

TO: Elizabeth Burks, Humboldt County Wind Energy Project Planner
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From: Judith Mayer, PhD, AICP (Arcata, CA)

Regarding: Public Comment on the Draft Environmental Impact Report for the Humboldt Wind Energy Project (SCH No. 201872076)

Date: June 14, 2019 (end of extended public comment period)

Thank you for the opportunity to submit a comment about the DEIR for the Humboldt Wind Energy Project.

I submit these comments as a resident of Humboldt County, with some understanding of our region’s context, and of planning concerns related to the proposed Wind Energy Project for which applicants seek a Conditional Use Permit from Humboldt County.

In general, development of wind energy can be a very positive alternative to generating electricity from burning fossil fuels or biomass. However, I have very serious concerns about the potential for adverse impacts on the environment that could result from the construction and operation of the Humboldt Wind Energy Project as proposed, about the limited extent of proposed mitigation measures, and of the assessment of significant impacts on the environment that cannot be mitigated if the project is approved, built, and operated.

I am an environmental planner, holding a Planning PhD (University of California, Berkeley), and certification by the American Institute of Certified Planners (AICP). I teach in Humboldt State University’s Environmental Science and Management program, and serve as a member of the City of Arcata’s Planning Commission. I am a board member of the Environmental Protection Information Center (EPIC), and of the Borneo Project of Earth Island Institute.

However, these comments reflect my own views, not those of any of these organizations. I have mentioned a few areas of concern with the DEIS, the project it describes, and the measures designated to mitigate environmental impacts. I hope Humboldt County planners and decision makers will pay close attention to comments about the DEIR submitted by EPIC, and respond to concerns raised in my own comments below.

Limited public comment opportunity:

I believe that the complex project and its environmental impact analysis draft call for longer public consideration than the limited period the county has provided, even with the public comment period extension to June 14. Please re-open the public comment period to allow for the public to fully consider and respond to issues raised in the project proposal and the county’s DEIR.

I203-1

Inappropriate rush to build with inadequate research, design, and impact mitigation planning:

A stated objective of the project proposal is to build and start operating the proposed project before the December 2020 expiration of a federal tax credit program for

I203-2

renewable energy investments which would make the project profitable (“feasible”) for the project applicants. As a result of rushing to fulfill this misguided objective, it appears that Humboldt County’s environment may be harmed unnecessarily. Humboldt County’s forests, birds, and watersheds should not be the test sites for plans and their impacts for which harm will be repaired later, based on research and monitoring to be decided, through advisory committees to be established. The DEIR indicates that several aspects of project design, and of planning for mitigation of potentially significant impacts, would be delayed until after the project has been approved, or even until after it has been operating for 2 years. It is unwise and inappropriate to hope that advice and plans for mitigating impacts on wildlife, birds, watersheds, riparian and wetland areas from any future Technical Advisory Committee will be adequate mitigate serious and likely permanent harm to Humboldt County’s precious wildlife and habitat. It is unacceptable to postpone establishing any permanent fund for impact mitigation or restoration until after the project has already been built and operating for 2 years (see below). It is inappropriate to include making the December 2020 tax credit “sunset” deadline as a legitimate objective of the project analyzed in this EIR.

I203-2
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An appropriate time frame for planning such a project should not count building it before the tax subsidy sun sets. It is very likely that a post-2020 Congress, and federal and California Administrations will enact equally generous support for renewable, low-carbon energy production. Cutting planning and analytical corners to meet a 2020 deadline makes little sense.

Humboldt County’s General Plan:

Another stated project objective is to promote sustainable energy and utilization of alternative energy systems in Humboldt County, as called for in the Open Space and Conservation Element of the Humboldt County General Plan. It appears that the project would achieve this objective only with some assurance that power the project generates will actually be available for Humboldt County use, or to offset use of other energy sources (fossil fuels, especially) or their costs in Humboldt County. Without such assurances, even if the project offsets power sources and fossil fuel greenhouse gas emissions from elsewhere in the state, there is no reason to believe that benefits of “fungible” electricity to PG&E’s grid would accrue to Humboldt County or its residents. Therefore, it is difficult to conclude that the project would reliably fulfill the renewable energy policies of our County’s General Plan.

I203-3

Alternatives analysis – a missing alternative:

While the DEIR includes a “no action” alternative, it does not include any alternative that addresses providing sufficient – and even potentially profitable – electric power to either Humboldt County or to PG&E’s grid through such means as distributed PVC solar energy, smaller-scale wind generators, power conservation, or demand management. The potential of these means to achieve many of the objectives stated for the proposed project should also be analyzed as an alternative. Even Alternative 5 (Reduced Turbine Footprint) does not achieve as high an electric output as some of the other alternatives, but is analyzed in depth as the alternative with the least potentially significant

I203-4

environmental impacts that would also achieve most of the project objectives. I believe that a Final EIR must reasonably analyze a distributed power, conservation, and demand management alternative as well. While it may not bring the types of profits that the project applicant hopes for, it may fulfill many of the other stated purposes of the proposed project with greater benefits for Humboldt County and its residents, and far fewer negative impacts on our environment.

I203-4
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Areas of controversy:

I believe that the set of alternatives analyzed is also an area of controversy, in addition to those mentioned in the DEIR document. A smaller project with less significant impacts to biological resources must also be seriously considered.

The DEIR has also downplayed and delayed serious consideration of mitigating fire risks and potentially significant impacts both of fire that may be caused or exacerbated by the project, and of fire suppression or containment activity that building, operating, and protecting the project would likely require. These must be considered, carefully planned, disclosed to the public, and analyzed in terms of their environmental impacts and public safety BEFORE project approval, not as a result of agency planning in the future, as the DEIR indicates.

