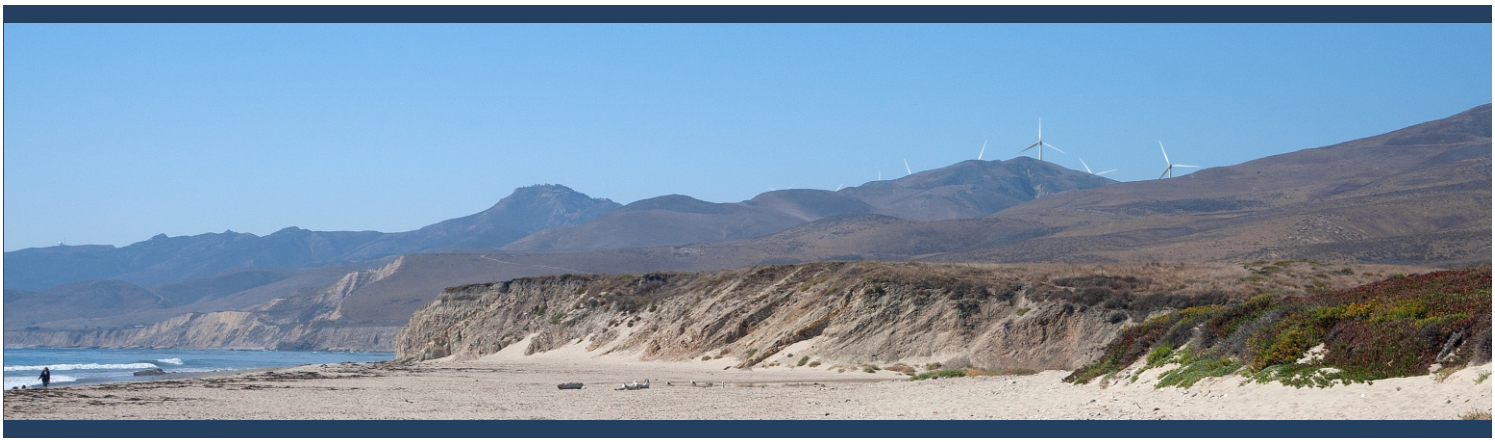

Final Supplemental Environmental Impact Report

Strauss Wind Energy Project

County EIR No. 18EIR-00000-0001 and State Clearinghouse No. 2018071002

Volume II - Chapters 8 and 9

October 2019

Lead Agency:

County of Santa Barbara

Planning & Development, Energy, Minerals & Compliance Division

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8. Responses to Draft SEIR Comments

The Draft Supplemental Environmental Impact Report (SEIR) for the Strauss Wind Energy Project (SWEP) was circulated for public and agency review from April 24 to June 14, 2019. In accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15132, the Final SEIR includes comments received on the Draft SEIR during the public review period and provides the responses of the lead agency (the County of Santa Barbara) to those comments.

The County received 54 sets of written comments on the Draft SEIR during the public review period. Comments were received from public agencies, organizations, and individuals, as well as the Project Applicant. In addition, 14 members of the public provided verbal comments on the Project and the Draft SEIR at the public meeting conducted in Lompoc, California, on May 30, 2019. Table 8-1, below, lists the entities and individuals that submitted comments. Each set of comments has been assigned a number and the individual comments within each comment set are also numbered. Responses to the comments immediately follow each set of comments. The Draft SEIR comments and the responses to those comments are presented on the following pages of this Chapter.

Some comments received on the Draft SEIR resulted in decisions by the County to revise or add information to the Final SEIR. When a comment resulted in a change to the Final SEIR, the change is noted in the response to that comment. In the various sections of the Final SEIR, deletions are shown in ~~strikeout~~ text and additions are shown in <u>underlined</u> text.

Table 8-1. Comments Received on the Draft SEIR

Comment Set No.	Name	Affiliation	Comment Date
		Public Agencies	
1	Patricia A. Abel Coastal District Deputy	California Dept. of Conservation, Division of Oil, Gas, and Geothermal Resources	May 20, 2019
2	Carly Barham Planning Division	Santa Barbara County Air Pollution Control District	June 7, 2019
3	Jim Throop, City Manager	City of Lompoc	June 14, 2019
4	Erinn Wilson, Environmental Program Manager	California Department of Fish and Wildlife	June 14, 2019
5	John J. Olejnik, Senior Transportation Planner, District 5	California Department of Transportation	June 21, 2019
		Tribes	
6	Kenneth Kahn Tribal Chairman	Santa Ynez Band of Chumash Indians	June 14, 2019
		Organizations	
7	Sigrid Wright Executive Director/CEO	Community Environmental Council	June 13, 2019
8	Ana Citrin, Law Office of Marc Chytilo, APC	Representing the Santa Audubon Society and La Purisima Audubon Society	June 14, 2019
9	Dolores Pollock, President Santa Barbara Audubon Society Michael Taaffe, President La Purisima Audubon Society	Santa Barbara Audubon Society and La Purisima Audubon Society	June 14, 2019
10	Andrew J. Graf, Associate Adams Broadwell Joseph & Cardozo	Representing Citizens for Responsible Wind Energy	June 14, 2019
11	Andrew Smith, Land Planner, Environmental Planning and Permitting	Pacific Gas & Electric Company	June 14, 2019

