

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-01**

**Case Number PLN-13999-CUP
Assessor's Parcel Numbers: 102-132-004 et al.**

Resolution by the Board of Supervisors of the County of Humboldt denying the Appeal and denying the Conditional Use Permit and Special Permit for the Humboldt Wind Energy project.

WHEREAS, the project proposed by Humboldt Wind, LLC (PLN-13999-CUP) came on for public hearing before the Humboldt County Board of Supervisors on December 16, and 17, 2019; and

WHEREAS, on December 17, 2019, having considered all the written and documentary evidence, the denial by the Planning Commission, the administrative record, the staff report, oral testimony, and other evidence presented; by way of a motion, a majority of the Board of Supervisors took final action to deny the project; and

WHEREAS in making the motion to deny the project on December 17, 2019, the Board of Supervisors, directed staff to prepare a resolution of denial that supports the findings for denial based on the deliberation of the Board on December 17, 2019; and

WHEREAS, this resolution supports the findings for denial based on the deliberation of the Board on December 17, 2019, and does not include any new or added information.

NOW THEREFORE, the Board of Supervisors finds as follows:

FINDINGS FOR THE CONDITIONAL USE PERMIT AND SPECIAL PERMIT

1. FINDING

PROJECT DESCRIPTION

Conditional Use Permit to allow electrical transmission lines and electrical power generation in the Timber Production and Agricultural Exclusive Zones and a Special Permit to allow work within a streamside management area (stream crossings) and work within other wet areas for a project consisting of the following:

Up to 47 wind turbine generators (WTGs) and associated infrastructure with a nameplate generating capacity (theoretical maximum energy generation) of up to 155 MW. The wind turbines would be placed along Monument and Bear River ridges. Turbine heights could reach up to 600 feet tall, with a rotor diameter of 492 feet.

In addition to the wind turbines and transformers, the project includes

ancillary facilities such as temporary staging areas, access roads, 34.5-kilovolt (kV) collection lines (the "collection system"), operations and maintenance (O&M) facility, a substation, a modified utility switchyard, and an approximately 25 mile long 115 kV gen-tie along Shively Ridge.

The project's point of interconnection with the Pacific Gas and Electric Company (PG&E) transmission grid would be PG&E's Bridgeville Substation.

The project would include the following components:

- ▶ up to 47 WTGs (capable of generating 2–5 MW of electricity each) erected on tubular steel towers set on concrete foundations, as well as the associated WTG pads, temporary staging areas, and transformers;
- ▶ temporary construction access roads and permanent service roads, as well as temporary improvements to public roads at two locations along U.S. 101 to facilitate the delivery of WTGs from the Fields Landing Drive delivery site to the staging yard at Jordan Creek;
- ▶ an up to 22-mile, 115 kV gen-tie that extends north from Monument Ridge, crosses Eel River via the Richard Fleisch Memorial Bridge, and ultimately connects to the existing PG&E transmission system at the Bridgeville substation;
- ▶ Bridgeville substation expansion of up to 3 acres for switchyard modifications;
- ▶ a project substation located on-site (approximately 2.5 acres);
- ▶ an underground electrical collection system linking WTGs to each other and to the project substation;
- ▶ an underground communication system (fiber optic cable) adjacent to the collection system;
- ▶ a Supervisory Control and Data Acquisition (SCADA) system between each WTG and the substation and between the project substation and the Bridgeville substation to monitor and control project output and the transmission of energy into the system;
- ▶ an up to 5-acre operations and maintenance facility, including an operations building, a parking area, and an outdoor storage area with perimeter fencing;

- ▶ a 10-acre temporary staging area and a construction trailer and parking area located within the operations and maintenance facility;
- ▶ a component offloading location at Fields Landing;
- ▶ two temporary bypasses off U.S. 101 (Hookton Overpass and 12th Street Bypass) for transporting oversized loads;
- ▶ up to six permanent meteorological towers;
- ▶ three 5-acre, temporary staging areas distributed throughout the project site, one of which would include one temporary concrete batch plant on Monument Ridge; and
- ▶ up to 17 miles of new 24-foot wide access roads.