I203-5

Conversion of forest land to nonforest uses; and mitigating impacts on biotic and natural communities, riparian areas, and wetlands (See 3.3-2; and Mitigation measures 3.5-1 to 3.5-25):

The DEIR indicates that forest conversion as a result of this project would be less than significant. This apparently refers mainly to timber values. However, Humboldt County's forest lands have ecological values beyond timber, and the loss of forest, even forest owned by a timber company, must be considered a potentially significant impact of the proposed project. The only meaningful way to reduce the ecological impact of the conversion of forest land area (forest loss) for a major wind energy project would be for the project itself to provide for permanent, much greater than one-for-one protection of very nearby highest biotic value forests, free from logging or other commercial disturbance. (This would require extensive, relatively unfragmented areas of mature forest land preserved in locations that could also support recovery of threatened and endangered species and their habitat (marbled murrelet, northern spotted owl) and other species of concern (bats, eagle, other raptor, bird, amphibian). (See Mitigation 3.5-1 to 3.5-25).

I203-6

Potentially significant impacts to endangered and threatened birds, and appropriate mitigation (See 3.5-1 to 3.5-11):

The DEIR describes an extensive set of research and proposed monitoring and mitigation measures for potential harm to birds (marbled murrelets, northern spotted owls, bald and golden eagles, other raptors, other migrants, etc), from project construction and operation. It is crucial that the best and most effective research, monitoring, and operating efforts are made to eliminate any project's harm to these avian species and the recovery of their populations and communities. Ensuring these protection measures should occur before project approval and construction. They should not wait until after harm has begun with

I203-7

construction and operation of the project, or rely mainly on to-be-determined adaptive management after harm has occurred. While the DEIR concludes that the project would result in unmitigated significant impacts to some of these species, the research that asserts (for example) a “conservative” estimate that only 21 murrelets would be injured or killed during the 30-year life of the project appears insufficient to make such an assessment.

Mortality and injury is not the only concern. Only undisturbed reproduction of these birds will lead to their recovery, so significant environmental impact cannot be assessed mainly in terms of ESA-defined “take” as injury or death. As such, mitigation in the form of significant permanent protection of key mature forest (murrelet and spotted owl) habitat nearby, but possibly outside of the project area within southern Humboldt County, would be essential mitigation. For northern spotted owls, even the 3:1 ratio of permanently preserved land through easements appears to be inadequate if the specified location is simply “within Humboldt County”, rather than much closer to the project site. These lands should be protected before the project is built, not as nesting areas happen to be found in the course of project construction! (3.5-7 and 3.5-8). The fact that key potential sites are also presently controlled by Humboldt Redwood Company may facilitate identifying and permanently protecting extensive appropriate habitat land.

The DEIS indicates that one mitigation measure to prevent harm to eagles and other raptors (see 3.5-5) would be to maintain a landscape around the WGTs that will not attract raptors, by reducing the presence of their prey (rodents; smaller birds). However this is done, ecological impacts around the turbines on those prey species and their habitats would be significant. Ground-clearing in a former redwood forest can only be considered forest and habitat loss. Use of most rodenticides or herbicides that could accomplish this on a continuing basis is unacceptable in this context, since all of these have well known and serious ecological consequences beyond the target vegetation or rodents (bioaccumulation of rodenticides; health and ecological risks of glyphosate, etc.)

Mitigation for eagle deaths through payments to retrofit electric utility poles to make them less harmful to birds is not appropriate, even at 32 poles per bird. In fact, those retrofits should ultimately be required regardless of this project, and likely will be required very early in the project’s 30-year operation.

Mitigating impacts to bats (3.5-18)

It is insufficient to identify operational impacts to bats through consultation with a technical advisory committee after the project has been built and harm is being done. Of course, the technical advisory committee should advise on how to decrease impacts to bats – but that should be done based on appropriate research before the project is built! While the proposed project would provide an excellent opportunity to conduct such research, Humboldt County’s bat populations should not be the “guinea pigs” for pioneering measures that would more clearly benefit bat populations in other future project areas than at this project’s location scale. The suggested mitigation approach is another result of rushing this project.

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I203-8

Mitigation for impacts to aquatic resources, riparian habitat, wetlands, and sensitive natural communities (3.5-22 to 3.5-25):

Any mitigation proposed should focus first on habitat restoration in place. Mitigation locations should not be “banked” for use in other places. Funds for such mitigation and restoration should be set aside in advance as a condition of any construction permit, and managed by public authorities rather than by the project applicant or future owner or operator. The agency’s ability and right to undertake and accomplish that restoration or limited other mitigation should also be ensured up-front by contract with private land owners (e.g., Humboldt Redwood Company).

I202-9

Disturbances to historical and cultural resources:

The County should ensure that input from local communities and jurisdictions as well as Tribes is heeded. This is one reason why an extended public comment period should be reopened.

I202-10

Potential safety hazards (3.13-26):

Mitigation measure 3.13-26 calls for the applicant to prepare a hazard mitigation and emergency response plan that addresses risks of fire and explosion. However, I believe that the DEIR does not adequately address the risk of fire in the project area, whether caused by the project’s operation, or whether approaching from elsewhere in the forest. The FEIR should adequately analyze and address fire risks caused or exacerbated by the power generation and transmission associated with the project, and significant environmental impacts caused by measures that would most likely be taken to protect the project from fire. Such impacts of fire suppression or containment necessary to protect the project’s facilities should properly be considered potentially significant impacts of the project. The public deserves to know beforehand what those are likely to entail, thus they should be analyzed in the FEIR with mitigation measures clearly explained, rather than as part of a plan to be developed later, after the County has approved a Conditional Use Permit.

I203-11