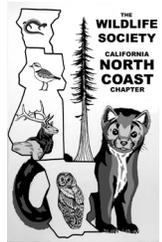


**THE WILDLIFE SOCIETY
CALIFORNIA NORTH COAST CHAPTER**



Humboldt Wind Project Planner
County of Humboldt
Planning and Building Department, Planning Division
3015 H Street
Eureka, CA 95501
CEQAResponses@co.humboldt.ca.us

13 June 2019

Subject: Comments on Draft Environmental Impact Report (DEIR) for the Humboldt Wind Energy Project, SCH No. 201872076

Dear Planner:

On behalf of the California North Coast Chapter of the Wildlife Society, I would like to thank you for receiving and considering our comments on the Draft Environmental Impact Report (DEIR) for the Humboldt Wind Energy Project (Proposed Project) proposed by Humboldt Wind, LLC (Applicant).

The California North Coast Chapter of The Wildlife Society is affiliated with The Wildlife Society (TWS; wildlife.org), an international non-profit scientific and educational association, representing over 15,000 wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to enhance the ability of wildlife professionals and wildlife students to conserve biodiversity, sustain productivity, and ensure responsible use of wildlife resources and habitats.

Our California North Coast Chapter has 112 active members including professional wildlife managers, biologists, ecologists, botanists, and students – all devoted to the sustainable conservation of wildlife and wildlife habitat in the United States. We are in favor of exploring and developing alternative energy while implementing prudent measures to reduce potential impacts on natural ecosystems to the greatest extent practicable, even if it results in reduced megawatts generated from the proposed 60 wind turbine generators (WTGs).

We are writing to provide our professional opinion about the ecological impacts of the proposed Humboldt Wind Energy Project on wildlife and wildlife habitat. Specifically, we are concerned that the baseline data on wildlife species is not adequate for detailed and through analysis of potential project impacts and that Proposed Project mitigation measures will not reduce project impacts to wildlife below the CEQA threshold of a significant impact. Our concerns are as follows:

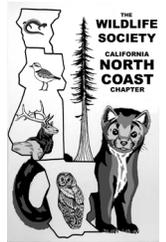
Project Wildlife Surveys

- 1. Data on bird species is not adequate for detailed and through analysis of potential project impacts.**

013-1

013-2

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- There appears to be less than two years of data for the general project area and in some plots there is not a full year of avian abundance or presence data due to access restrictions (refer to Section 4.2.2 of Appendix J “Bird Use Count” and Table 1 “Summary of Survey Effort...”, Oct 24, 2017 – Oct 25, 2018). Two years of data should be considered a minimum to establish interannual variability in biological systems, which is ubiquitous. One year of data precludes the ability to estimate interannual variability. In particular, eagle surveys conducted for the Proposed Project were not comprehensive and did not appear to follow USFWS Protocol-level standards for wind projects. More importantly, we believe the low level of eagle survey effort is insufficient to establish mean or interannual variability in use of the site by Golden Eagles, which are a Fully-Protected Species in the State of California that is at well-documented risk of mortality at wind turbine sites.

https://www.fws.gov/southwest/es/oklahoma/documents/te_species/wind%20power/usfws_interim_goea_monitoring_protocol_10march2010.pdf

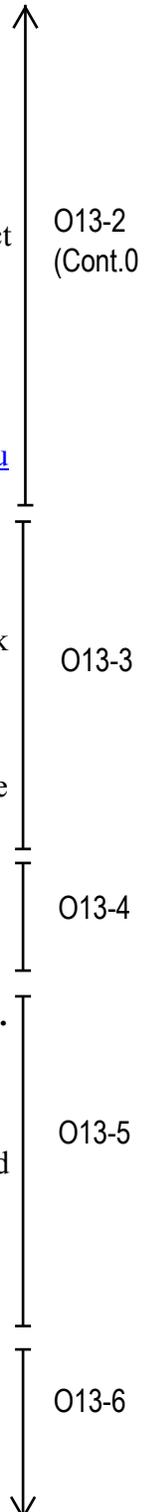
- Marbled Murrelets occur at the site during movement between nesting areas inland and the Pacific Ocean. The extent of mean annual use and interannual variability is essentially unknown, because only a single year of data were used to assess use by Marbled Murrelets. These data were then used by the applicant to assess collision risk using the BAND model, but the minimal amount of data collected means that any conclusions drawn about collision risk may have been based on what was a below-average year of use (meaning that collision risk is underestimated) or even an above-average year of use (meaning that collision risk is overestimated). Given only a single year of data collection, this remains impossible to assess.
- The DEIR does not show evidence that USFWS Protocol-level surveys were conducted for Northern Spotted Owl. Generally, two years of protocol-level surveys are required for development projects, a standard widely followed in this region.

