Beverly Chang
2501 Monument Rd.
Rio Dell, CA 95562
redwoodshadows@gmail.com
707 764-3146

November 24, 2019

Director of the Office of International
Standards and Legal Affairs of
UNESCO
7 place de Fontenoy
75352 Paris 07 SP
France

Dear Director:

I am writing to request the form required to complete to file a complaint about a violation under Article 27, Right to participate in cultural life and share scientific advancement.

Time is of the essence. An applicant has applied for a conditional use permit with my county to build 600 foot wind turbines on the Wiyot Tribe's high sacred ground. This special place is known as Tsakiyuwit. Tsakiyuwit's prairies were sources of food and cultural materials, and its vistas were high prayer sites from which the Wiyot could see large expanse of the tribe's ancestral territory, almost all of which has since been seized and subdivided.

I have enclosed an excerpt from the Final Environmental Report that will clearly demonstrate the blatant disregard given to the rights of these people who have inhabited my community as they describe, "…since time began".

Community members were successful in bringing compelling argument to the Humboldt County Planning Commission and the applicant has been unsuccessful in obtaining the permits necessary to build their project. This meeting took place on November 21, 2019. The applicant has indicated they will appeal to the Humboldt County Board of Supervisors and I expect a decision after public hearing sometime in the month of December, 2019. I know of three of the supervisors out of five have expressed that they will overrule the decision of the planning commission and approve the applicant's permits.

I would like to thank you in advance for sending the necessary form(s).

Respectfully,

Beverly Chang

Cc: Humboldt County Board of Supervisors
Wiyot Tribe
Humboldt County Planning Commission
www.un.org/development/desa/indigenouspeoples/contact-us.html
Encs.

TRIBAL COMMENTS AND RESPONSES 6.0 This chapter provides responses to significant environmental issues raised in the comment letters received from Tribes on the draft environmental impact report (DEIR) for the Humboldt Wind Energy Project, as required by California Environmental Quality Act (CEQA) Guidelines Section 15132.

COMMENT LETTERS This section provides a list of all comments received from Tribes on the DEIR during the public review period. Table 6-1 identifies the commenters and Tribes that submitted written comments, and the dates of the comments. Table 6-1. List of Written Comments Received from Tribes Letter Number Commenter Tribe/Organization Represented Date Received T1 Rosie Clayburn, M.A., Tribal Heritage Preservation Officer Yurok Tribe June 6, 2019 T2 Adam M. Cantor, Tribal Botanist, GIS, and THPO Cultural Assistant Wiyot Tribe June 14, 2019

RESPONSES TO COMMENTS This section provides responses to significant environmental issues raised in the comment letters received on the DEIR for the proposed project. The comment letters received are reproduced in their entirety in Appendix A. Revisions to the DEIR in response to comments are shown in underline and strikeout format in the responses below. These revisions are also shown in Chapter 9, “Revisions to the DEIR.”

Letter T1 Response Rosie Clayburn, M.A., Tribal Heritage Preservation Officer Yurok Tribe June 6, 2019 6.1

T1-1

The commenter explains that the Yurok Tribe opposes the Humboldt Wind Energy Project and also supports a neighboring tribe’s (the Wiyot Tribe’s) opposition to the project. The commenter states that the project will have a significant impact upon the Wiyot Tribe as well as the Yurok Tribe, and will also impact the endangered California condor. The commenter further states that Humboldt County’s DEIR does not provide adequate mitigation measures to avoid impacts to Tribal cultural resources, cultural landscapes, and the California condor, and therefore violates the California Environmental Quality Act. Consistent with the requirements of CEQA, Humboldt County (County) initiated Assembly Bill (AB) 52 consultation via letter on July 13, 2018, with the Big Lagoon Rancheria, the Hoopa Valley Tribe, the Bear River Band of the Rohnerville Rancheria, the Wiyot Tribe, and the Cher-Ae Heights Indian Community of the Trinidad Rancheria. This letter served as a formal invitation to the tribes to consult with the County regarding the conditional use permit application for the proposed Humboldt Wind Energy Project, pursuant to Public Resources Code (PRC) Section 21080.3.1. See Section 3.6, “Cultural Resources, including Tribal Cultural Resources,” of the DEIR for a detailed summary of consultation with these tribes regarding tribal cultural resources in the project area. Tribal consultation has been ongoing, and additional cultural resource studies have been conducted in support of project refinements discussed in this FEIR. Section 3.6, “Cultural and Tribal Cultural Resources,” of the DEIR identifies and describes visual impacts to Bear River Ridge, which has been described as a sacred high place within the Wiyot territory (Impact 3.6-4 [Change to the Significance of a Tribal Cultural Resource]). This impact would result from placement of wind turbine generators (WTGs) on the ridge, which is a significant tribal cultural resource because of its spiritual importance to the Tribe. No feasible mitigation is available to reduce this significant impact; therefore, this impact would remain significant and unavoidable. Mitigation Measure 3.6-4 (Detect Presence of and Curtail Operations for Condors) describes implementation of a curtailment program (Sheppard et al. 2015) that would effectively reduce the collision risk for condors if they were released in the Bald Hills in Redwood National Park or another location with a range overlapping the project’s WTGs. This curtailment system would involve fitting condors with functional system-specific transmitters (i.e., tagged individuals) to alert the wind farm operators when condors are in the vicinity of the Humboldt Wind project to inform turbine curtailment decision. Similar curtailments systems have been used with great success at other wind farms in California where condors are common, and to date there have been no condor collisions with WTGs. With implementation of this curtailment program the potential collision risk to condors will be very low, and this potential impact will have been reduced to the extent feasible. Mitigation Measure 3.6-4 has been further refined in this FEIR. Please refer to Chapter 9, “Changes to the DEIR,” for specific refinements to the measure. The DEIR contains specific measures to minimize and avoid impacts resulting from the proposed project, or, where necessary, makes a finding that no feasible mitigation is available, and thus the impact remainssignificant and unavoidable. This is consistent with the requirement of CEQA and does not violate the requirements set forth in CEQA.

T1-2

The commenter states that per the DEIR, the project's impacts upon Wiyot cultural resources and cultural landscapes is significant and unavoidable. The commenter also states that the Yurok Tribe does not agree that the impacts are unavoidable. The commenter notes that the placement of wind turbine generators along Tsakiyuwit ridge will destroy the Wiyot Tribe's view of the landscape, which is a sacred place for prayer. The commenter further states that the project will also displace traditional and culturally significant plants. Master Response 1, "Site Planning and Avoidance Measures," describes refinements to the project since circulation of the DEIR to avoid and minimize impacts on sensitive biological resources. Please also refer to "Refinements to the Project Description Since Circulation of the DEIR," in Chapter 1 of this FEIR for details on these refinements. These refinements have resulted in a reduction in the number of WTGs that would be placed on Bear River Ridge and have reduced the project's disturbance area in the ridge, but they do not eliminate the impact, therefore the impact remains significant and unavoidable. The impact could only be avoided by not placing any WTGs on Bear River Ridge, which would result in a project too small to generate sufficient amounts of renewable energy to make the project financially feasible, or by no construction of the project, which would be the "no project alternative." Neither of these scenarios has been found to be feasible. Please also see Master Response 7, "Special Status Plants and Sensitive Natural Communities," and the Revegetation, Reclamation, and Weed Control plan in Appendix B of this FEIR for a discussion of how measures will be implemented to avoid, minimize, and mitigate impacts on special-status plants and natural communities and for additional details on which plants may be used in the revegetation and reclamation effort. Mitigation Measure 3.6-3c (Incorporate Plants Appropriate for the Wiyot Tribe Ethnobotanical Area into the Reclamation, Revegetation, and Weed Control Plan) specifically calls for the use of appropriate plants in the revegetation effort to compensate for the disturbance of ethnobotanically significant areas.