Table 8-1. Comments Received on the Draft SEIR

Comment Set No.	Name	Affiliation	Comment Date
12	Garry George Clean Energy Director	National Audubon Society	June 14, 2019
Applicant			
13	Daniel Duke, Vice President	Baywa r.e. Wind, LLC	June 14, 2019
Individuals			
14	Eric Trubschenck	N/A	May 1, 2019
15	Susan Horne	N/A	May 5, 2019
16	Karen Dorfman	N/A	May 25, 2019
17	Sally and Don Webb	N/A	May 25, 2019
18	Randall Moon, Ph.D.	N/A	May 27, 2019
19	David Grill	N/A	May 31, 2019
20	Jon Picciuolo	N/A	May 31, 2019
21	Leo Solari	N/A	May 31, 2019
22	Chiara Volpi	N/A	May 31, 2019
23	Mikal Kirwin	N/A	June 1, 2019
24	Paulina Conn	N/A	June 1, 2019
25	Stephen Ferry	N/A	June 1, 2019
25	Tina Brenza	N/A	June 3, 2019
26	Jeanette Desmond	N/A	June 3, 2019
27	Sally and Don Webb	N/A	June 4, 2019
29	Charlotte Mountain	N/A	June 4, 2019
30	Kathleen G. McGuinness	N/A	June 5, 2019
31	Rebecca B. Adams	N/A	June 6, 2019
32	Wim van Dam	N/A	June 6, 2019
33	Peter Thompson	N/A	June 7, 2019
34	Jayne Wamsley	N/A	June 7, 2019
35	Kenneth Pearlman	N/A	June 7, 2019
36	Kathleen Griffith	N/A	June 7, 2019
37	Susan Horne	N/A	June 7, 2019
38	Lori Gaskin	N/A	June 8, 2019
39	Betty Ferry	N/A	June 8, 2019
40	Edward Benhart	N/A	June 10, 2019
41	Lynn Benhart-Bonham	N/A	June 10, 2019
42	Ellen Bonham	N/A	June 10, 2019
43	Jean Beattie	N/A	June 11, 2019
44	Alexandra Loos	N/A	June 13, 2019
45	John Callender	N/A	June 13, 2019
46	Jessica Altstatt	N/A	June 13, 2019
47	Bill and Dolores Pollock	N/A	June 13, 2019
48	Cherie Topper	N/A	June 13, 2019
49	Karen Osland	N/A	June 14, 2019
50	David and Janice Levasheff	N/A	June 14, 2019
51	Teresa Fanucchi	N/A	June 14, 2019
52	Richard E. Adam, Jr.	Juarez, Adam & Farley, LLP	June 14, 2019
53	Aaron Kreisberg	N/A	June 15, 2019
54	Maureen McFadden	N/A	June 17, 2019
Verbal Commenters at the May 30, 2019, Public Meeting			
55	Michael Taffe	La Purisima Audubon Society and Santa Barbara Chapter	May 30, 2019
56	Stacey Lawson	City of Lompoc	May 30, 2019
57	Ana Citrin	Law Office of Marc Chytilo, APC, representing the Santa Audubon Society and La Purisima Audubon Society	May 30, 2019
58	Sam Cohen	Government Affairs Legal Officer for the Santa Ynez Band of Chumash Indians	May 30, 2019
59	Jean Beattie	Resident of Miguelito Canyon, Property Owner	May 30, 2019

Table 8-1. Comments Received on the Draft SEIR

Comment Set No.	Name	Affiliation	Comment Date
60	Dolores Pollock	President of the Santa Barbara Audubon Society	May 30, 2019
61	Jessica Altstatt	Resident, Conservation Committee, Santa Barbara Audubon Society	May 30, 2019
62	Stephen Ferry	Santa Barbara Audubon Society	May 30, 2019
63	George Bedford	Resident of Miguelito Canyon	May 30, 2019
64	Cheri Young	Santa Barbara Audubon Society	May 30, 2019
65	John Callender	Resident of Carpinteria	May 30, 2019
66	Bill Mullings	Private citizen	May 30, 2019
67	Leo Solari	Land owner	May 30, 2019
68	Richard Adam	Resident	May 30, 2019

8.1 General Responses

The general responses presented in this section address similar comments received on the Draft SEIR from multiple commenters. Therefore, many of the responses to individual comments refer back to these general responses, which provide a more complete response regarding the subject of these comments. The general responses presented below include:

- GR-1: Reasonable Range of Alternatives
- GR-2: Bird-Friendly Alternative/Low-Impact Project Design Alternative
- GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities
- GR-4: Use of More and Smaller Turbines
- GR-5: Removal of Oak Trees
- GR-6: Use of a Supplemental EIR
- GR-7: Recirculation of the Draft SEIR

GR-1 Reasonable Range of Alternatives

One aspect of EIR preparation is the identification and assessment of a reasonable range of Project alternatives. CEQA provides guidance on selecting alternatives for evaluation in an EIR. The State CEQA Guidelines (Section 15126.6(a)) state that:

> *An EIR shall describe a reasonable range of alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation.*

An EIR is not required to evaluate all possible alternatives to a proposed project. Rather, an EIR is required to evaluate a reasonable range of feasible alternatives that have the potential to reduce the significant impacts of a proposed project (State CEQA Guidelines §15126.6(c)). Further, CEQA does not require in-depth analysis of alternatives, but instead indicates that sufficient information be provided for a meaningful comparison with the proposed project and suggests the use of a matrix to display the major characteristics and significant effects of the alternatives (State CEQA Guidelines §15126.6(c)). The Draft SEIR meets these requirements.