2. **Bat acoustic monitoring surveys were inadequate in temporal and geographic scope.**

- Acoustic monitoring surveys conducted May through October do not represent year-round activity levels in the Project Area; therefore, the baseline information provided in the DEIR is incomplete and does not represent seasonal activity during late fall through early spring, a period when bats are known to be present in the area. As noted above, one season of bat data is inadequate to describe use of the site by bats.
- Bat acoustic monitoring data was not representative of the habitat types present throughout the entire area that would be impacted by the Proposed Project, including transmission line corridors.

Proposed Impacts to Wildlife Habitat

- 1. Habitat loss from Project impacts appears substantial but cannot be fully assessed due to inadequate information**



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- The Project proposes to expand the width of the Proposed Project access road, Demonstration Road Right, from 12 feet to 200 feet for a distance of approximately 15 miles, according to Google Earth (refer to page 2-12 of the Project Description).
- The Project also proposes to permanently impact 90.24 acres (and temporarily impacts to 464.32 acres) of forest/woodland, 37.53 acres (temporary impacts of 264.15 acres) of grassland, 3.97 acres (temporary impacts of 15.84 acres) of shrub/scrub habitat, 0.7 acres (temporary impacts of 1.07) of riparian habitat, and 0.17 acres (temporary impacts of 2.11) of wetland habitat. This constitutes a significant amount of habitat loss to wildlife in the area. In addition, 23.91 acres in the project area that will be impacted were not surveyed. Special status species could be present on these additional acres and they should be surveyed prior to any construction (refer to Table 3.5-9, page 3.5-70 of the Biological Resources chapter). Access limitations to portions of the proposed project during pre-construction impact assessments do not relieve the lead agency of the responsibility to assess project impacts in those areas. Omitting this information does not allow for meaningful assessment of project impacts by the public.

↑ O13-6
(Cont.)

↑ O13-7

- The formal proposal of mitigation measures for many of these impacts is deferred to future planning, which does not allow the public to assess the adequacy of mitigation measures.

↑ O13-8

2. Project Siting

- The presence of project impacts within the Cape Mendocino Grassland IBA is not compatible with that designated area's importance to many bird species of special status. We would urge the reconsideration of placing any project footprint, permanent or temporary, within the boundaries of the IBA.

↑ O13-9

Impact Analysis and Minimization Measures

1. Analysis of impacts to Marbled Murrelets is based on assumptions that have little support in the scientific literature.

- The analysis of collision risk for Marbled Murrelets is based on only a single year of field data (see above) and further uses a 98% avoidance rate to estimate cumulative collision risk. This analysis thus assumes that Marbled Murrelets avoid collision with moving wind turbines 98% of the time, which both seems highly unlikely and is unsupported in relevant scientific literature.

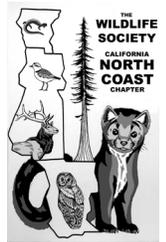
↑ O13-10

2. To reduce impacts on birds and bats, the Proposed Project should implement operational mitigation measures during high-risk periods to minimize bird and bat fatalities and reduce the probability of long-term population-level effects.

- The FEIR should clearly identify when this mitigation would be implemented (e.g., at what wind speed, times of year, levels of mortality). As noted in the DEIR, bat

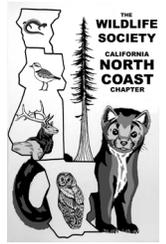
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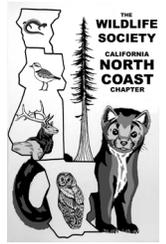
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| <p>activity was significantly higher on calm nights, when winds speed was less than 6 meters/second (page 16, Graph 20), and as part of the Proposed Project the applicant should identify a wind speed where turbines would not be in operation in order to reduce population-level impacts on special-status and non-special-status birds and bats to less than significant.</p> | <p>↑
O13-11
(Cont.)</p> |
| <ul style="list-style-type: none"> • Curtailed energy production should be implemented once the turbines are in operation and not be deferred while obtaining information on baseline mortality rates. | <p>↑
O13-12</p> |
| <ul style="list-style-type: none"> • Mitigation Measure 3.5-18b should include additional information on the mortality surveys, such as the definition of the search circumference. The search circumference should be a minimum of the rotor’s circumference plus additional area searched to account for distance remains might be flung after contacting rotor tips moving 200 mph, and the distance that remains might be moved by scavenging wildlife. Steep topography and forest surround much of the proposed project site, making detection of remains of mortalities difficult; surveys should therefore include the use of detection dogs to increase the probability of detecting remains. | <p>↑
O13-13</p> |
| <p>3. Mitigation measures for auditory disturbance of the project to sensitive wildlife species are inadequate.</p> <ul style="list-style-type: none"> • The DEIR indicates that high-levels of construction noise associated with the Proposed Project (involving detonation of explosives and helicopter flights) could result in harassment to Marbled Murrelets within 400 meters (0.25 miles) of project activities (impacting 88.44 acres of Marbled Murrelet habitat) (refer to Table 3.5-10, page 3.5-73 in the Biological Resources Chapter). This impact could result in take of Marbled Murrelets. However, Mitigation Measure 3.5-1a does not propose any measures to minimize take of murrelets specifically as a result of construction noise. Therefore, the impact is not mitigated below the level of significance in CEQA. Feasible mitigation could consist of conducting construction outside the Marbled Murrelet nesting season (March – September) within .25 miles of nesting habitat, to avoid auditory disturbance. | <p>↑
O13-14</p> |
| <p>4. Mitigation measures for addressing project operational take of Marbled Murrelets are inadequate and do not reduce impacts to the species below the level of significance for CEQA.</p> <ul style="list-style-type: none"> • The DEIR indicates that take of Marbled Murrelets from turbines (i.e. direct mortality from coming in contact with blades) or hitting new Proposed Project gen-tie will be mitigated via Mitigation Measures 3.5-2a through 3.5-2c (refer to page 3.5-81 of the Biological Resources Chapter). In particular, the DEIR indicates that implementing corvid control measures will “create as many as 103 Marbled Murrelets over the life of the project” (refer to page 3.5-84 in the Biological Resources Chapter). Please provide scientific evidence that corvid control measures (which are already being implemented throughout the county in National Parks) will result in a substantial increase in local Marbled Murrelet population size. The DEIR references a model | <p>↑
O13-15
↓</p> |