T1-3

The commenter states that mitigation measure 3.6-3c, to incorporate plants included in the "Wiyot List of Plant Species of Environmental and Cultural Concern" in the final restoration plan, is not sufficient because the Wiyot Tribe will not have access to these culturally significant plants during and after construction. As stated by the commenter, Bear River Ridge is privately owned. The project applicant will lease land from local landowners for the construction and operation of the project but will not control or exert influence over the use of or access to these lands beyond what is stated in the lease agreements. Neither the project applicant nor the County are in a position to allow access to private lands; therefore, tribal access to ethnobotanical resources on the ridge cannot be provided as part of the proposed project. However, Mitigation Measure 3.6-3c aims to maintain or restore the integrity of the ethnobotanically important resources on the ridge. Additionally, the Reclamation, Revegetation, and Weed Control Plan specifies that plant species found on the Wiyot Tribe List of Plant Species of Environmental and Cultural Concern will be considered for salvage during construction. The Wiyot Tribe will be able to select up to 100 plants to be salvaged and placed into 1-gallon containers and/or up to 200 plants fewer than 3 feet in height to be salvaged and remain bare rooted during transfer to a location designated by the Wiyot Tribe.

T1-4

The commenter states that the destruction of the Wiyot Tribe's sacred and cultural landscapes contributes to the genocide of the Wiyot people. The commenter requests that the County adopt either the no project or reduced turbine count alternative, and states that the preservation of Wiyot sacred cultural resources is more important than the benefits that the project would provide. The commenter's opposition to the project is noted. Section 3.6, "Cultural and Tribal Cultural Resources," of the DEIR identifies and describes visual impacts to Bear River Ridge, which has been described as a sacred high place within Wiyot territory. No feasible mitigation is available to reduce this significant impact; therefore, this impact would remain significant and unavoidable. The impact could only be avoided by not placing any WTGs on Bear River Ridge, which would result in a project too small to generate sufficient amounts of renewable energy to make the project financially feasible, or by not constructing the project, which would be the "no project alternative." Neither of these scenarios has been found feasible.

When a lead agency approves a project that would result in significant and unavoidable impacts (i.e., impacts that cannot be reduced to a less-than-significant level) that are disclosed in the EIR, such as the impact on tribal cultural resources on Bear River Ridge, CEQA requires the decision-making body to balance the economic, legal, social,

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

T1-5

The commenter states that Humboldt County has found that impacts to the California condor from the project will be significant, but the Yurok Tribe disagrees with the County's conclusion that the impacts are unavoidable. The commenter also states that the County did not discuss the project's impacts to California condor in the Biological Resource section of the DEIR, thereby failing to provide mitigation measures to limit significant impacts to the species. The commenter notes that the Yurok people consider the California condor to be a sacred animal that has tremendous cultural significance for them. The commenter explains that the Yurok Tribe Wildlife Program has been working to develop and implement a program to reintroduce California condors to the North Coast region. The commenter requests that there be further consideration of the project's potential impact on California condors that are released within the proposed project area. The commenter states that the potential harm to California condors from the project is more significant than the potential benefits of the project. Please see the response to Comment T1-1 for a discussion of the curtailment program that will be implemented to reduce the potential collision risk for condors. Please also see the response to Comment T1-1 for specific responses to comments that address impacts to Wiyot cultural resources, cultural landscapes, and the California condor. Please also see the response to Comment I65-1 regarding California condors. The DEIR finds the impacts to condors significant and unavoidable because of the spiritual importance of the condor, not because of the potential kill of any condors from colliding with WTGs. Condors are discussed briefly in the environmental setting section of the biological resources section of the DEIR on page 3.5-38. However, they are not discussed in the impact discussion of the biological resources section of the DEIR because they have long been extirpated from Humboldt County. As such, they are not part of the environmental baseline against which project impacts are evaluated.

T1-6

The commenter states that the Yurok Tribe asks the County to not approve the project, or at least amend the DEIR to include measures that would reduce harm to Wiyot cultural resources, cultural landscapes, and the California condor to a less than significant level. The tribe's opposition to the proposed project is noted. Please refer to responses T1-1 to T1-5 above for assessments of the available measures that could reduce harmful effects to these resources.

Letter T2 Response Adam N. Cantor Wiyot Tribe June 14, 2019 6.2

T2-1

The commenter introduces the Tribe's comments on the DEIR and notes that attachments to the letter include a photo of a culturally important plant in the project area, a list of plants that are important to the Wiyot people, and a list of endangered, threatened, protected, or candidate animal species that have been documented in the project area. The information provided by the Tribe is noted. Impacts to these resources have been analyzed in the DEIR and, for many species, additional information has also been provided in this FEIR. Please refer to Master Responses 2 through 7 for additional information regarding sensitive species and natural communities. Additional technical studies conducted in support of the project since circulation of the DEIR are included in Appendix B of this FEIR. None of these additional studies changed the impact conclusion reached by the DEIR.

T2-2

The commenter states that the Wiyot Tribe has clearly explained the great importance of the cultural and natural resources found on Bear River Ridge, a protected tribal cultural resource (TCR) during the AB 52 consultation process. The commenter notes that the site is a "high prayer spot" for the Wiyot people, and that the "environmental, physical, and spiritual" impacts that the wind turbine generators (WTGs) will have on the Wiyot people will be harmful and un-mitigatable. The commenter states that the Tribe recommends that the County select the "No Project" alternative that was unanimously favored by a vote taken at the June 10, 2019 Wiyot Tribal Council Meeting. The commenter notes that due to the length of the DEIR and the number of potential impacts of the project, the letter only partially addresses all of the topics, issues of concern, and negative environmental impacts that are important to the Tribe. Consistent with the requirements of CEQA, Humboldt County initiated consultation regarding tribal cultural resources pursuant to Assembly Bill (AB) 52 via letter on July 13, 2018, with the Big Lagoon Rancheria, the Hoopa Valley Tribe, the Bear River Band of the Rohnerville Rancheria, the Wiyot Tribe, and the Cher-Ae Heights Indian Community of the Trinidad Rancheria. The letters served as formal invitations to the tribes to consult with the County regarding the conditional use permit application for the proposed Humboldt Wind Energy Project, pursuant to Public Resources Code (PRC) Section 21080.3.1. See Section 3.6, "Cultural Resources, including Tribal Cultural Resources," of the DEIR for a detailed summary of the consultation with these tribes regarding tribal cultural resources in the project area. Tribal consultation has been ongoing, and additional cultural resource studies have been conducted in support of project refinements discussed in this FEIR. Results of additional cultural resources investigations conducted since circulation of the DEIR have also been provided to the Tribe, as requested. Section 3.6, "Cultural and Tribal Cultural Resources," of the DEIR identifies and describes impacts to Bear River Ridge, which has been described as a sacred high place within the Wiyot territory (Impact 3.6- 4. Change to the Significance of a Tribal Cultural Resource). This impact would result from the placement of wind turbine generators (WTGs) on the ridge, which is a significant tribal cultural resource because of its spiritual importance to the Tribe. No feasible mitigation is available to reduce this significant impact; therefore, this impact has been found significant and unavoidable.