EVIDENCE

- a) **Evidence in File**
 Evidence that has been received and considered includes: the application, technical studies/reports, the Environmental Impact Report (EIR) for the project, public comment, staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings before the Planning Commission and the Board of Supervisors. These documents are on file in the Planning Department (PLN-13999-CUP) and are hereby incorporated herein by reference.

2. FINDING:

Impacts of Project Unacceptable. The significant and unavoidable impacts of the proposed project are not outweighed by the benefits of the project and cannot be mitigated to an acceptable level through mitigation measures or project alternatives. The impacts of the project are too much to bear for the environment and community.

EVIDENCE

- a) The Wiyot Tribe identified the Bear River Ridge as sacred ground and is opposed to the project desecrating sacred ground. Placing large turbines on the ridge would significantly change the environment of a place sacred to the Wiyot Tribe. There is no mitigation available for this impact and the impact is found to be unacceptable. The impact cannot be outweighed by any project benefit.
- b) The expected release of the Condor will be significant for the tribes in Humboldt County. The Wiyot and Yurok Tribes expressed opposition to this project due to uncertainty related to future monitoring of Condors. The potential impact to this cultural icon is unacceptable.
- c) The Board of Supervisors listened to over 12 hours of public testimony including over 200 speakers most of whom were in opposition to the project and supported the concerns of the Wiyot and Yurok Tribes. Much of the

testimony referenced past genocidal practices in the county and testimony indicated that in the mind of the public, to approve this project would be to continue that social injustice. Threats were made that even if the project were approved resistance would continue with references made to past active resistance against the logging industry. A project this divisive is detrimental to the public, health, safety and welfare.

- d) The project site is located within the range of the marbled murrelet, which is federally listed as threatened and state listed as endangered. Designated critical habitat for the marbled murrelet is located near the site, immediately east of Highway 101 in Humboldt Redwoods State Park along the northern end of Avenue of the Giants. This project would operate a facility that could result in the death of marbled murrelet which is at a critically low population.
- e) The mitigation measures presented in the EIR do not fully mitigate the significant and unavoidable impacts of the project, resulting in impacts that could not be reduced to a level less than significant with mitigation. Adoption of the mitigation measures presented in the EIR and in staff's presentation would not reduce the impacts of the project to a level that is acceptable to the Board.
- f) Alternative 5, removal of turbines from Bear River Ridge, was considered by the Board as this alternative would remove impacts to the Tribal Cultural Resource on Bear River Ridge, the Historical Resource of the Bear River Ridge ethnobotanical area, and reduce potential impacts to condors, along with other impacts. Evidence had been presented by the applicant that this alternative is not financially feasible and if approved would result in a project that would not be constructed. Therefore, this alternative is not feasible and could not viably reduce the impacts of the project to an acceptable level. None of the other alternatives (aside from the no-project alternative) would reduce the impacts of the project to a level acceptable to the Board.

3. FINDING:

CONFORMANCE WITH 2017 HUMBOLDT COUNTY GENERAL PLAN, OPEN SPACE PLAN, AND THE OPEN SPACE ACTION PROGRAM (CO-IM5)

The proposed project, is found not to be consistent with the Humboldt County General Plan, based on conflicts with the policies itemized below:

EVIDENCE

- a) **Goal BR-G1: Threatened and Endangered Species.** This policy calls for the County to *support sufficient recovery of threatened and endangered species to support de-listing*. The Board finds that the impacts to threatened and endangered species which would result from this project to be inconsistent with this goal.

Marbled Murrelet -- The project site is located within the range of the marbled murrelet, which is federally listed as threatened and state listed as endangered. Designated critical habitat for the marbled murrelet is located near the site, immediately east of Highway 101 in Humboldt Redwoods State Park along the northern end of Avenue of the Giants. The impact to this species is too great. This project would operate a facility that could result in the death of marbled murrelet which is at a critically low population. Additional mitigation is necessary to protect this species.

