Habitat Conservation Plan (HCP) and associated EIS/EIR in its list of planning documents for the project

While the HCP is not explicitly identified in the list of planning documents, timber activities expected to occur within HRC ownership (which are governed by, among other things, the provisions of the HCP) are accounted for within the County's General Plan and associated EIR and are identified in the list of cumulative projects in Table 4-2 of the DEIR.

O7-77 *This comment states that Chapter 6 (Alternatives) of the DEIR refers to a northern spotted owl "flyway" near Jordan Creek, whereas Chapter 3.5 (Biological Resources) refers to a northern spotted owl "activity center" in the vicinity of the Jordan Creek access road. The commenter also states that the basis for the DEIR's conclusion that impacts to biological resources from Alternative 2 in relation to the proposed project "cannot be determined" is arbitrary and conflicts with the DEIR's analysis.*

The reference to the northern spotted owl flyway near Jordan Creek has been corrected to clarify that it is intended to refer to a northern spotted owl activity center (rather than a flyway) in the vicinity of Jordan Creek. See Chapter 9, "Revisions to the DEIR," in this FEIR. The project layout, as refined, avoids this northern spotted owl activity center. This revision does not change the findings, conclusions, or recommendations of the DEIR.

Please see Table 6.1 in Chapter 9, "Revisions to the DEIR," The table has been revised to state that the biological resource impacts from Alternative 2 are concluded to be reduced in relation to the proposed project. The impacts to redwood forest from the development of Alternative 2, which has now become the preferred project, are included in this FEIR based on the mapping provided in the Botanical Resources Memo. The acreage of redwood forest impacted under Alternative 2 (the refined project in this FEIR) is 248.41 acres, while the acreage impacted from the original project stated in the DEIR is 283.65 acres. These revisions do not change the findings, conclusions, or recommendations of the DEIR.

O7-78 *The commenter references a response in the DEIR to a comment received during the scoping process regarding the location of turbines within the Cape Mendocino Grasslands Important Bird Area and states that the County's response is confusing because Alternative 3 would only remove five turbines from the Cape Mendocino Grasslands Important Bird Area, and none of the 23 turbines proposed along Bear River Ridge would be removed.*

The response in the DEIR acknowledges that the proposed turbines on Bear River Ridge would be on the edge of the Cape Mendocino Grasslands Important Bird Area (IBA). The portion of the response acknowledging that some turbines would be located on the edge of the Cape Mendocino Grasslands Important Bird Area, however, does not reference Alternative 3 and does not state that Alternative 3 would remove turbines from this area. However, as the commenter acknowledges, Alternative 3 would remove five turbines from the Cape Mendocino Grasslands IBA that would be located along Monument Ridge. Alternative 5 would remove the majority of turbines sited within the IBA. These alternatives,

along with the other alternatives analyzed in the DEIR, present a reasonable range of alternatives and are responsive to the referenced comment made during the scoping process.

O7-79 *The commenter states that the marbled murrelet risk assessment for the project did not identify known marbled murrelet flyways and therefore the conclusion that Alternative 3 would reduce the number of turbines placed in known flyways is not substantiated by evidence. The commenter also references the DEIR's statement that biological resource impacts resulting from the improvement of access roads and the gen-tie would be the same under Alternative 5 as compared to the proposed project and states that this is incorrect because there would be no need to improve the access road along Bear River Ridge under Alternative 5, as no turbines would be located there.*

A map of higher passage areas for marbled murrelets is included in Marbled Murrelet Collision Risk Assessment Associated with the Humboldt Wind Project Proposed for Humboldt County, California: 2-Year Report, prepared by H.T. Harvey & Associates, dated September 2019, in Appendix B of this FEIR. Alternative 3 would reduce the number of turbines in these high-passage areas. It should also be noted that the project layout has also been refined to avoid these high-passage areas. These revisions do not change the findings, conclusions, or recommendations of the DEIR.

Table 6.1 in Chapter 6 of this FEIR has been updated to reflect that physical ground disturbance for Alternative 5 would be slightly reduced as compared to the proposed project. This revision does not change the findings, conclusions or recommendations of the DEIR.