The DEIR addresses the full suite of environmental impacts resulting from implementation of the proposed project. Please see Sections 3.2, "Aesthetics"; 3.3, "Agricultural and Forestry Resources"; 3.4, "Air Quality"; 3.5, "Biological Resources"; 3.7, "Geology and Soils"; 3.8, "Greenhouse Gas Emissions"; 3.9, "Hazards and Hazardous Materials"; 3.10, "Hydrology and Water Quality"; 3.11, "Noise"; and 3.12, "Transportation and Traffic" in the DEIR for an analysis of the project's impact on these resources, and for specific mitigation measures related to impacts on these resources. When a lead agency approves a project that would result in significant and unavoidable impacts (i.e., impacts that cannot be reduced to a less-than-significant level) that are disclosed in the EIR, such as the impact on tribal cultural resources on Bear River Ridge, CEQA requires the decision-making body to balance the economic, legal, social, technological, or other benefits of the proposed project against its unavoidable environmental risks and state in writing its reasons for supporting the action (CEQA Guidelines Sections 15093). This statement of overriding considerations must be supported by substantial information in the record. The County may approve the project even though the project would cause a significant effect on the environment if the County makes a fully informed and publicly disclosed decision that shows there is no feasible way to lessen or avoid the significant effect and identifies how the expected benefits from the project outweigh the significant and unavoidable environmental impacts of the project (CEQA Guidelines Section 15043). The County is making every effort to achieve this balance.

T2-3

The commenter writes about the negative impacts on the Wiyot Tribe resulting from the arrival of EuroAmerican settlers in the area in 1850. The commenter states that Wiyot lands and environment were taken by force, beginning with coastal prairies and grasslands. The commenter quotes a Wiyot ethnographer, L. Loud, who wrote in 1918 that the prairies were "of incalculable value to the Indians." The commenter states that the quote supports the conclusion that the project site is culturally valuable to the Tribe and that development of the site would contribute to the negative impacts the Tribe has experienced since 1850. This comment summarizes historic events that happened in Humboldt County. The statement about further impacts on the tribes from development of the lands is noted. A history of the

settlement of the ridge and analysis of significant impacts on Bear River Ridge are discussed in the cultural resources section of the EIR. The County acknowledges the Tribe's opposition to the proposed project and the reasons behind it.

T2-4

The commenter states that a pond near the project site is named after a man who murdered native people, and that the site itself is owned by a family whose ancestor was suspected of collaborating in massacres of Wiyot people in 1860. The commenter states that the ancestor was a partner of another individual who, according to the letters a Wiyot tribe member wrote in 1939, was a murderer of Native Americans. The commenter states that the development of the project site would "seem to reinforce the colonial domination and genocide associated with these persons and their atrocities and serve as a constant reminder to Wiyots of how their lands were violently taken for the sake of profits by powerful, privileged, and elite Euro-Americans." The Tribe's comments regarding the local history of the site are noted. The County acknowledges the Tribe's opposition to the proposed project and the reasons behind it.

T2-5

The commenter states that while section 3.6-3 of the DEIR considers the significance of the potential environmental, TCR, and cultural impacts from the project, it does not reflect an adequate level of significance. The commenter states that site P-12-003314, recorded in 2010 (reference: Roscoe), was not relocated by Stantec archaeologist and notes that the archaeologists who conducted the survey were not from Humboldt County, and that their archaeological assessment is questionable to the Wiyot Tribe because the Tribe was not included in the assessment. The commenter mentions documentation of the presence of humans in the "Wiyot ethnobotanical area." The commenter states that because the Stantec archaeologists could not relocate the site, it was not noted as potentially eligible under the National Register of Historic Places (NHRP). Per the commenter, the Wiyot Tribe requests that the area be reevaluated for its eligibility for protection under the NHRP. An additional survey of the site in question on Bear River Ridge was conducted by Stantec and Browning Cultural Resources on August 17, 2019. At that time site P-12-003314 was relocated. Observed artifacts consisted of Franciscan chert flakes, including edge modified flakes and one fire-affected cobble. An area of darkened soil was also identified. Compared to the boundary previously recorded by Roscoe, the site boundary was slightly expanded to the west by 13 meters and to the south by up to 8 meters based on the presence of surface artifacts. The darkened soil was identified within the originally plotted location; however, it was not firmly identified as midden. The rock outcrop was also identified within the originally plotted site location. The site is considered to be potentially eligible for the California Register of Historical Resources (CRHR) and will be avoided during project implementation. The report California Register of Historical Resources Evaluation of Resource P-12-000212, Humboldt County, California, prepared by Browning Cultural Resources, Inc., dated October 2019, was used in the preparation of this FEIR and has been provided to the Tribe.

T2-6

The commenter states that site HUM TG 12 is also of significance to the Wiyot people and is potentially eligible for listing on the NRHP. The commenter states that the locations of sites HUM TG 12 and HUM TG 08 were not correctly identified in the Stantec environmental report. The commenter states that the Wiyot Tribe requests that sites HUM TG 08, HUM TG 09, and HUM TG 12 be further assessed for potential inclusion on the NRHP. The commenter also states that there are known lithic scatters near site HUM TG 03 and that it is a historic gravel mining "feature" that also was not identified in the Stantec report. The commenter states that the Tribe requests that site HUM TG 03 be further assessed. The original Stantec report and the DEIR, which relied on information identified in the Stantec report, incorrectly refer to the location of sites HUM TG 08 and HUM TG 12 as being located on Monument Ridge. Both sites are located on Bear River Ridge. Their locations are, however, correctly identified in the figures appended to the original Stantec cultural resources report provided to the Tribe. The correct location has been noted in Section 3.6 in Chapter 9, "Changes to the DEIR," of this FEIR and the mistake has also been corrected in the updated cultural resources report provided by Stantec. As described in Section 3.6, "Cultural Resources, including Tribal Cultural Resources," of the DEIR, an intensive reconnaissance-level pedestrian field survey of the project area was conducted between July 7 and August 23, 2018. Table 3.6-2 of the DEIR indicates that site Hum TG 12 appears eligible for inclusion in the CRHR. AECOM

 Although the remaining prehistoric sites (HUM TG 08 and HUM TG 09) do not appear to be eligible, all three sites will be avoided as stipulated in Mitigation Measure 3.6-1a (Avoid Potential Impacts). Before construction permits are issued, the project applicant will submit improvement plans to the County Planning & Building Department demonstrating that the WTG locations and other permanent infrastructure will avoid known archaeological resources. Further assessment of the NRHP eligibility of these sites would not be required. As described in Section 3.6, "Cultural Resources, including Tribal Cultural Resources," of the DEIR, an intensive reconnaissance-level pedestrian field survey of the project area was conducted between July 7 and August 23, 2018. Stantec archaeologists conducted the pedestrian field survey of the proposed WTG locations, access roads, the right-of-way for the generation transmission line (gen-tie), and the location of the Bridgeville substation. Stantec archaeologists surveyed a 152-meter (500-foot) radius around proposed representative WTG locations and a corridor 152 meters (500 feet) wide around project roads and electrical collection lines (76 meters [250 feet] on either side of the centerline). Stantec archaeologists surveyed an area 152 meters (500 feet) wide around proposed staging and temporary impact areas. Furthermore, Stantec archaeologists surveyed a corridor 60 meters (200 feet) wide around the electrical collection line and the gen-tie (30 meters [100 feet] on either side of the centerline). The methods applied by Stantec during their intensive reconnaissance-level pedestrian field survey are consistent with Secretary of the Interior's standards for identifying existing archaeological resources. However, there is the potential for the discovery of previously unidentified sites. Impact 3.6-1 (Change to the Significance of an Archaeological Resource) discusses the potential of the project to damage or destroy documented or assumed eligible cultural resources in the project area or previously undiscovered cultural resources. Mitigation Measures 3.6-1a (Avoid Potential Impacts), 3.6-1b (Preserve Resources in Place), 3.6-1c (Monitor Ground-Disturbing Activities), and 3.6-1d (Prepare Treatment Plan and Stop Potentially Damaging Work for Inadvertent Discovery of Cultural Materials Uncovered during Project Construction, Assess the Significance of the Find, and Pursue Appropriate Management) would reduce the impact of damage to or destruction of archaeological resources during project construction to less than significant.