The Draft SEIR considered a reasonable range of alternatives, consisting of nine alternatives, including the No Project alternative and the Environmentally Superior Alternative (ESA) for the Lompoc Wind Energy Project (LWEP) EIR. All of these alternatives were designed to reduce or avoid the significant impacts of a wind energy facility at the Project site. Of the nine alternatives, five were eliminated from further review and four were analyzed further. This represents a reasonable range of alternatives. As indicated above, there is no requirement to analyze all feasible alternatives, including all possible alternatives capable of reducing environmental impacts. The fact that some alternatives were not analyzed does not mean that a reasonable range of alternatives was not analyzed.

The reasoning for not analyzing five of the nine alternatives in more detail is because they had certain disadvantages compared to the other feasible alternatives. Section 5.4 of the Draft SEIR and has been

expanded in the Final SEIR to better explain why the five alternatives were eliminated from further review.

Some suggestions for alternatives provided by the public during the scoping period for the SEIR lacked specificity and instead only indicated that a type of alternative might be possible. For a suggestion to be considered valid for analysis it the SEIR, it must present a clear concept for an alternative and that alternative must be capable of reducing one or more of the Project's significant impacts. Unfortunately, some suggested alternatives were vague and did not articulate a clear concept for the formulation of an alternative. Further, some who suggested alternatives did not provide a basis for the presumption that the alternative would reduce a significant impact. In providing guidance on the submission of EIR comments, Section 15204.5(c) of the State CEQA Guidelines indicates that the basis of suggestions and comments should be explained, including submission of "data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments." CEQA requires that analysis and conclusions be based on substantial evidence and states that substantial evidence "is not argument, speculation, unsubstantiated opinion or narrative…" (Section 21080(e)) For these reasons, some suggestions did not lead to the formulation of viable alternatives for analysis in the SEIR.

Local chapters of the Audubon Society requested a more "bird-friendly" alternative during the scoping period but did not provide specific information at that time on the specific elements of such an alternative, although keeping wind turbines away from ridges was suggested as a possible idea. In its letter commenting on the Draft SEIR, the Audubon Society provided more specificity on what it termed a "low-impact alternative," which focuses on reducing impacts to both birds and oaks. For responses to Audubon's comments regarding a low-impact alternative, please see the following General Responses below:

- GR-2: Bird-Friendly Alternative/Low-Impact Project Design Alternative
- GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities
- GR-4: Use of More and Smaller Turbines
- GR-5: Removal of Oak Trees

Some of the public comments recommended carrying out a scientific study to design the wind turbine layout. It is not clear that such an investigation would produce the desired results and provide clear guidance for siting individual WTGs to minimize bird mortality more so than the proposed Project which design took into consideration significant site-specific bird and bat observation data (please also refer to the more detailed discussion in General Response GR-2: Bird-Friendly Alternative and GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities). Therefore, the results of such an investigation would be too speculative to be the basis for a SEIR alternative (State CEQA Guidelines § 15145). It is neither reasonable nor practical for a lead agency to engage in new scientific study and research to develop the basis for a potential alternative, especially given the timeframe articulated in the State CEQA Guidelines for preparing an EIR. (State CEQA Guidelines § 15108).

Designing a wind energy facility is a complex task and requires knowledge and expertise the County does not possess. Designing a wind energy facility necessitates knowledge on how to harness the wind energy at the site in a way that is commercially viable, while also minimizing environmental impacts. While the County and its consultants possess some knowledge and experience in reducing environmental impacts, they do not have the expertise to design a wind energy facility and to make determinations as to the financial feasibility of a project. The Applicant has provided information detailing how environmental constraints, including bird and bat usage at the Project site, were utilized

during the site plan development (See Appendix C-8).[1] Locations of the following sensitive resources were used to develop the wind turbine layout (See the General Responses GR-2: Bird-Friendly Alternative/Low-Impact Project Design Alternative, and GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities for more detail).

Given the level of constraints analysis conducted during the turbine siting process, including limiting or removing turbines from areas of higher raptor use such as the Sudden Road Pass, Sudden Bench/Quarry Ridge, Middle Ridge, North Ridge, and Signorelli Ridge/South Ridge (see Appendix C-8), it is unclear how a different site layout would reliably further reduce potential avian and bat impacts. Based on all information available to the County, it is not conclusive that an alternative site layout would substantially reduce risks to birds and bats and, in fact, alternative layouts would likely have a greater impact on other sensitive resources described in this SEIR.