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<p>used by a consultant to generate this estimate, yet does not provide either the model or the data used to generate this estimate. This lack of information does not allow meaningful public review and analysis of the effectiveness of the proposed mitigation. The effectiveness of the proposed mitigation is planned for use in adaptive management in the DEIR, yet a method for assessment of the effectiveness of this mitigation method is not provided. Based on existing information, 103 Marbled Murrelets is a substantial proportion of the regional population size of Marbled Murrelets and does not appear to be a likely outcome of the proposed mitigation measure.</p>	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100px; margin-right: 5px;"></div> <div style="text-align: center;"> <p style="margin: 0;">O13-15 (Cont.)</p> </div> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100px; margin-left: 5px;"></div> </div>
<p>5. Impacts associated with the application of herbicides throughout the project site were not addressed in relation to wildlife.</p> <ul style="list-style-type: none"> • The application of herbicides may reduce wildlife foraging habitat as well as the abundance and diversity of pollinators and insect prey. This may impact resident and or migratory avian and bat populations in the project area. The Proposed Project has not examined this as a potential environmental impact to wildlife (Refer to Table 2.3, Section 2-33 of the Project Description). 	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100px; margin-right: 5px;"></div> <div style="text-align: center;"> <p style="margin: 0;">O13-16</p> </div> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100px; margin-left: 5px;"></div> </div>
<p>6. The proposed Mitigation Measures 3.5-5a through 3.5-5c would not reduce operational impacts on local eagle populations below the level of significance for CEQA.</p> <ul style="list-style-type: none"> • Breeding Bald and Golden Eagles pairs in Humboldt County are relatively rare in comparison to other locations nationally, and take of any breeding individuals could significantly impact the ability for resident eagle populations to remain productive in the county. As mentioned above, both of these species are state- and federally-protected, and take is prohibited without authorization. 	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100px; margin-right: 5px;"></div> <div style="text-align: center;"> <p style="margin: 0;">O13-17</p> </div> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100px; margin-left: 5px;"></div> </div>
<p>The DEIR does not provide adequate information for the assessment of the proposed project’s impact to sensitive state- and federally-protected wildlife species. The absence of adequate data makes it difficult, if not impossible, for the lead agency to meet the legal obligation under CEQA to evaluate project impacts on listed and sensitive species, including the Marbled Murrelet. The absence of adequate data also limits the public’s ability to assess project impacts.</p>	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100px; margin-right: 5px;"></div> <div style="text-align: center;"> <p style="margin: 0;">O13-18</p> </div> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100px; margin-left: 5px;"></div> </div>
<p>We recognize the benefits of renewable energy projects, but also believe that proper siting of such projects is of paramount importance, along with utilizing the best available science to avoid, mitigate, or minimize deleterious impacts on wildlife. The cumulative impacts of this project must be balanced with the needs of wildlife populations that are already experiencing numerous other threats.</p>	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100px; margin-right: 5px;"></div> <div style="text-align: center;"> <p style="margin: 0;">O13-19</p> </div> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100px; margin-left: 5px;"></div> </div>
<p>As scientists who specialize in studying wildlife population dynamics and animal habitats, we know that wind turbines placed in sensitive habitats may have significant environmental impacts that cannot be mitigated. Good project planning should avoid siting projects in such sensitive</p>	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100px; margin-right: 5px;"></div> <div style="text-align: center;"> <p style="margin: 0;">O13-20</p> </div> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100px; margin-left: 5px;"></div> </div>

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locations. We conclude that the information provided in the DEIR does not allow for full assessment of project impacts to wildlife or siting for this project.

Thank you for the opportunity to provide comments on this project.

Sincerely,

Genevieve Rozhon, President
California North Coast Chapter
The Wildlife Society

↑ O13-20
(Cont.)