T2-7

The commenter states that the WTGs would mar the aesthetics of the Wiyot territory and degrade the visual character of the area for both residents and visitors. An analysis of impacts on aesthetic resources is presented in Section 3.2, "Aesthetics," of the DEIR. Key observation points are shown in Figure 3.2-1 and were selected to illustrate the range of visual settings and visual sensitivity and represent the most likely locations from which the project site would be viewed. Figures 3.2-2 through 3.2-10 provide representative photographs showing views of the project site. The DEIR identifies a significant and unavoidable impact on aesthetic resources from the placement of WTGs on the ridge, consistent with the statement made by the commenter. Since the publication of the DEIR, the applicant has proposed a reduction in the number of wind turbine generators from 60 to 47, spread across Monument Ridge and Bear River Ridge. Please see "Refinements to the Project Description Since circulation of the DEIR" in Chapter 1 of this FEIR for specific refinements to the project description. While these refinements reduce the impacts to some resources, they do not change any of the impact conclusions presented in the DEIR. Impacts on aesthetic resources from implementation of the proposed project remain significant and unavoidable.

T2-8

The commenter states that night air traffic safety lighting of the WTGs would be a source of light pollution in the area and have a significant negative impact on the Wiyot Table Bluff Reservation. Section 2.4.2, "Public Access and Safety," of the DEIR addresses Federal Aviation Administration (FAA) requirements for lighting on the proposed turbines. Through its Notice of Proposed Construction or Alteration (Form 7460.1), the FAA would conduct a review of the proposed project before construction begins (Title 14, Part 77 of the Code of Federal Regulations). The turbines proposed would be more than 200 feet tall and therefore would require appropriate obstruction lighting. However, the FAA may determine that the absence of marking and/or lighting would not threaten aviation. As a result of its review process, the FAA might recommend installing tower markings or aviation safety lighting on all or only a portion of the turbine towers. Please see the response to Comment T2-7.

T2-9

The commenter asserts that shadow flicker is “glossed over and dismissed” in the aesthetics assessment of the DEIR. The commenter states that shadow flicker from wind turbines has been found to potentially precipitate epileptic seizures, even in those not near the turbines. The commenter states that the sources cited in the DEIR on the impacts of shadow flicker are not the latest research and do not acknowledge that there is risk at frequencies below 3 Hz. The commenter also states that wind turbine noise has been associated with other health problems and suicidal behavior. The commenter notes that Impact 3.11-3 acknowledges the significant impact of the sound of the wind turbines, and states that because the site is a “high prayer spot” for the Wiyot people, the noise would greatly interfere with their spiritual activities. As noted by the commenter, the DEIR contains analyses of both shadow flicker and noise effects of the WTGs. The commenter does not provide specific information about what latest research they consider more adequate or how specific health impacts may be assessed. Based on the information provided, no further revisions to the language in the DEIR are warranted.

T2-10

The commenter states that the Wiyot Natural Resources Department (WNRD) believes that the impacts of the project have not been fully assessed because the specific planned location of each WTG is not identified in the DEIR. The commenter states that the WNRD believes that the proposed mitigation efforts will be inadequate and “constitute deferred mitigation,” which the WNRD finds unacceptable given the size of the project. The DEIR addresses the full suite of environmental impacts resulting from implementation of the proposed project. Please see Sections 3.2, “Aesthetics”; 3.3, “Agricultural and Forestry Resources”; 3.4, “Air Quality”; 3.7, “Geology and Soils”; 3.8, “Greenhouse Gas Emissions”; 3.9, “Hazards and Hazardous Materials”; 3.10, “Hydrology and Water Quality”; 3.11, “Noise”; and 3.12, “Transportation and Traffic” in the DEIR for analyses of the project’s impact on these resources, and for specific mitigation measures related to the impacts on these resources. At the time of the preparation of the DEIR, an “impact corridor” was studied to allow for maximum flexibility during project refinement, design, and micro-siting to avoid sensitive resources to the greatest extent feasible. This approach has been applied in the refined project description used in the preparation of this FEIR. The refinements have resulted in a reduction of the overall impact acreage and in avoidance of specific sensitive resources (cultural, biological). Please see Master Response 1, “Site Planning and Avoidance Measures,” and Refinements to the Project Description Since Circulation of the DEIR in Chapter 1 of this FEIR for specific refinements to the project description since circulation of the DEIR. Regarding impacts on wildlife, as described in Section 3.5, “Biological Resources,” the DEIR has committed the County to the required mitigation measures, presented clear performance standards that have been further refined in this FEIR, and described the means of mitigating impacts that would achieve the performance standards. Please also see Master Responses 2 through 8 for additional details related to the analysis of impacts on biological resources and discussion of the additional surveys conducted since circulation of the DEIR and for additional refinements to the mitigation measures in the DEIR. When a lead agency approves a project that would result in significant and unavoidable impacts (i.e., impacts that cannot be reduced to a less-than-significant level) that are disclosed in the EIR, CEQA requires the decision-making body to balance the economic, legal, social, technological, or other benefits of the proposed project against its unavoidable environmental risks and state in writing its reasons for supporting the action (CEQA Guidelines Sections 15093). This statement of overriding considerations must be supported by substantial information in the record. The County may approve the project even though the project would cause a significant effect on the environment if the County makes a fully informed and publicly disclosed decision that shows there is no feasible way to lessen or avoid the significant effect and identifies how the expected benefits from the project outweigh the significant and unavoidable environmental impacts of the project (CEQA Guidelines Section 15043).

T2-11

The commenter notes that evaluating and commenting on the project has been a financial and time burden on the WNRD, and that Terra-Gen has not offered to compensate the Tribe for the effort. The commenter states that Terra-Gen could have avoided burdening the Tribe if Terra-Gen had abandoned the project based on the recommendations of the California Department of Fish and Wildlife (CDFW). The commenter notes that CDFW categorized the project site as

either “High or Uncertain Potential for Wildlife Impacts” or “Inappropriate for Wind Development.” The commenter also notes that the DEIR is based on one year of survey data, which per language from the CDFW and in the opinion of the Tribe is inadequate for identifying significant impacts and developing alternatives. The commenter requests that more data be collected in 2019 and 2020 and that a subsequent EIR be prepared. It is not customary for a project applicant to provide those wishing to comment on a project with the financial resources to do so. If any resources were provided, the County would not be involved in such exchanges. The commenter is referring to the CDFW letter that cites the California Energy Commission and CDFW California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development (Guidelines) and states that in CDFW’s opinion the project falls into Guidelines Category 3 site as: “Project Sites with High or Uncertain Potential for Wildlife Impact,” or Category 4: “Project Sites Inappropriate for Wind Development.” Please see the response to Comment S4-4 in Chapter 4, “State Comments Responses,” in this FEIR for an explanation as to why the project does not pose an unacceptable risk to wildlife and why the site is not inappropriate for wind development Regarding the commenter’s statement about the need for additional studies, please note that since circulation of the DEIR, a second year of surveys has been conducted for marbled murrelet, northern spotted owls, eagles, bats, and special-status plants. Updated collision risk modeling was also conducted based on the second year of marbled murrelet radar surveys. Please see the updated reports in Appendix B of this FEIR. The surveys and modeling results did not change any of the conclusions of the DEIR; therefore, a subsequent EIR is not necessary.