Some commenters suggested that designing the Project to take full advantage of the wind resource at the Project is not an explicit objective and, therefore, should not be a foremost consideration in formulating alternatives. However, not taking advantage of the wind energy production capacity of the site would be incongruent with the concept of developing a viable wind energy facility. What the Applicant would ideally endeavor to achieve is the design of a viable wind energy project that minimizes environmental impacts to the degree feasible. While taking advantage of the wind resource at the Project site may not be explicitly stated as a Project objective, it is clearly fundamental to the underlying Project purpose. The Applicant has a power purchase agreement with Marin Clean Energy for the delivery of 102 MW of wind energy, so developing a project of approximately this capacity is a valid consideration in the formulation of alternatives.

It is logical and reasonable to seek a balance between environmental impact and maximum wind generation capacity and the Draft SEIR appropriately focuses on reducing significant environmental impacts through mitigation and alternatives. While taking full advantage of the wind energy generation potential of the site may not be an explicit Project objective, developing a facility capable of generating approximately 102 megawatts of power is an express objective of the Project. Therefore, developing a project at least close to this capacity is a valid consideration in formulating alternatives.

GR-2 Bird-Friendly Alternative/Low-Impact Project Design Alternative

General Bird-Friendly Alternative

During scoping, members of the public suggested development of a “bird-friendly” alternative without adequately defining what such an alternative would entail. The only specific suggestion was to keep wind turbines generators (WTGs) off ridgelines, but these suggestions did not provide information as to how and why that would reduce avian mortality. The SEIR preparers conducted research to try to determine what such a bird-friendly alternative might entail, including the potential benefits of moving wind turbines off ridgelines.

There are anecdotal and written recommendations to avoid wind turbine siting on ridgelines to reduce potential bird or bat mortality, although the available guidelines provide little guidance regarding ridgelines (see General Response 3: Consistency with State and Federal Guidelines for Wind Energy Facilities). As discussed in GR-3, the generality has had little predictive value and most understanding of potential hazards has come from post-construction mortality monitoring. These factors can also be

[1] *Strauss Wind Energy Project - Avian and Bat Survey Results and Wind Turbine Siting Process Description.* Project Memorandum from Brock Ortega (Dudek) to Daniel Duke (Strauss Wind, LLC). September 12, 2019.

very site specific dependent upon numerous contributing factors. For example, at the Altamont Pass Wind Resource Area, red-tailed hawk fatalities occur more frequently than expected by chance at WTGs located on ridge tops and swales, whereas golden eagle fatalities are higher at WTGs located on slopes (Marques et al. 2014, cited below).

Under the SWEP site layout, only 11 of the 30 proposed WTGs are located near what could be considered relatively prominent ridgelines. The highest ridges within or along the edges of the Project site exceed 1900 feet in elevation and connecting to these highest ridgelines are lower elevation ridges above 1600 feet in elevation. Eleven of the Project's proposed WTGs are sited on or very near to ridgelines over 1600 feet in elevation and several of these are slightly over 1600 feet. Nine of the WTGs over 1600 feet in elevation are located below a nearby ridge that exceeds 1900 feet in elevation. Seventeen of the proposed WTGs are located at elevations between 1300 and 1600 feet in elevation and three WTGs are located at elevations below 1300 feet.

The elevations of the proposed WTG locations are shown in the table below. The locations of the WTGs relative to prominent ridgelines are shown in Figures 5-1a and 5-1b of the Final SEIR.

Wind Turbine Elevations (at base)*					
West String		North String		East String	
W-1	1,448.9	N-1	1,387.2	E-1	1,452.8
W-2	1,471.2	N-2	1,382.4	E-2	1,606.4
W-3	1,401.4	N-3	1,406.1	E-3	1,562.7
W-4	1,627.1	N-4	1,414.9	E-4	1,695.4
W-5	1,847.6	N-5	1,538.0	E-5	1,683.0
W-6	1,600.4	N-6	1,187.9	E-6	1,742.0
W-7	1,387.2	N-7	1,472.8	E-7	1,708.4
W-8	1,438.4	N-8	1,166.1	E-8	1,755.3
W-9	1,702.8	N-9	1,148.0		
W-10	1,554.9				
W-11	1,463.1				
W-12	1,404.7				
W-13	1,479.7				

* Based on USGS digital elevation model.

Several of the proposed WTGs in the west string are located north of a ridge that includes an unnamed peak with an elevation of 1,933 feet. The closest of these WTGs to that peak (WTGs W-4, W-5, W-6, and W-9) are between 635 and 2,040 feet from that peak. The remainder of the west string WTGs are located further than 5,500 feet from the peak at elevations ranging from 1,387.2 to 1,554.9 feet.

The north string of WTGs includes two WTGs (N-5 and N-7) that are near a ridge containing two unnamed peaks that reach elevations of 1,852 feet and 1,821 feet. WTG N-5 is about 730 feet from the first of these peaks and WTG N-7 is about 880 feet from the second peak on this ridge. The remainder of the north string WTGs are located further than 1,420 feet from either peak at elevations ranging from 1,148.0 to 1,414.9 feet.

The east string of WTGs is located north of a ridge that includes Sudden Peak (2,122'). The closest of these WTGs to Sudden Peak (WTGs E-4, E-5, and E-6) are between 1,700 and 2,760 feet from Sudden Peak. The remainder of the east string WTGs are located further than 2,825 feet from Sudden Peak at elevations ranging from 1,452.8 to 1,755.3 feet.