O7-80 *The commenter states that the DEIR does not analyze impacts associated with the Van Duzen Storage Project, which was a battery storage project previously proposed by the applicant (and which has now been withdrawn). The comment also: (1) requests information regarding the relationship between the project and the Van Duzen Storage Project; and (2) asks the County to identify those locations in the DEIR where the Van Duzen Storage Project is discussed.*

Under CEQA, a lead agency is required to analyze the reasonably foreseeable future activities that will result from a project. (*Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376; CEQA Guidelines, § 15126.) To determine whether future activities should be evaluated, an agency assesses (1) whether such future action is a reasonably foreseeable consequence of the initial project, and (2) whether the future action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. (*Laurel Heights*, 47 Cal.3d at 396.)

As was stated in the Initial Study/Mitigated Negative Declaration (IS/MND) for the Van Duzen Storage Project, the proposed project and the Van Duzen Storage Project are separate projects with independent utility that would serve different purposes. The purpose of the Humboldt Wind Energy Project would be to generate electricity for transmission to the PG&E electrical grid. The project would be constructed regardless of whether the Van Duzen Storage Project ever is approved and developed, and its justification does not depend on the existence of battery storage. The purpose of a storage project would be to store energy that is generated at off-peak times, providing increased energy capacity and energy stability to the local grid. It is not, however, a necessary component of the wind energy project. Please note that the application for the Van Duzen Storage Project has been voluntarily withdrawn and is no longer being considered by the County.

By approving the proposed project, the County would not be committing to approve any future battery storage project that could be proposed. As reflected in the IS/MND that was previously prepared, any future storage project would be subject to its own environmental review and permitting processes. That future analysis would comply with CEQA and would not change the scope or nature of the proposed project or any of its environmental impacts.

Because the proposed project and the Van Duzen Storage Project are separate projects, the DEIR for the proposed project does not substantively discuss the storage project. As the commenter states, Chapter 4 of the DEIR identifies the Van Duzen Storage Project as a related project in its list of cumulative projects. The DEIR does not otherwise address the environmental setting, impacts, and/or mitigation measures associated with the storage project.

07-81 *This commenter states their opinion that the DEIR must be recirculated.*

The comment is noted. The County disagrees that the DEIR is “so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” Recirculation is not required.

07-82 *The commenter presents his credentials and background.*

This introductory comment does not substantively comment on the DEIR. No response is required.

07-83 *The commenter states that the EIR must provide the exact location where turbines are planned, including cut-in speeds and cut-out speeds, average wind speeds, prevailing directions and seasonality and the degree to which wind turbines would operate in foggy or cloudy conditions and the grading plan, “including berms or cut slopes to be left in place around each turbine.”*

The level of detail provided in the project description is adequate for decision makers to understand the project’s impacts on the environment. An EIR must contain the precise location and boundaries of the proposed project, as well as the project’s location on a regional map, and a general description of the project’s technical, economic, and environmental characteristics (CEQA Guidelines 1512). However, an EIR need not contain a design-level description of the project; a conceptual description of project components is sufficient as long as the description contains sufficient detail to enable decision makers and the public to understand the environmental impacts of the proposed project ([Citizens for a Sustainable Treasure Island v City & County of San Francisco \(2014\) 227 CA4th 1036](#), 1055; [Dry Creek Citizens Coalition v County of Tulare \(1999\) 70 CA4th 20](#)). The project description in Chapter 2 of the DEIR identifies the maximum number of turbine locations (60) (reduced to 47 since circulation of the DEIR) in Figure 2.1: Regional Location; Figure 2a, multiple sheets; Appendix A, “Project Area and Plan”; Figure 3-1a; Appendix D, “Proposed Turbine Location”; Figure 3-1c; Appendix D, “Proposed Project Footprint”; Figure 2; Appendix M, “Project Area”; Figure 3; and Appendix M, pp. 1-35 (Land Cover).

As explained in Section 2.2.3 of the DEIR, the environmental review takes a corridor approach based on a 1,000-foot-wide corridor centered on the representative locations of the wind turbine generators. The assumptions represent a conservative analysis as they represent the maximum level and footprint of disturbance. As described in 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, the

project applicant has further refined the project footprint and settled on the near exact location of the turbines as shown in Figures 1 and 2 in Chapter 1 of this FEIR.

A brief description of how wind speeds and direction impact a project's operations is provided on pages 2–4 of the DEIR. Further information about wind speeds and direction is provided in Master Response 1, “*Site Planning and Avoidance Measures*,” describing how wind behavior and speed shaped the proposed location and layout of the project. The additional information requested by the commenter about cut-in speeds, average wind speeds, and seasonality of wind speeds is not necessary to determine the project's environmental impacts. The role of fog and inclement weather on the interaction of certain species with the turbines (including marbled murrelets and bats) is discussed in the Biological Resources chapter of the DEIR.