T2-12

The commenter states that the project site is in a coastal grassland area that, according to the National Audubon Society, supports the grasshopper sparrow, a State Species of Special Concern (SSC), and the California horned lark, which is on CDFW’s watch list. The commenter states that Bear River Ridge is one of the only places to find the horned lark in Humboldt County. The commenter states that horned larks are the most commonly killed bird by turbines on wind farms in Wyoming and Colorado. Please see Master Response 5, “Migratory and Special-Status Birds,” and the response to Comment S4- 11 for a discussion of the grassland habitat Cape Mendocino Important Bird Area. Please see the response to Comment S4-12 for a specific discussion of the horned lark population on Bear River Ridge.

T2-13

The commenter lists California State Endangered (SE), Threatened (ST), Candidate (CT/E), Fully Protected (FP) species, State Species of Special Concern (SSC), and State Watch List (WL) species that have been observed and documented along or near Bear River Ridge. The commenter states that the Tribe is concerned about WTG- and transmission line-caused fatalities to SE, ST, CT/E species that cannot be taken without CDFW authorization (the commenter lists these species). The commenter notes that State Fully Protected Species cannot be taken except for scientific research or the protection of livestock (the commenter lists these species). Please see Master Response 2, “Marbled Murrelet”; Master Response 4, “Northern Spotted Owl”; Master Response 5, “Migratory and Special-Status Birds”; and Master Response 6, “Eagles and Other Raptors” for a discussion of impacts and mitigation for special-status bird species, including listed and fully protected species.

T2-14

The commenter notes that the project site is in a known flyway for the marbled murrelet, which is a Federally Threatened Species, a State Endangered Species, and a TCR species for the Wiyot Tribe. Per the commenter, the Tribe is concerned that the DEIR used the data of just one season to conclude that no information is available regarding whether the birds can avoid colliding with moving turbine blades. Since the DEIR was circulated the applicant has undertaken several refinements to the project to minimize the collision risk to marbled murrelets, including removing three turbines that were in areas characterized by relatively high passage rates of marbled murrelets, reducing the number of turbines from 60 to 47, and shortening the gen-tie line from 25 to 22 miles. The project applicant has conducted a second year of marbled murrelet radar surveys in 2019 and has revised the risk assessment and take estimate based on this second year of data since circulation of the DEIR. The Updated Humboldt Wind Energy Project Marbled Murrelet Survey Report is included Appendix B of this DEIR, and is discussed in detail in Section 3.1, Master Response 2, “Marbled Murrelet,” of this FEIR.

T2-15
The commenter further discusses the project's potential negative impacts on the marbled murrelet. The commenter states that clearcutting for the project will open 25 miles of forest to potential raven predation of murrelet nests. The commenter states that the proposed compensatory mitigation for murrelets is uncertain. The commenter also notes that US Fish and Wildlife Service (USFWS) murrelet recovery guidelines were not mentioned in the DEIR. The commenter states that more study is needed to adequately assess the potential harms to the murrelet species, and given the species' reliance upon adult bird survivorship, the birds' already declining population could be significantly reduced by the project. Since circulation of the DEIR the project applicant has made numerous refinements to the project design to reduce impacts on marbled murrelets and other sensitive biological resources. Please see Section 3.1, Master Response 1, "Site Planning and Avoidance Measures." Please refer to "Refinements to the Project Description Since Circulation of the DEIR" in Chapter 1 of this FEIR for details on the refinements. The collision risk model analyzed passage in zones as a way to identify areas of both ridges that were associated with higher marbled murrelet passage rates, and thus would be available for use in a minimization or avoidance strategy. This analysis was used to inform a new layout with 13 fewer turbines (reduction from 60 to 47 turbines), representing in a 21.6% decrease in the number of turbines. This reduction included the removal of all turbines in the three zones with the greatest documented marbled murrelet passage rates. As discussed in the Marbled Murrelet Collision Risk Assessment Associated with the Humboldt Wind Project Proposed for Humboldt County, California: 2-Year Report by H. T. Harvey & Associates, September 2019, in Appendix B of this FEIR, these refinements have resulted in a 55% decrease in the estimated take of marbled murrelets (4.65 birds in 30 years).

T2-16
The commenter states that the bald eagle and the golden eagle are culturally important to the Wiyot people, and that Impacts 3.5-4 and 3.5-5 note the project's potential to significantly affect these species. The commenter states that the mitigation measures for eagle deaths are inadequate and that there is no discussion of follow-up monitoring of eagle fatalities. The commenter states that other raptors would be affected or killed by the project, such as the northern spotted owl and the northern harrier, which is on the Wiyot Tribe's List of Species of Environmental and Cultural Concern. The commenter mentions the bird deaths predicted by "company" biologic models, and states that the Tribe finds the numbers unacceptable. Please see Master Response 6, "Eagles and Other Raptors," for a discussion of potential project impacts and mitigation for golden and bald eagles and other raptor species. The DEIR includes a thorough and detailed discussion of post-construction mortality monitoring for eagles (see pages 3.5-91 through 3.5-92) and also provides effective compensatory mitigation of utility pole retrofits to offset eagle fatalities. This mitigation is widely accepted and effective mitigation that is recommended by USFWS. Please see Master Response 6, "Eagles and Other Raptors," for a more detailed discussion of this topic.

T2-17
The commenter states that the proposed project area has been identified as suitable habitat for the planned reintroduction of the California condor, a bird that is sacred to the Wiyot. The commenter argues that while the DEIR states that released condors will not be at risk for harm from the WTGs because of the transponders attached to the birds, once the condors begin to breed, there will be young birds without transponders that are at risk of turbine injury or death. The commenter notes that the DEIR states that impact on condors from the project would be significant and unavoidable, which is of tremendous concern to the Tribe.
The DEIR acknowledges that both the Wiyot Tribe and the Bear River Band of the Rohnerville Rancheria identified the California condor as a TCR, and that the condor is sacred and part of the Wiyot creation story. Although the condors have not yet been released, the reintroduction program is reasonably foreseeable in the near future, and certainly within the 30-year project time frame. The condors will be released under the classification of "nonessential experimental," which means that they are not subject to the protections provided by the federal Endangered Species Act or the California Endangered Species Act. However, the condor is a spiritual symbol for the tribes of Humboldt County, and therefore the DEIR describes the risk of condors colliding with WTGs as significant. Mitigation Measure 3.6-4 (Detect Presence of and Curtail Operations for Condors) would greatly reduce this potential risk. If condors are

released in the Bald Hills in Redwood National Park or another location with a range overlapping the project's WTGs, the project applicant will implement a detection system using the transponders attached to the condors, and will curtail operations when condors are close to the WTGs so that the condors are not at risk of encountering operating WTGs. This detection and curtailment system (Sheppard et al. 2015) has been used successfully at other wind farms in California, and to date no condors fatalities have occurred. Where this program is being implemented at other wind farms in California, young condors are trapped and tagged with system-specific transmitters, thereby providing them with the protection afforded by this detection and curtailment system. While the risk of condor collisions with WTGs cannot be completely eliminated, this curtailment system makes the risk of collision very low. Nonetheless, the DEIR identifies the impact on condors as significant and unavoidable due to the spriritual significance of the species.