Audubon's Low-Impact Project Design Alternative

The Santa Barbara Audubon Society submitted a letter during the Draft SEIR comment period and suggested an alternative, The Low-Impact Project Design (LIPD), which focuses on reducing impacts to both birds and oaks. The Audubon respected the Applicant's goal of providing approximately 100 MWs and included five thoughtful components. However, below is a brief description of why the LIPD is not considered as a feasible alternative in the Final SEIR.

1. **The LIPD would have 56 GE 1.79-MW WTGs, producing 100 MWs.** These are the smaller of the SWEP's WTGs, which have a height of 427 feet tall. These WTGs are only 65 feet shorter than the taller of the SWEP WTGs (SWEP proposes 6 of the 427' WTGs and 24 of the 492' WTGs). The LIPD would have 26 more WTGs than SWEP (and 27 more WTGs than the Modified Project Layout Alternative described in Section 5.5.2 of the SEIR). From a bird/bat collision perspective, 26-27 more WTGs on site that are only 65 feet shorter than the tallest SWEP turbine would not be considered a benefit. Please see General Response GR-4: Use of More and Smaller Turbines, below, for more information.

2. **Site WTGs similar to the LWEP layout and base WTGs exact location on scientific analysis of wind resources and bird use of site.** As you can see from Figure 2-2 that the Audubon references, approximately 22 of SWEP's 30 WTGs are located where some of LWEP's 65 WTGs were proposed. Of the eight SWEP WTGs that do not line up with LWEP WTGs, two would be eliminated with the Modified Project Layout Alternative. Please see General Response GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities for information on how SWEP used over 15 years of wind and avian/bird data to site its WTGs.

3. **Air lift WTG blades via helicopter to Project site so there wouldn't be a need to widen San Miguelito Road and remove 158 oak trees.** Audubon states that the 1.79 MW WTG's blades weigh 21,000 pounds each and could be air lifted to the Project site. Unfortunately, the weight of these blades with their stand and rigging is more than the maximum lift capacity of a heavy-lift helicopter. Please see Section 5.4.3 of the FSEIR that explains why helicopters cannot transport SWEP's WTG blades.

4. **Incorporate elements of the Modified Project Layout Alternative (eliminating WTGs E-7 and E-8, saving 387 oaks.** The Audubon correctly states that this would save 387 oak trees and this is why this Alternative is analyzed in the FSEIR.

5. **Incorporate the LWEP transmission line design, saving 62 oak trees.** Pursuant to the LWEP project description, the transmission line was to be designed and constructed by PG&E, whereas the transmission line for the proposed Project would be designed and constructed by the Applicant. The Applicant explains that the Point of Interconnect agreement for SWEP requires that the transmission line be built by the applicant and not PG&E. Even if the Interconnect Agreement were modified to allow PG&E to construct the line, it is unknown if it is viable for PG&E to construct the line, and it would likely result in a substantial delay in Project implementation while PG&E performed the necessary work to build the 115-KV line, including planning, engineering, and easement acquisition. It is also unclear that a PG&E-constructed line would reduce oak tree impacts when compared to the proposed Project transmission line alignment.

Audubon also suggested that IdentiFlight, an active control technology to identify large soaring birds, such as the Golden eagle and California Condor, be used in the initial project design. MM BIO-15b has been revised in the FSEIR to require active control technology as part of the initial project design to minimize collision risk to eagles and other large birds.

As noted above, the Applicant considered multiple siting constraints, including the results of avian studies on the Project site to develop the proposed site plan. Siting considerations, recommendations from biologists, and their effect on the SWEP siting process include the following (see Appendix C-8):

- Sudden Bench/Quarry Ridge, Middle Ridge, North Ridge, and Signorelli Ridge/South Ridge were areas where most of the golden eagle, peregrine falcon, and red-tailed hawk observations were made during pre-application studies for the LWEP. The SWEP layout reduces turbines in the Sudden Bench/Quarry Ridge strings from 11 under LWEP to the currently proposed 6. In the Middle Ridge string, turbines were reduced from 9 under LWEP to 6. The North Ridge turbine strings were reduced from 11 under LWEP to 4 under SWEP to reduce risks to eagles. The South Ridge turbine strings were reduced from 17 to 8 turbines. Under SWEP, WTG W-6 replaces two turbine locations under LWEP and moves the turbine south toward the larger group of turbines and off of Signorelli Bench.
- The North Ridge area was observed during studies to be an important golden eagle use area. The North Ridge turbine strings were reduced from 11 under LWEP to 4 under SWEP and sited in grasslands to reduce risks to eagles. The WTG N-7 location was moved downslope and off the ridgeline.
- Sapphos, the consultant that conducted many of the onsite avian point count and raptor surveys, stated that turbine placement in grasslands and grassland-scrub habitat should reduce the collision risk for foraging raptors because species diversity and abundance was generally lower in these habitats. Turbines that were proposed for more densely vegetated areas under SWEP were moved to grassland areas, in particular along the Middle Ridge and North Ridge strings.
- Sapphos also noted a concentration of early morning flights along the southern boundary of the Sudden Road Pass between turbine strings that were proposed for the LWEP. The SWEP layout reduces approximately three turbine locations under LWEP into the one W-1 turbine, and the location was pulled back slightly from the pass.