The level of detail provided in the DEIR is sufficient for the decision-makers to understand how many turbines are proposed and where they would be located, how many miles of gen-tie line are proposed and where the gen-tie would be located, how many miles of new access roads are proposed and where they are located, and the location and size of the O&M facility, the temporary concrete batch plants, and the project interconnection at the existing Bridgeville substation. The project description is specific and detailed and no further revisions beyond those made to reflect the refined project description are necessary.

07-84 *The commenter states that the DEIR needs to clarify the extent of grading for pads and access roads, as well as where the grading would take place.*

A typical grading plan, involving the creation of a flat turbine pad measuring up to 350 feet by 350 feet is discussed on DEIR pages 2-10 and 2-11, and access road grading is discussed on DEIR pages 2-12 through 2-14. Further project-specific details are discussed on DEIR pages 2-18 through 2-32. The acreage of temporary and permanent disturbance for each land cover type (e.g. forest, grassland, riparian, etc.) is provided in Table 3.5-9 on page 3.5-10. Loss of habitat is discussed in detail throughout Chapter 3.5 “*Biological Resources*,” in the DEIR.

07-85 *The commenter requests further information regarding the likely rotor ground clearance.*

No berms or cut slopes are anticipated to create shorter clearances to the ground from the tips of the blades than 23 meters.

07-86 *The commenter states that the DEIR needs to provide more information regarding decommissioning.*

Decommissioning is discussed on page 2-40 of the DEIR. Please also see the response to Comment O7-72, above.

07-87 *The commenter requests that the DEIR explain “exactly how did results from these preconstruction surveys affect decisions over the suitability of the project site, which turbine model to use and project layout?” and confuses an applicant’s voluntary use of certain siting guidance documents such as the USFWS Land-Based Wind Energy Guidelines (2013) and the California Guidelines for Reducing Impacts to Birds and Bats From Wind Energy Development (2007) to assist a wind project developer in project*

design and layout decisions, with the obligations of a lead agency under CEQA to analyze the impacts of a proposed project on the environment.

There is no requirement under CEQA that an EIR describe how the results of environmental studies shaped the design of the project. Rather, an EIR is required to describe the impact of the project on the environment (CEQA Guidelines Section 15162.2). Background technical studies provide the lead agency with a means to assess impacts and risks based on existing conditions.

It is not necessary for the DEIR to describe how the results from the project's preconstruction surveys, such as radar surveys for murrelets, nest surveys, or bird count surveys, shaped the project design. However, Master Response 1, "*Site Planning and Avoidance Measures*," in this FEIR explains how the project applicant redesigned the project to reduce environmental impacts by removing certain turbines and refining the layout based on data in the background technical studies and comments from the public and the resource agencies.

07-88 *The commenter states that the DEIR needs to provide more information regarding preconstruction use surveys and explain how they were used in decision-making over project suitability and layout and notes certain criteria.*

Criteria 1-8 noted by the commenter were collected to demonstrate the weather conditions under which the surveys were completed. Where wind, weather, or visibility impacted the ability of the survey to produce reliable results, the survey work was stopped and rescheduled for another day. CEQA does not require a lead agency to explain how cloud cover, bird-specific behavior, variations in species composition, variations in relative abundance, number of birds per survey, percent occurrence, and other metrics affected the developer's decisions over site suitability or project layout. Please also see the response to Comment 07-87, above.

07-89 *The commenter requests that the DEIR include a comparison of bird observations with observations recorded for other wind project.*

Please see the responses to Comments 07-88 and 07-87. No further revisions are necessary.

07-90 *The commenter takes issue with the methodology used by the County's consultant to assess the future risk of collisions by birds with project turbines based on comparisons with bird collisions at other wind projects.*

The County acknowledges that projecting bird collisions and fatalities at a yet un-built wind project requires some degree of forecasting. However, it is a standard and scientifically acceptable method for a CEQA lead agency to compare bird use counts at a wind project under consideration with pre- and post-construction bird use and bird mortality counts at other wind projects. The DEIR is careful to state that the collision risk is "expected" to be the identified range, not that it "will" be within the identified range. It is possible, as commenter suggests, that carcass detection rates should have been adjusted differently based on body mass or search intervals. However, the commenter fails to show that the method the County used to make the risk assessment is unreasonable and provides no substantial evidence to support a claim that the project's risk profile is materially greater than what was discussed in the DEIR. No revisions are necessary.