T2-18

Per the commenter, the Tribe appreciates that its explanation of the significance of the coastal prairie and grassland species and habitat of the project area were included in the DEIR. The commenter states that the project is inappropriate for such a culturally and biologically rich area, and that alternative sites for the project were not considered. The commenter states that the Tribe's perspective is also that of the National Audubon Society and the California Native Plant Society (CNPS). The commenter notes the comment in Impact 3.5-24 that the project will cause disturbance to or loss of sensitive natural communities and riparian habitat. Please see Master Response 11, "Alternatives," for a discussion of the alternatives that were considered, and also Master Response 1, "Site Planning and Avoidance Measures," for a discussion of how the project has been refined, and elements of alternatives considered in the DEIR have been incorporated, to reduce impacts on sensitive plant communities and special-status species. Please also see Master Response 7, "Special-Status Plants and Sensitive Communities," for a discussion of how impacts on sensitive natural communities and riparian habitat have been reduced from those described in the DEIR. T2-19 The commenter notes that the DEIR states that the project could have an uncommonly large number of impacts on an extensive natural area with many habitats and many species, and notes that it is rare that a proposed project on the North Coast would have this magnitude of impacts. This commenter expresses an opinion about the impacts of the project but 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. No further response is required. Please note that the project has been refined since circulation of the DEIR and that the refined project results in a reduction in the impact acreage, fewer turbines, and a shortened gen-tie line. Please see "Refinements to the Project Description since Circulation of the DEIR" in Chapter 1 of this FEIR.

T2-20

The commenter argues that the biological surveys presented in the DEIR are incomplete and do not adequately cover the proposed project area. The commenter also argues that the DEIR does not present mitigation plans for "rare plants, natural communities, invasive species, eelgrass, wetland, and riparian impacts" in a way that would allow the public to effectively evaluate those plans, as is required by the California Environmental Quality Act (CEQA). The commenter states that mitigation plans that refer to pending plans are deferred mitigation and therefore not acceptable. The commenter requests that the DEIR be revised with complete biological surveys, impact analyses, and detailed mitigation plans, and then recirculated for comment. Since circulation of the DEIR a second year of studies have been completed for marbled murrelets, northern spotted owls, eagles, and special-status plants. Results of these studies are provided in Appendix B of this FEIR, as is the Reclamation, Revegetation, and Weed Control Plan that describes proposed measures to control invasive weeds, protect riparian habitat, and restore or mitigate impacts to sensitive plant communities. Since circulation of the DEIR, the project applicant has also retained a qualified consultant to further refine mapping of the extent of eelgrass at Fields Landing and propose recommendations to ensure the project's avoidance of eelgrass (see Eelgrass Avoidance Recommendations for the Humboldt Wind Energy Project prepared by Merkel & Associates, Inc., dated June 2019 om Appendix B of this FEIR). A detailed mitigation strategy for marbled murrelets has been completed: Compensatory Mitigation Strategy for Marbled Murrelets Impacted by Operation of the Humboldt Wind Project, prepared by H. T. Harvey & Associates, dated September 2019, in Appendix B of this FEIR. These additional studies and

more detailed mitigation plans do not change the analysis or conclusions of the DEIR, but rather provide additional details that were requested by commenters, and therefore recirculation is not required.

T2-21

The commenter introduces a list of concerns, comments, and recommendations regarding biological impacts, and explains that the list was the result of collaboration between the Wiyot Tribe and the CNPS. The first item requests that botanical surveys be completed for the entire project area and that the methods and findings of the surveys be presented to the public in a revised DEIR. The item includes a question regarding whether project components in the Highway 101 transportation corridor will be surveyed. As described in Master Response 7, "Special-Status Plants and Sensitive Communities," botanical surveys have been completed for the entire project area, including the area along the Highway 101 transportation corridor. Please see Humboldt Wind Energy Project – 2019 Botanical Resources Survey Results Memo prepared by Stantec Consulting Services, Inc., dated August 27, 2019 in Appendix B of this FEIR.

T2-22

The second item states that the DEIR does not adequately address whether California Rare Plant Rank (CRPR) 3 or 4 taxa were evaluated for impact significance based on CEQA sections 15125(c) and/or 15830. The item states that there may be other unique or rare species in the area that do not have a CRPR. The item requests that the DEIR provide a more thorough analysis for the taxa and determine whether the CEQA sections apply. Please see the response to Comment O7-10 in Chapter 7 of this FEIR for a discussion of the project surveys for rare plants and consideration of California Rare Plant Rank 3 or 4 taxa.

T2-23

The third item notes that the DEIR specifies that for impacts to Siskiyou Checkerbloom, the project applicant must develop a mitigation strategy with a minimum 1.5 to 1 ratio. The item notes that potentially 8.86 acres of special status plants could be impacted, so the DEIR must include a specific and feasible mitigation plan. The item requests that the DEIR provide examples of successful Siskiyou Checkerbloom mitigation and justification for the proposed mitigation ratio. The item requests that this process also be applied to other impacted plant species, natural communities, riparian habitats, and wetlands, particularly coastal prairie habitats. Since circulation of the DEIR, the project has been refined to reduce impacts on sensitive biological resources as described in Master Response 1, "Site Planning and Avoidance Measures," and in Chapter 1, "Refinements to the Project Description Since Circulation of the DEIR." These refinements resulted in reduced impacts on Siskiyou checkerbloom, from 8.42 acres to 4.57 acres (temporary impacts 3.68 acres, permanent impacts 0.77 acres) and on other sensitive plant communities and special-status plants (see Master Response 7, "Special-Status Plants and Sensitive Communities." The Reclamation, Revegetation, and Weed Control Plan in Appendix B of this FEIR provides additional details on performance standards for providing compensatory mitigation for Siskiyou checkerbloom and other special-status plant species.

T2-24

Item four notes that eelgrass habitat is essential to fish and subject to no-net-loss wetland policies, and while the project may impact eelgrass, the DEIR did not include eelgrass surveys. Per the California Eelgrass Mitigation Policy and implementation guidelines, pre- and post-project eelgrass surveys must occur. The item requires that the project demonstrate the ability to mitigate impacts to eelgrass at a 4.82 to 1 ratio and include a feasible mitigation plan for the highest impact area. Since circulation of the DEIR, the project applicant has retained a qualified consultant to further refine mapping of the extent of eelgrass at Fields Landing and propose recommendations to ensure the project's avoidance of eelgrass (see Eelgrass Avoidance Recommendations for the Humboldt Wind Energy Project prepared by Merkel & Associates, Inc., dated June 2019 in Appendix B of this FEIR). As stated in the DEIR, the project will not result in impacts on eelgrass, and no project activity is proposed within areas of Humboldt Bay at Fields Landing that support eelgrass. Project activities are not expected to result in excessive wake or sediment disturbance that would result in impact on eelgrass present in the vicinity of the landing site. The Final EIR has been revised to include the following avoidance recommendations provided in this memo. 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 AECOM Humboldt Wind Energy Project FEIR Tribal Comments and Responses 6.2-12 Humboldt County 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 any 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 days of the completion of each survey. Implementation: Project applicant. Timing: No less than 90 days before project component delivery. Enforcement: Humboldt County Planning & Building Department, California Department of Fish and Wildlife.

T2-25
Item five expresses concern over the potential for additional invasive plant species to be brought in by project construction and traffic. The item states that the DEIR does not provide an invasive species Humboldt Wind Energy Project FEIR AECOM Humboldt County 6.2-13 Tribal Comments and Responses mitigation plan; does not include the project's pending Reclamation, Revegetation, and Weed Control Plan; and does not adequately describe how invasive species will be managed. Please see the Reclamation, Revegetation, and Weed Control Plan in Appendix B of this FEIR, which provides a thorough discussion of proposed invasive weed management.