GR-3 Consistency with State and Federal Guidelines for Wind Energy Facilities

Several commenters stated that the proposed Project was not consistent with state and federal guidelines for wind energy facilities. However, the commenters did not indicate how the Project would contradict such guidelines. The SEIR preparers researched published guidelines for wind energy facilities and reviewed the following such guidelines:

- California Energy Commission and California Department of Fish and Game. 2007. California Guidelines for Reducing Impacts To Birds And Bats From Wind Energy Development. Commission Final Report. California Energy Commission, Renewables Committee, and Energy Facilities Siting Division, and California Department of Fish and Game, Resources Management and Policy Division. CEC-700-2007-008-CMF.

- U.S. Fish and Wildlife Service. 2010. Interim Guidelines for the Development of a Project Specific Avian and Bat Protection Plan for Wind Energy Facilities.
- U.S. Fish and Wildlife Service. 2012. U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines.
- U.S. Fish and Wildlife Service. 2013. Eagle Conservation Plan Guidance: Module 1 – Land-based Wind Energy Version 2.
- R. Miao, et al. 2019. Effect of wind turbines on bird abundance: A national scale analysis based on fixed effects models. Energy Policy. 132. 357-366. 10.1016/j.enpol.2019.04.040.

In addition, the EIR preparers reviewed:

- A.T. Marques et al. 2014. Understanding bird collisions at wind farms: An updated review on the causes and possible mitigation strategies. Biological Conservation 179:40-52.
- M. Ferrer et al. 2011. Weak relationship between risk assessment studies and recorded mortality in wind farms. Journal of Applied Ecology. doi: 10.1111/j.1365-2664.2011.02054.x.

These guideline documents are compilations of agency recommendations for wind project site selection, site evaluation, field surveys to identify bird and bat usage, turbine layout and "micrositing," operations phase mortality monitoring, and adaptive management planning to minimize bird and bat impacts if monitoring identifies unexpected impacts. Many of these guidelines direct wind project applicants in initial site selection and evaluation, and in on-site field surveys to evaluate bird and bat usage or to develop a risk assessment. The SWEP Applicant has selected a project site, submitted a proposed turbine layout and provided extensive pre-project bird survey data (see SEIR Section 4.5.1.1, *Methods* and Appendix C-8). The guidelines that are relevant to the County's CEQA review of the proposed SWEP are primarily the latter three, addressed below.

Turbine Layout and Micrositing

Turbine layout and micrositing guidance is vague. These guidelines and others recognize that specific turbine locations affect the potential hazard to birds or bats, and identify certain siting generalities such as avoiding locations near wetlands or nests, or on flight paths such as migratory routes or between habitat areas such as foraging areas or nest sites. But the guidelines provide little detail beyond these generalities and the generalities themselves seem to have minimal predictive value. For example, the CEC guidelines cite multiple publications reporting that turbine siting "contributes substantially to bird fatalities" and recommending that "careful siting of new wind turbines could substantially reduce fatalities." Yet the CEC concludes that "these predicted associations, however, have not been field tested." Detailed review of many research articles by Marques et al. (2014) finds large variability in risk among bird species groups, raising the concern that siting considerations that may benefit one bird may put another at higher risk. Still, some generalities are useful, in that turbines should avoid close proximity to major bird or bat resources where feasible. The SWEP turbine layout is consistent with these generalities.

The Applicant has provided additional information explaining pre-application studies and data, and the process for developing the SWEP site plan with regard to avian and bat data and other sensitive

environmental resources (Appendix C-8).[2] The Applicant indicated that federal (USFWS 2012, 2013, 2010) and state guidelines (CEC and CDFG 2007) were used to voluntarily develop focused survey methods and duration in order to better understand avian and bat use of the Project area. The results of those studies and current ongoing studies are discussed in detail in Appendix C-8. Those studies produced siting recommendations based on bird abundance and diversity in areas across the site, and avian work performed to date informed, in part, the current turbine configuration and layout relative to the previously proposed LWEP (see Appendix C-8). For example, studies for the previously proposed LWEP recommended that two proposed turbines be relocated away from the southern boundary of the Sudden Road Pass area. The SWEP site layout implemented this recommendation to the extent feasible by reducing the number of turbines in this area and pulling them back from the southern entrance to the pass. The current project design includes the following modifications to address various recommendations to reduce usage of the Sudden Bench/Quarry Ridge, Middle Ridge, North Ridge, and Signorelli Ridge/South Ridge where golden eagle and peregrine falcon and most of the red-tailed hawk observations were situated, as well as the Sudden Road Pass area where apparent on-site migration occurs. to the SWEP layout also places most wind turbines in grassland and grassland-scrub habitats to reduce collision risk to most birds and foraging raptors during winter. As noted in greater detail in Attachment 1 of Appendix C-8, the following turbine reductions were made:

- Removed 3 of 4 turbines from the North Ridge West area to address eagle recommendations;
- Removed 1 of 2 turbines from the North Ridge Central area to address eagle recommendations;
- Removed 3 of 5 turbines from the North Ridge East area to address eagle recommendations;
- Removed 4 of 5 turbines from the Scolari Ridge area to generally reduce avian and bat risk;
- Removed 3 of 5 turbines from the West Ridge area to generally reduce avian and bat risk;
- Removed 1 of 4 turbines from the South Ridge West area to reduce eagle, Peregrine falcon, and red-tailed hawk risk and address recommendations;
- Removed 3 of 4 turbines from the South Ridge Central area to reduce eagle, Peregrine falcon, and red-tailed hawk risk and address recommendations;
- Removed 5 of 7 turbines along the South Ridge East area to reduce eagle, Peregrine falcon, and red-tailed hawk risk and address recommendations;
- Removed 3 of 5 turbines from the Middle Ridge South area to reduce eagle, Peregrine falcon, and red-tailed hawk risk and to address on-site avian migration recommendations;
- Removed 2 of 5 turbines along the Quarry Ridge area to reduce eagle, Peregrine falcon, and red-tailed hawk risk and address recommendations;
- Removed 2 of 3 turbines from the Sudden Bench Northwest area to reduce eagle, Peregrine falcon, and red-tailed hawk risk and address recommendations;
- Removed 1 of 3 turbines in the Sudden Bench Northeast area to reduce eagle, Peregrine falcon, and red-tailed hawk risk and address recommendations, and;
- Removed all 4 of the turbines in the Northeastern portion near La Tinta Hill to generally reduce avian and bat risk.

However, as described in Appendix C-8, there are multiple constraining factors that also affected the layout beyond avian and bat issues, including:

- The distribution and numbers of Gaviota tarplant;

[2] *Strauss Wind Energy Project - Avian and Bat Survey Results and Wind Turbine Siting Process Description.* Project Memorandum from Brock Ortega (Dudek) to Daniel Duke (Strauss Wind, LLC). September 12, 2019.

- The distribution and numbers of other rare plants, including Horkelia;
- The distribution of El Segundo blue butterfly habitat and populations;
- The distribution of wetlands and waters;
- The distribution of Critical Habitat for listed species;
- The distribution of California red-legged frog habitat;
- The distribution of native grasslands;
- The distribution of sensitive vegetation communities;
- The distribution of cultural resources
- The distribution of potential landslide areas or unstable slopes
- The distribution oak trees; and,
- The Coastal Zone boundary

Regardless of the inherent uncertainty of micrositing strategies in minimizing bird and bat hazard, SEIR Mitigation Measures BIO-15a (Siting) and BIO-15b (Appropriate WTG and Project-Element Design) specify micrositing considerations for the SWEP, particularly that micrositing must be consistent with the USFWS Land-based Wind Energy Guidelines. This approach is consistent with turbine micrositing strategies in the Altamont Pass Wind Resources Area[3] and consistent with some of the commenters' recommendations that an expert should participate in turbine siting. These micrositing measures are feasible, but the SEIR analysis does not depend on them to reduce bird or bat mortality. In fact, no amount of data collection and modeling can determine with certainty where to place turbines to avoid significant risk now or in the future. As shown in Appendix C-8, the Applicant has incorporated substantial avian data into the development of the SWEP site plan, while also considering a variety of other sensitive environmental resources. Therefore, the County concludes that there is no evidence that a different site layout could substantially reduce avian and bat impacts. See also the General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative.

Operations Phase Mortality Monitoring and Adaptive Management

Most understanding of wind turbine hazards to birds or bats has come from site-specific post-construction mortality monitoring. There have been few formal studies comparing pre-project risk evaluation with actual operational fatalities and there appears to be only a weak relationship between predicted risk and actual recorded fatalities. The Ferrer report (cited above) found no relationship between risk predictive factors and actual mortality for most birds, and only a weak relationship for two species.

Because of the inherent uncertainty in pre-operational siting or micrositing and the greater utility of operational phase monitoring, the SEIR identifies a robust monitoring and adaptive management strategy to be implemented during Project operation. These measures are consistent with published guidelines, which recommend establishing mortality thresholds and conducting operational phase monitoring to identify bird and bat mortality impacts that may exceed the thresholds. The SWEP SEIR recommends Mitigation Measures BIO-16a through 16d. These measures would require the Owner/Applicant to prepare and implement a Monitoring and Adaptive Management Plan, to be incorporated into a Bird and Bat Conservation Strategy in consultation with the USFWS and CDFW. The Monitoring and Adaptive Management Plan / Bird and Bat Conservation Strategy specified in the

[3] For example, Summit Repower Siting Process - Update to August 23, 2016 and November 10, 2016. https://www.acgov.org/cda/planning/landuseprojects/documents/SummitWindTurbineSitingProcess-June2017.pdf

mitigation measures include before and after bird usage studies (MM BIO-16a), a bird and bat mortality study (MM BIO-16b), consistent with guidelines cited above. Additionally, MM BIO-16d would require an adaptive management plan. The measure specifies level 1 and level 2 mortality thresholds and lists a series of management actions which may be implemented if thresholds are exceeded. These management actions are consistent with published guidelines and other literature sources.

In addition, MM BIO-15b has been revised in the Final SEIR to install active control technology prior to and during operations to minimize collision risk to eagles and other large birds.