07-91 *The comment requests that the County analyze the project's impacts on "volant arthropods." The commenter also states that the DEIR predicts fewer marbled murrelet collisions when turbines are not operating and that this is potentially inaccurate because, in the commenter's opinion, murrelets can collide with stationary objects. The commenter also states that the EIR needs to provide an empirical foundation for the assumed marbled murrelet avoidance rate.*

To the County's knowledge, there are no data indicating that wind projects could have a population-level impact on these species and commenter has produced no evidence. No revisions are required.

The commenter reports anecdotal observations of watching birds of unspecified types but does not offer a reference to clarify. From those observations, he draws conclusions about murrelets that do not match the reports of flight patterns of seabirds in general or murrelets in specific. Murrelets fly (as do many seabirds at their colonies) in very complex landscapes and there are no reports of murrelets colliding with large stationary structures that they can see.

The deterministic collision risk model reported a range of realistic avoidance values and the outcome on the risk. The probabilistic collision risk model used a large body of scientific literature to model a wide range of avoidance from a variety of sources to calculate an outcome. These evaluations resulted in lower collision risk than estimated in the DEIR. Please see *Marbled Murrelet Collision Risk Assessment Associated with the Humboldt Wind Project Proposed for Humboldt County, California: 2-Year Report* by H.T. Harvey & Associates, dated September 2019, in Appendix B of this FEIR.

The commenter also requests that the DEIR analyze the nest predation likelihood of corvids that will be drawn to the wind project to scavenge wind turbine-deposited carcasses.

It is possible that corvids could be drawn to the proposed wind project in unknown numbers. However, the nearest turbine is 1.85 miles from the nearest marginally usable habitat, and more than 2 miles to the nearest likely habitat. All other turbines are further away and thus corvids drawn to the wind project are not likely to materially increase nest predation in the known nesting areas.

The commenter requests information regarding the proposed compensatory mitigation for marbled murrelet.

The effectiveness of corvid management for murrelet breeding is described on page 3.5-78 of the DEIR and in *Compensatory Mitigation Strategy for Marbled Murrelet Impacted by Operation of the Humboldt Wind Project*, prepared by H.T. Harvey & Associates, dated September 2019, in Appendix B of the FEIR.

The commenter requests information regarding nest failure rates when breeding adults fly to return from foraging trips.

The loss of chicks and/or nest failure rate from the few adult murrelets projected to collide with wind turbines is estimated in the Collision Risk Report in the section on indirect effects. Please see *Marbled Murrelet Collision Risk Assessment Associated with the Humboldt Wind Project Proposed for Humboldt County, California: 2-Year Report* by H.T. Harvey & Associates, dated September 2019, in Appendix B of this FEIR. The number is small and the anticipated loss is more than covered by the compensatory mitigation provided. No revisions are necessary.

07-92 *The commenter requests further information regarding the methodology that would be used to conduct post-construction fatality monitoring. The commenter suggests there are limitations on the proposed search method and asserts that the approach is inadequate.*

The design of post-construction mortality monitoring is described in Mitigation Measure 3.5-2b of the DEIR and incorporates a range of methods. These methods incorporate recommendations from the California Guidelines (2007) but also go beyond those guidelines and include an Evidence of Absence approach. The County acknowledges that there may be no perfect method for post-construction monitoring.

The proposed approach is scientifically reasonable and has been used in many other study designs at wind projects. The fact that the commenter sees limitations in these methods does not mean they are scientifically unreasonable. It should also be noted that based on the lack of a perfect post-construction monitoring and mitigation program, the DEIR acknowledges that there is uncertainty about impacts to marbled murrelets. Despite this uncertainty, the DEIR has provided a reasoned, good faith analysis of the project's impacts on marbled murrelets, which has been further refined in the FEIR. Please see Master Response 2, "*Marbled Murrelet*," for a refined analysis and a list of technical studies included in Appendix B of this FEIR. As noted previously, CEQA is not required to provide an analysis of whether a project would result in "take" of a particular species or provide estimates of exact "take."