T2-26 Item six states that the DEIR should provide a thorough analysis of potential impacts on the ethnobotanical cultural landscapes and tribal resources. Section 3.6, "Cultural and Tribal Cultural Resources," of the DEIR contains a thorough analysis of potential impacts on cultural landscaped and tribal cultural resources. The comment does not indicate any specific desired further analysis. No further revisions are necessary.

T2-27

Item seven asks that the DEIR provide a deeper analysis of the project's potential carbon footprint, including the possible net reduction in carbon emissions given the construction, transport, and maintenance costs of the project. Please see Master Response 9, "Adequacy of the Greenhouse Gas Analysis." Total project GHG emissions were calculated for all phases of the project, including construction, transport, operations, and maintenance. Emissions methodology and estimates are presented in section 3.8.3 and Table 3.8-1, respectively. Detailed emissions estimates and calculations for all phases of the proposed project are provided in Appendix B of the DEIR. While the project is proposed on land owned by Humboldt Redwood Company LLC (HRC) and is subject to harvesting in accordance with the HRC Sustainability Plan, an estimate of the carbon sequestration potential of existing trees on the project site has been added to the GHG analysis. These calculations are provided in Appendix B of this FEIR and shown in Table 3.8-2 in Chapter 9, "Changes to the DEIR," of this FEIR. Pleases also see Master Response 9, "Adequacy of the Greenhouse Gas Analysis." It is important to note that the trees within the proposed project footprint would count toward the HRC lumber yield and, if they were not harvested within the project footprint, then the same volume could be harvested elsewhere on the land, in accordance with the Sustainability Plan. As described in section 3.8, even with consideration of carbon sequestration losses, the proposed project would still result in a less than cumulatively significant contribution to the significant impact of climate change.

T2-28

Item eight expresses concern over the project's potential effects on aesthetics, and states that the DEIR does not evaluate potential impacts on botanical enthusiasts, bird watchers, and nature enthusiasts. The item concludes that their experiences will be "greatly diminished." The commenter expresses concern about the effects of the project on aesthetics, and the effects on botanists, bird watchers, and nature enthusiasts, but 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 requirPlease note that the majority of the project area is not currently open to recreation or general public access. Therefore, no negative impacts on recreation are expected.

T2-29

Item nine expresses concern over the project's potential impacts on recreation during project construction and implementation and states that the project will negatively impact recreation activities by botanical enthusiasts, bird watchers, and nature lovers in the area. The commenter expresses concern about the effects of the project on recreation, and the effect on botanists, bird watchers, and nature enthusiasts, but 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. Please note that the majority of the project area is not currently open to recreation or general public access. Therefore, no negative impacts on recreation are expected.

T2-30

Item ten expresses concern over the elements of the project that will remain at the project site even after the project ends, such as the concrete pads that support the turbines. The item states that the pads will have an impact on the local habitats and that there must be a requirement that such infrastructure elements be fully removed upon the project's conclusion. Project decommissioning is discussed in Section 2.5, "Project Decommissioning and Restoration," in Chapter 2, "Project Description," of the DEIR. As stated in Section 2.5, decommissioning would require a separate discretionary permit from the County and would require the removal of the WTGs, cables, and other infrastructure support facilities. Upon decommissioning of the facility, the WTGs would be removed from the project site, and the materials would be reused or sold for scrap. Any underground utility improvements would be abandoned in place. Restoration of disturbed lands would occur in accordance with regulations and/or the landowner's contractual commitments.

T2-31
Item eleven asks that the project further explore alternative locations and alternative designs. The item states that the DEIR does not include the alternative sites that were evaluated. The DEIR's alternatives analysis meets the CEQA requirements. As stated in Chapter 6, "Alternatives," of the DEIR, each alternative was evaluated according to the "rule of reason" and general feasibility criteria suggested by the State CEQA Guidelines Section 15126.6, as follows: "The range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making." The County has considered a range of alternatives that could feasibly attain most of the basic project objectives identified in Section 2.2.2, "Project Objectives," of Chapter 2, Project Description, and avoid Humboldt Wind Energy Project FEIR AECOM Humboldt County 6.2-15 Tribal Comments and Responses or substantially lessen one or more significant effects. Please also see Master Response 1, "Site Planning and Avoidance Measures," and Master Response 11, "Alternatives," for further discussion.

T2-32
The final item in the list concludes that given the inadequacies of the DEIR, the commenters recommend the No Project alternative. 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.

T2-33
The commenter presents statements from researchers that describe California grasslands like the coastal prairie of the project area as among the most highly endangered ecosystems in the U.S., while they are also host to a rich diversity of species. The commenter refers to research that shows how California indigenous people maintained the nature of these rich grasslands by regularly burning them, thereby preventing the growth of forests. The commenter mentions that California's Senior Vegetation Ecologist expressed concerns about the project's potential impacts on the rare coastal prairie plant community populations in the area. Please see Master Response 5, "Migratory and Special-Status Birds," and the response to Comment S4- 11 for a discussion of the impacts of the project on the grassland habitat in the Cape Mendocino Important Bird Area. Please also see Master Response 7, "Special-status plant and Sensitive Communities" for information on how potential impacts to these resources have been further reduced Since circulation of the DEIR.

T2-34
The commenter states that another major concern for the Tribe is the negative environmental impacts of the gen-tie transmission line. The commenter states that the line as well as the WTGs would greatly increase the potential for catastrophic wildfires and mentions that Humboldt Redwoods State Park could be vulnerable to such fires. The commenter mentions other old-growth forest areas that could be impacted, and states that the rugged nature of the areas would limit fire-fighting efforts. The commenter states that the rich forests and grasslands in the project area are valuable carbon sinks, and that the damage the project would cause to these sinks would negate the project's goal of reducing carbon emissions. Please see Master Response 10, "Wildfire," in this FEIR for further discussion of regulatory requirements and mitigation measures that reduce the potential for wildfires, and Master Response 9, "Adequacy of the Greenhouse Gas Analysis."

T2-35
The commenter states that potential greenhouse gas emissions from the project were not fully evaluated because the DEIR did not include emissions from the project's maintenance and repair. The commenter also states that the emissions generated by the project's construction would exceed the North Coast Unified Air Quality Management District's

significance threshold for NOx, and that the impact would be significant as per Impact 3.4-1. As described in Section 3.8.3, GHG emissions from operations and maintenance activities were estimated and provided in Table 3.8-1 of the DEIR. Sources of operational GHG emissions considered included AECOM Humboldt Wind Energy Project FEIR Tribal Comments and Responses 6.2-16 Humboldt County energy consumption (electricity and natural gas), transportation, and off-road, stationary, waste, and water sources. Operation of the WTGs would require a minor increase in vehicular trips (an estimated maximum of three round trips per day) for staffing and maintenance activities at the O&M facility and maintenance at the WTG sites. Operation of the O&M building would require electricity for power and lighting. Off-road sources would include equipment that would be used intermittently for maintenance, such as a crane, forklift, truck, or an emergency generator, as needed. The O&M building would also require energy for space and water heating for the proposed employees. Electricity and natural gas consumption and related GHG emissions were estimated using default assumptions contained in CalEEMod. Operational emissions (inclusive of ongoing maintenance activities) were presented as total annual emissions in Table 3.8-1 of the DEIR. With respect to Impact 3.4-1, the commenter is correct that the impact from temporary maximum daily emissions of the criteria air pollutant, NOX, was determined to be significant and unavoidable. The discussion under Impact 3.4-1 of the DEIR provided an analysis of potential air quality impacts associated. with emissions of criteria air pollutants during construction and operations. While NOX is a precursor to ozone, a GHG, the analysis within the air quality section of the DEIR and specifically Impact 3.4-1 considers emissions of NOX as a criteria air pollutant; within this context, the analysis focuses on locally increased concentrations of NOX, which can cause adverse health effects. This analysis identified a finding of a significant and unavoidable impact associated with short-term emissions of NOX potentially exceeding maximum daily emissions thresholds during construction activities. As shown in Table 3.4-4, the annual emissions of NOX would not exceed the NCUAQMD annual emissions thresholds. Unlike criteria air pollutants, which tend to have localized or regional impacts, GHG emissions tend to disperse more broadly. GHG emissions are more of a global concern because they have longer atmospheric lifetimes than criteria air pollutants. For the purposes of analysis, GHG emissions are typically considered on an annual or multi-year basis. The finding of significance associated with temporary maximum daily emissions of NOX during construction activities is not an indicator of potential impacts associated with GHG emissions. The analysis of potential impacts from GHG emissions uses thresholds of significance unique from those used for the analysis in Impact 3.4-1 and the finding of less than cumulatively significant for this impact is accurate and appropriate, as further detailed in Section 3.8.3.