Eagles. The project site is located within the range of Golden and Bald Eagles. The bald eagle is federally protected under the Bald and Golden Eagle Protection Act and is state listed as endangered. There is the potential for harm to eagles which is an unacceptable impact.

- b) **Goal CU-G1: Protection and Enhancement of Significant Cultural Resources** This policy calls for Protected and enhanced significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. The impacts of this project to Tribal Cultural Resources are inconsistent with this goal.

The Wiyot Tribe identified the Bear River Ridge as sacred ground and is opposed to the project desecrating sacred ground. Placing these large turbines on the ridge would significantly change the environment of a place sacred to the Wiyot Tribe. There is no mitigation available for this impact and the impact is found to be unacceptable and inconsistent with this goal.

The expected release of the Condor will be significant for the tribes in Humboldt County. The Wiyot and Yurok Tribes expressed opposition to this project due to uncertainty related to future monitoring of Condors. The potential impact to this cultural icon is unacceptable.

- c) **Policy CU-P5: Findings Necessary for Loss or Destruction** This policy discourages substantial adverse changes to significant cultural resources through a ministerial or discretionary action. The project as proposed would impact land which the Wiyot Tribe identifies as sacred and would impact a cultural landscape consisting of evidence of ethnobotanical resources. These impacts cannot be mitigated to a less than significant level. These impacts are found to be inconsistent with this policy.

FINDING:

HEALTH, SAFETY, or WELFARE – The proposed development and conditions under which it may be operated or maintained will be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The project does not propose to completely remove the concrete footings as part of the decommissioning of the project leaving the concrete in place which will preclude full restoration of the site. This will preclude the ability to plant bunch grass or other woody vegetation to re-establish the habitat values which currently are maintained on the site.
 - b) The grading of the access road from Highway 101 to the top of Monument Ridge and installation of the Gen tie line will result in significant fragmentation of the existing environment. The amount of grading needed to install the access road will significantly reconfigure the natural topography and result in changes to the natural environment which cannot be acceptably restored. This will result in an irreparable fragmentation of the landscape which will be detrimental to the property and natural habitat values of the area.
 - c) The Board of Supervisors listened to over 12 hours of public testimony including over 200 speakers most of whom were in opposition to the project and supported the concerns of the Wiyot and Yurok Tribes. Much of the testimony referenced the past genocidal practices in the county and testimony was given that to approve this project would be to continue that social injustice. Threats were made that even if the project were approved resistance would continue with references made to past active resistance practices against the logging industry. A project this divisive is detrimental to the public, health, safety and welfare.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

1. Find the significant and unavoidable impacts of the proposed project are not outweighed by the benefits, and cannot be mitigated to an acceptable level through mitigation measures or project alternatives; and
2. Find the proposed project inconsistent with the General Plan and Zoning Ordinance and detrimental to the public health, safety, and welfare; and
3. Deny the applicant's appeal of the Planning Commission's denial of the Conditional Use Permit and Special Permit; and
4. Deny the Conditional Use Permit and Special Permit for development of the Humboldt Wind Energy Project.

The motion was made by Supervisor Madrone and second by Supervisor Fennell and passed with the following ROLL CALL vote:

AYES: Supervisors: Madrone, Fennell, Wilson, Bass

NOES: Supervisors: Bohn

Adopted January 7, 2020.

The motion to adopt this Resolution capturing the findings and action of the Board on December 17, 2019 was made by Supervisor Madrone and second by Supervisor Bass as part of the consent calendar:

AYES: Supervisors: Bass, Fennell, Bohn, Madrone

NOES: Supervisors:

ABSENT: Supervisors: Wilson



Estelle Fennell, Chair

I, Ryan Sharp, Clerk to the Board of Supervisors of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Board of Supervisors at a meeting held on the date noted above.



Ryan Sharp, Clerk