07-93 *The commenter requests further information regarding the methodology that would be used to conduct post-construction fatality monitoring.*

See the response to Comment 07-92, above. Also, as noted in Master Response 4, "*Bats*," searches by scent dogs may be included as a tool for post-construction monitoring efforts.

07-94 *The commenter requests further information regarding the methodology that would be used to conduct post-construction avian and bat fatality monitoring.*

As described in the DEIR and this FEIR, the final post-construction monitoring plan will be developed in consultation with the County prior to the start of construction (and associated with consultation with a technical advisory committee [TAC] for bats). The monitoring plan will identify the initial number of turbines searched during the years of "intensive" and "roads and pads" surveys to attain the detection rate targets identified in the DEIR, and the exact search protocols (plot size, transect spacing, search frequency, human vs. dog searchers, etc.) and contingency methods should results indicate that the target will not be attained. Evidence of Absence will not be used as a replacement to rigorous fatality monitoring. Rather, it will be used to evaluate the results of the monitoring.

The setting of specific thresholds for adaptive management for all species would require speculation and arbitrary targets, particularly in light of the conclusion that the project is not anticipated to have population-level impacts to species following mitigation. For listed species, the thresholds would likely be one individual. For the hoary bat, a fatality rate has been set. Please see Master Response 4, "*Bats*," for details.

07-95 *The commenter requests information regarding the requirement that wind turbines and the gen-tie shall not be placed in locations known to be of high use or high activity by marbled murrelets. The commenter*

also states that it would help for the County to provide evidence that line markers have in the past shown to be effective at minimizing marbled murrelet collisions. The commenter states that “murrelets perform most of their travel flights at night”.

Variation in the passage rate for murrelets along the ridge is described in Table 2 of the *Marbled Murrelet Collision Risk Report* in Appendix B of this FEIR. Most of the passage along the gen-tie is shielded from the birds by the adjacent forest. Where the lines are in the open, diverters will be used.

Marbled murrelets travel most often in twilight, but with enough light to see. The *Collision Risk Report* provided in Appendix B of the FEIR includes a detailed discussion about the timing of flight.

O7-96 The commenter requests that the compensatory mitigation plan for marbled murrelets be prepared and provided for review and expresses concern about how corvids might be attracted the site to the site of turbine collisions.

Because the comment was identified in the section about compensatory mitigation, this concern is assumed to be about the potential attraction of corvids to the mitigation site. This is very unlikely. The way corvids prey on marbled murrelets is as nest predators. Neither potential nests nor the mitigation site are adjacent to the turbines. Therefore, corvid presence near the turbines is unlikely to have an impact on murrelet nesting or the mitigation site. The distance between the mitigation site and the nearest turbine is more than 6 miles.

O7-97 The commenter requests various information regarding the calculation of eagle use rates.

Please see the response to Comment O7-99, below.

O7-98 The commenter states that the number of hours spent on use surveys could use additional explanation.

Please see the response to Comment O7-99, below.

O7-99 The commenter references a number of additional use survey attributes they believe need to be described and justified and provides a series of suggestions regarding eagle and avian use surveys, including field survey or data analysis and reporting techniques.

Although not specifically required by CEQA, eagle use surveys were conducted following the USFWS Eagle Conservation Plan Guidance in advance of the project applicant determining, in consultation with USFWS, if it will pursue an eagle take permit. Eagles also have been reported during the course of other avian use surveys (bird use count and small bird use count surveys).

Field surveys did not target a certain number of eagle observations before initiation of the surveys. Rather, avian use surveys followed protocols recommended in the USFWS eagle conservation plan guidelines and the CEC/CDFW guidelines. The methods used for the BUC surveys (large birds) are designed to provide observations per unit effort for comparison with other available data, and the eagle point count survey methods are designed to provide eagle use minutes within a specific survey plot (800-m radius and 223.3 m above ground level) per observation hour that can be used with the USFWS Bayesian risk model to estimate the potential take of eagles at the site.

Plots with a radius of suitable size for eagles and large birds (800 m) were used and were dispersed along the ridgeline proposed for wind turbines in locations providing as good of a view of the surrounding airspace and ridgeline as possible. The percent visibility at each eagle use survey point was provided in the eagle use survey report. The coverage of the project area, relative to the USFWS eagle conservation plan guideline recommendation of 30% and the number of proposed turbines located within the 800-m radius plots, has been provided in the eagle use survey report. Results of observations (number of individuals observed) are provided by season in the bird use survey report and small bird use survey report and by month in the eagle use survey report (see Appendix E of the DEIR; Appendix B of this FEIR). These data are the number of birds observed within the corresponding survey plot (800 m radius for eagles and large birds and 100 m radius for small birds) per unit effort. Additionally, survey effort, timing, and weather for those studies, by month, are provided in both reports.