T2-36

The commenter states that the lands designated as Timber Production Zones (TPZ) within the gen-tie corridor will take 10 years to come out of the zone and follow Humboldt Redwood Company's Habitat Conservation Plan. The commenter contests the DEIR's estimate that 91 acres of forestland would be permanently converted by the corridor and presents an alternate estimate of 303 acres of TPZ. The commenter states that the acreage number discrepancy should be further evaluated, and requests that Impact 3.3-2 be reevaluated. Please see Master Response 1, "Site Planning and Avoidance Measures," which describes refinements to the project Since circulation of the DEIR to avoid and minimize impacts on sensitive biological resources, and which resulted in a reduction in the extent of forestland that would be subject to timber harvest from the gen-tie corridor. Please refer to the Update to the Project Description Since Circulation of the DEIR in Chapter 1 of this FEIR for details on these refinements. For an updated summary of permanent and temporary impacts on forest and woodlands please see Table 3.5-12, which shows a total of 35.24 acres of permanent impacts and 374.19 acres of temporary impacts. Impact 3.3-2 has been revised to reflect these updated impact acreages. Please see Chapter 9 for a version of Impact 3.3-2 that shows the updated Humboldt Wind Energy Project FEIR AECOM Humboldt County 6.2-17 Tribal Comments and Responses acreages. The refined project would result in 0.36 acres of permanent impacts and 193.55 acres of temporary impacts of forests and woodlands in timber production zones for a total impact acreage of 193.91 acres.

T2-37

The commenter states that the project site is within the vicinity of Triple Junction, an active seismic convergence area with soils "subject to liquefaction," per Impact 3.7-4. The commenter expresses concern about the impacts of project construction activities and the potential for erosion. The commenter notes that because the DEIR does not include a

geotechnical subsurface report, there is no way for the Tribe to assess the project's geotechnical impact, or its potential sedimentation into rivers and tributaries. The commenter states that the impacts noted within the DEIR's geology and soils section fall into "less than significant" category because of the project's compliance with state and local regulations. The commenter states that this is not acceptable justification for a less than significant impact. The commenter also states that important plans are not included in the DEIR, including a Storm Water Pollution Prevention Plan (SWPPP), which the Tribe considers a critical assessment. Seismic activity is discussed in Impact 3.7-2 (Possible Risks to People and Structures Caused by Strong Seismic Ground Shaking) in Section 3.7, "Geology and Soils," of the DEIR. As discussed in Impact 3.7- 2, in association with the building permit issued for the project, a site-specific, design-level geotechnical report must be prepared by a licensed geotechnical engineer, per California Building Code requirements. This report is a final, design-level geotechnical subsurface investigation report that includes subsurface testing of soil and groundwater conditions to identify site-specific geology and soil characteristics that the final engineering design should take into account during the preparation of grading and building plans. Recommendations of the geotechnical engineering report are incorporated into the plans submitted for grading and building permits. The geotechnical engineering report is subject to review by and approval of the County's Planning & Building Department. Because the California Building Code already provides for adequate protection to reduce the exposure of people and structures to the adverse effects of surface fault rupture, this impact would be less than significant. Landslide hazards are discussed in Impact 3.7-3 (Possible Risks to People and Structures Caused by Seismic-Related Ground Failure, Liquefaction, and Landslides) in Section 3.7, "Geology and Soils," of the DEIR. As discussed in Impact 3.7, the proposed project would comply with existing state and local regulatory requirements to conduct a site-specific geotechnical investigation and implement the recommendations of the study during project design and construction. Such compliance would prevent structures and people from being exposed to landslide hazards by limiting cut and fill slope angles to produce grossly and surficially stable slopes; incorporating benches at a set interval; and requiring placement of fill slope keyways into dense, native bedrock materials where necessary. Incorporating engineering design measures would reduce the risk of slope instability, thus removing the potential for the exposure of people and structures to the adverse effects of seismic-related ground failure, liquefaction, or landslide hazards. Therefore, this impact would be less than significant. As discussed in Impact 3.7-4 (Erosion during Project Construction and Operation) in Section 3.7, "Geology and Soils," of the DEIR, to comply with existing state and local regulatory requirements, a grading and erosion control plan must be prepared for the project. The project applicant must retain a California-registered civil engineer who will prepare a grading and erosion control plan that meets the requirements outlined in the County Code. The grading and erosion control plan must contain the AECOM Humboldt Wind Energy Project FEIR Tribal Comments and Responses 6.2-18 Humboldt County information listed in the County's Grading and Erosion Control Ordinance, including the location, implementation schedule, and maintenance schedule of all erosion and sediment control measures; a description of measures designed to control erosion and dust and stabilization of the construction sites and
permanent erosion control measures for project components after construction; and a description of the location and methods of storage and disposal of construction materials. Further, the project would implement Mitigation Measure 3.10-1 (Implement Wet-Weather BMPs Consistent with the Humboldt Redwood Company Habitat Conservation Plan) in Section 3.10, "Hydrology and Water Quality," of the DEIR, which requires water quality monitoring and reporting to the County Department of Public Works as part of the erosion control plan. Given this compliance with state and local regulations and the implementation of Mitigation Measure 3.10-1, this impact would be less than significant.

T2-38

The commenter explains that the Tribe's largest concern is the DEIR: that it has gaps, contains deferred mitigations, and does not include a number of plans, permits, and programs. (The commenter provides a list of these documents.) The commenter states that the absence of the plans, etc., from the DEIR casts doubt upon the applicant's ability to "safely, legally, and ethically" complete the project in a culturally and biologically sensitive location. The commenter states that the DEIR does not include plans, permits, and programs. The purpose of this DEIR is to identify the significant effects of the proposed project on the physical and natural environment and the DEIR is not intended to include specific plans, permits, and programs beyond those used to substantiate the findings of the DEIR. Please note that additional

information to further substantiate the findings has been collected since circulation of the DEIR and these studies are included in Appendix B of this FEIR, as appropriate.

T2-39

The commenter reiterates the Tribe's request that the project be denied based on un-mitigatable impacts to the Tribe. The commenter states that while the Tribe supports renewable energy, the carbon storage capacity of the location where the project is planned makes the project counter-productive. The commenter states that there is an opportunity to protect the cultural landscape for future generations and for the Wiyot people to be able to continue their spiritual practices. The commenter states that the project would be "culturally devastating." Please see Master Response 9, "Adequacy of the Greenhouse Gas Analysis," for additional in-depth information regarding the adequacy of the greenhouse gas analysis, which includes a discussion of carbon sequestration. The tribe's strong opposition to the proposed project is noted.