The surveys were completed by highly experienced field biologists with years of professional experience in collecting avian use observation data. For the purposes of comparing eagle use at the project to results of similar surveys at other projects, it is important to note that potential error from misidentification is not typically reported in pre-construction eagle and avian use surveys at wind power projects.

The surveys were adequate for purposes of CEQA to allow the lead agency to determine if the project would have a population-level impact on eagles.

O7-100 The commenter states that the DEIR needs to assert its assumption that operative wind turbines pose the sole turbine collision risk to eagles. The comment also states that the EIR requires further information regarding the environmental impacts associated with prey reduction measures.

While it is possible that non-operational turbines could pose a collision risk to eagles, data from curtailment programs in the Altamont Pass Wind Area of California indicates that operating turbines pose a greater risk.

Please note that the raptor prey reduction strategy identified in the DEIR has been removed from proposed mitigation in this FEIR. However, the project applicant will follow practices that decrease the attraction of rodents and other raptor prey to the immediate areas around turbines, such as removing all refuse or debris after construction, avoiding rock piles and other cover for prey in the turbine pads, etc.

O7-101 The commenter states that the DEIR should provide an estimate of the likely standard error and confidence interval associated with fatality estimates based on searches at only 30% of the turbines. The commenter also states that the post-construction fatality monitoring reports should be made available to the public.

The DEIR does not state that only 30% of turbines will be searched during fatality surveys. Rather, the DEIR sets a performance standard for the detection probability of eagles of 30% (this detection probability relates to the overall take estimation), which accounts for the number of carcasses found, the effectiveness of the searchers, and the amount of time that carcasses remain at the site and are available for searchers to find. This does not mean that only 30% of turbines will be searched. In practice, study design factors such as search interval, spacing between transects used for searches, and vegetation management are used to raise the detection probability and, in the case of projects with listed species, searches typically occur at a greater percentage of turbines than at a low percentage, like 30%. Submittal

of post-construction monitoring reports to resource agencies and the County places the reports in the public realm and therefore makes the data available to the public.

O7-102 *The commenter states that the DEIR needs to provide evidence supporting its conclusion that retrofitting 32 distribution poles per eagle fatality will adequately mitigate eagle take and questions the compensatory mitigation proposed for the possibility that eagles may be killed by colliding with turbines.*

The compensatory mitigation included in the DEIR is based on USFWS eagle conservation plan guidelines and the USFWS use of pole retrofitting as adequate mitigation for eagle kills. Pole retrofitting has been identified as effective for 10 years because the equipment used to retrofit a pole will degrade or fall off over time and an applicant would be required to renew the retrofitting to maintain averted electrocutions for a longer period of time. Conversely, the reframing of a pole (which is also identified as an option in this FEIR) provides 30 years of protection because the placement of the electrified conductors is rearranged such that phase-to-phase or phase-to-ground contact cannot be made. Further, the DEIR states that retrofitting or reframing will be completed at high-risk poles, a database for which is maintained and available for use by applicants for eagle take permits. Thus, the DEIR acknowledges that all poles are not created equal relative to the potential electrocution risk to eagles (or other medium-to-large birds). This database will be used if an eagle fatality is found at the project and the project applicant will be required to undertake compensatory mitigation. Alternatively, mitigation banks are now available that receive funds from project applicants to retrofit or reframe poles.

O7-103 *The commenter states that wind turbines can displace northern spotted owl from their habitat and raises an issue about whether this could be construed as a loss of critical habitat for northern spotted owl. The commenter asserts that northern spotted owls perceive wind turbines as a threat and that therefore, their presence could cause displacement.*

No critical habitat for northern spotted owl is located within the project boundaries. Northern spotted owl foraging, breeding, and overall flight behavior rarely if ever overlaps with the higher airspace of the turbine rotors. Therefore owls would only visualize the base of a turbine. There is no reason to conclude that this would cause displacement, as northern spotted owls consistently fly among tall, stationary, linear features. The commenter does not cite any scientific studies that have documented northern spotted owl displacement by wind turbines, and the applicant is not aware of any. The placement of 47 turbines within a forested and grassland habitat will not create a physical barrier to northern spotted owl movement. Owls forage low in the landscape and will not be restricted by the presence of turbine towers, which generally are hundreds of feet apart from each other. No revisions are necessary.

Please also see Master Response 3, “Northern Spotted Owl.”

O7-104 *The commenter states that the DEIR needs to provide a map depicting the locations of foraging, nesting, and roosting habitat for northern spotted owl on the project site. The commenter also asks for additional maps depicting displacement impacts and barrier effects.*

The DEIR contains a map of the locations of foraging, nesting, and roosting habitat for northern spotted owls in relation to the project features in Figure 3.5-9. The DEIR Mitigation Measure 3.5-7 has been revised to delete the requirement to submit the before construction because that map has already been

developed and is included as Figure C-2 *Comparison of Original (DEIR) and Refined (FEIR) Project Disturbance Limits in Relation to Northern Spotted Owl Activity Centers* in Appendix B in this FEIR.

The absence of displacement and barrier impacts has been discussed in the response to Comment O7-103, above. With respect to impacts on HRC's and other landowners' ability to maintain functional habitat, please see *Northern Spotted Owl Activity Center Occurrences Discussion and Figures* by Stantec Consulting Services, Inc., dated September 30, 2019, in Appendix B of this FEIR. Also see Master Response 3, "*Northern Spotted Owl.*"

With respect to the effects of noise and the movement of the turbines on northern spotted owl behavior, please note that no turbines would be located within 3,000 feet of any activity centers. Noise from turbines was analyzed in Chapter 11, "Noise," of the Draft EIR. The highest turbine noise level measured to a sensitive receptor (located 1,400 feet from a turbine) was 50dB. This level of sound does not qualify as harassment under the USFWS Auditory Guidance (2006). The commenter proposes that the County require compensatory mitigation for displacement and barrier effects; however, no effects have been determined and no such mitigation is required. The DEIR requires compensatory mitigation in the form of land acquisition or conservation easements and also offers the option of implementing a barred owl management plan.

O7-105 The commenter refers to a requirement that the project applicant comply with the management objectives, conservation measures, and adaptive management measures in the HCP. The commenter expresses the opinion that the DEIR underestimates the collision risk for northern spotted owls.

Mitigation Measure 3.5-7 was written to minimize impacts to the northern spotted owl, including minimizing fragmentation of northern spotted owl habitat. The provision for compliance with the HCP was intended to ensure habitat preservation consistent with the HCP. Since the release of the DEIR, additional northern spotted owl surveys and modifications to the gen-tie line have demonstrated that the project is avoiding activity centers and preserving nesting and roosting habitat in conformance with the HCP objectives. For this reason, this provision of the mitigation measure can be removed. Cumulative impacts on the northern spotted owl are addressed in Chapter 4-4 of the DEIR. The conclusion that the collision risk for northern spotted owls is low is not speculative; the conclusion of low risk was based on published data from post-construction fatality surveys from other wind projects on the barred owl, a congener (see DEIR page 3.5-104). Although an EIR requires some form of forecasting, the conclusions concerning northern spotted owl behavior are not speculative, and as noted above, are based on post-construction mortality monitoring of a similar species at wind projects.

The commenter expresses concern that some of the data about collisions of barred owl with wind turbines cited in the DEIR is unpublished.

It is true that the project's consultant had access to the unpublished data of post-construction fatality survey datasets. However, the fact that only two of 2,682 bird carcasses found during 96,948 turbine searches at projects were of barred owls (the projects were within the range of the barred owl) is telling evidence that owls of the genus *Strix* do not commonly collide with wind turbines, even in regions of dense wind energy development within each species' range. Regarding the 50-m search radius for projects in Canada where barred owls were even more rare (0 of 3,931 carcasses), search data only out to 50 m can provide some limitations on conclusions that can be made about a survey. However, the search

radius alone is not a large enough factor to invalidate the supposition that barred owls are not as susceptible to collisions as other species. Barred owls are a slow-flying, low-flying species and carcasses from collision events, however few there appear to be, would likely fall at closer distances to turbines than would the carcasses of species that fly at greater speeds or at greater heights above the ground.

O7-106 *The commenter states that the DEIR needs to explain its conclusion that Mitigation Measure 3.5-5a will have similar protections and benefits for northern spotted owls.*

The pole retrofit described in Mitigation Measure 3.5-5a can be reasonably expected to have some tangential benefit to northern spotted owls. Although rare, a northern spotted owl could collide with overhead distribution lines.

O7-107 *The commenter states that the DEIR compares raptor fatality rates among wind projects using a metric that fails to account for the effect of wind turbine size on the metric. The commenter also states that the DEIR needs to adjust the fatality rates for variation in methodology and asks why other projects in Washington, Oregon, and California were omitted from this analysis.*

Please see Master Response 6, “Eagles and Other Raptors,” for an analysis of impact-related fatalities per MW and including additional wind facilities, which will be incorporated into and attached to the FEIR.

O7-108 *The commenter states that the DEIR needs to explain how removal of eagle prey species would benefit raptors. The comment also states that the EIR needs to explain how Mitigation Measure 3.5-5c would benefit all raptors adversely affected by the wind project and states that the raptor prey management program identified in the DEIR would negatively impact burrowing owls by removing their prey source, burrows for them to use, and the predator-alarm calling provided by ground squirrels.*

Burrowing owls are not nesting in the project area, and they occur infrequently in the project area during the winter months. The portion of the project that occurs within suitable burrowing owl habitat is actively ranched and very few burrows suitable for burrowing owls have been observed during surveys conducted onsite. Additionally, no ground squirrels or evidence of ground squirrel colonies have been documented in that portion of the project area in suitable habitat for burrowing owls. Please note that the prey management program has been removed from Mitigation Measure 3.5-5c. Therefore, burrowing owl would not be affected by the program. Please see Chapter 9, “Revisions to the DEIR,” in this FEIR.

O7-109 *The commenter states that the DEIR needs to provide an updated analysis of wind energy’s impacts on bats. The commenter claims that the analysis of potential impacts to bats uses dated information and goes on to state, without citation, that hoary bats no longer comprise the majority of bat fatalities found at wind energy facilities. The commenter’s claim that the analysis using Frick et al. 2017 is dated is incorrect.*

The Frick et al. 2017 paper is the most recent paper available that evaluates the potential effect of wind energy generation on the population of hoary bats in the United States. The paper relies on estimated impacts of wind energy on the hoary bat from a 2013 paper that used 2012 data but corrected it to wind energy production levels for 2014, which still represents the most up-to-date evaluation of impacts to this species.

Regarding the proportion of hoary bats within fatality datasets, the commenter does not provide evidence supporting their claim. While fatality studies at some projects within the range of the Mexican free-tailed bat document this abundant species as a larger percentage of fatalities than the hoary bat, there has not been any published data indicating that new search techniques for bats have altered the clear trend that has been documented at wind energy facilities across the US with respect to the greatest proportion of bat fatalities consisting of hoary bats and other long-distance migratory species. No revisions are necessary.

O7-110 The commenter states that the DEIR needs to provide more detail about the technical advisory committee, including minimum qualifications of TAC members, whether TAC meetings will comply with California's open meeting laws, and how sufficient funding will be secured.

Please see Master Response 4, "Bats," in this FEIR for an updated description of the TAC, a more detailed description of TAC members, and a step-wise adaptive management framework that will be used by the TAC and the project applicant to address impacts to bats by the project.

O7-111 The commenter states that surveys for live bats need to be performed prior to the revision of the DEIR. The commenter also states that the DEIR needs to justify the target 10% and 3% overall detection targets for bat carcasses in fatality monitoring.

Pre-construction bat activity surveys have been completed at the project site and represent 14 months of survey efforts. Please see *Bat Acoustic Monitoring Report Addendum* prepared by Stantec Consulting Services, Inc., dated August 5, 2019, in Appendix B of this FEIR.

The County disagrees that the level of effort to survey live bats is inadequate for the County to assess the project's risks to bat species. Regarding detection probabilities, the DEIR establishes a detection probability target for bats that is realistically achievable given the difficulty associated with finding bat carcasses. Given the fact that there are no listed bat species in the project area, the targets provided in the DEIR are appropriate. Should any bat species occurring in the project area be listed in the future and fatalities to such species occur as a result of the project, the project operator will be required to consult with the resource agencies to avoid further violation of the Federal and State endangered species acts. Changes in fatality monitoring to address any future listing could be required by such agencies.

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