GR-4 Use of More and Smaller Turbines

The letter submitted by the Santa Barbara and La Purisima Audubon Societies on the Draft SEIR generally describes a "Low-Impact Project Design" alternative. The Audubon letter suggests using "more and smaller turbines" similar to the LWEP design, without indicating why this would be effective in reducing impacts. The SEIR preparers have found no evidence that more, smaller turbines would reduce or avoid bird or bat mortality. On one hand, individual larger turbines (as proposed by the SWEP) each present a larger and taller hazard to birds or bats than individual smaller turbines formerly proposed for the LWEP. Yet the SWEP would consist of fewer than half as many turbines (please refer to SEIR Section 2.3, *Comparison of Lompoc Wind Energy Project and SWEP* and Table 2-1, Comparison of Lompoc Wind Energy Project and SWEP). The more and smaller "low impact" design would only reduce the risk to birds and bats if each turbine presents less than half the risk of each larger SWEP turbine. To the contrary, however, "there is increasing evidence that fewer but larger, more power-efficient [wind turbines] may have a lower collision rate per megawatt" (Marques et al. 2014). A recent study analyzing a dataset of 1,670 wind turbines in the U.S. between 2008 and 2014 found increasing the number of turbines results in fewer breeding birds on a wind project site. They estimated each additional turbine leads to the disappearance of three breeding birds, on average (Miao et al., 2019). Repowering old-generation smaller turbines with fewer larger turbines appears to be an effective method of reducing mortality for certain birds[4]. In the Altamont Pass area, several Audubon chapters have reached settlement agreements with wind operators to replace existing small old-generation wind generators with fewer large turbines as a measure to reduce bird mortality[5]. Various other risk comparisons between small and large turbines are summarized by Marques et al. (2014), such as differences between migrant versus resident birds, songbirds versus raptors, and seasonal or year-to-year variation. Research into these differences is ongoing and future guidelines or recommendations may be developed "as credible results become available" Marques et al. (2014). It is not certain whether the relative benefit of fewer new larger turbines compared with many smaller old-generation turbines is applicable to the proposed SWEP and formerly proposed LWEP turbines because both designs use relatively few, large turbines as compared to the older generation wind farms. Nonetheless, the suggested "low impact design" would have no expected benefit for birds or bats, and there is a meaningful possibility that it may be worse.

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[4] S. Smallwood and B. Karas. 2009. Avian and Bat Fatality Rates at Old-Generation and Repowered Wind Turbines in California. Journal of Wildlife Management 73:1062–1071.

[5] For example: Media Release: Audubon Society Chapters, California Attorney General and Wind Companies Reach Agreement on Altamont Pass Old wind turbines to be replaced with new turbines that are safer for birds. http://goldengateaudubon.org/wp-content/uploads/101203-Audubon-PR-re-Altamont-Settlement-_final_.pdf

GR-5 Removal of Oak Trees

Several comment letters raised concerns about the Project's impacts to oaks. The proposed SWEP layout would significantly affect native oak trees, oak woodlands, and oak forests. The SEIR addresses oaks in Section 4.5, *Biological Resources*. The oak trees, woodlands, and forests are described and mapped in Section 4.5.1, *Environmental Setting*. Impacts to oak trees, woodlands, and forests are described in Section 4.5.4.2, *Proposed Project Impacts and Mitigation Measures* under Impact BIO-2a (Construction Impacts to Woodland and Forest site). A total of 607 oak trees comprising 7.41 acres of oak woodland and forest would be lost (see Table 4.5.3, Impacts to Vegetation and Landforms and Table 4.5.4, Impacts to Trees; note that two of the trees identified in Table 4.5.4 are not oaks). The analysis describes these impacts in detail, in the context of the County's Environmental Thresholds and Guidelines Manual, including direct and indirect impacts. In addition to the trees themselves, oak trees, woodlands, and forests provide important habitat for multiple wildlife species. The LWEP EIR describes indirect impacts to wildlife in all habitats (including oak woodlands) in qualitative terms and the SWEP SEIR summarizes and incorporates that analysis by reference. The SEIR analysis addresses multiple aspects of ecological function in oak forest and woodland, including wildlife habitat, potential disruption of wildlife movement, landscape patterns, fragmentation, canopy disruption, and oak pathogens. In addition to the Biological Resources analysis, SEIR Section 4.13, *Land Use and Planning*, addresses oak tree, woodland, and forest impacts and concludes that the proposed Project would be inconsistent with Santa Barbara County plans and policies in the Oak Tree Protection Supplement of the Conservation Element, Land Use Element, Coastal Land Use Plan, and Coastal Zoning Ordinance.

The SEIR identifies three extensive mitigation measures (MMs BIO-4a, BIO-4b, and BIO-4c) to mitigate for oak tree, woodland, and forest impacts to the extent feasible through tree planting and ecological restoration. Mitigation Measures BIO-4a through BIO-4c specify tree protection and tree replacement performance standards, a conservation easement, and a performance security to ensure the greatest feasible likelihood for success. Under Mitigation Measure BIO-4b, oak forest and woodland replacement habitat would be protected at a ratio of 3 acres preserved for each acre removed. Oak trees would be replaced by planting at least 10 acorns or saplings for each tree removed, to result in at least 6 established self-sufficient trees for each tree removed, allowing for mortality before they become established. In addition to these three measures, Section 4.5.4.2 of the SEIR identifies MMs BIO-1, BIO-2, BIO-8, and BIO-11b through BIO-11d that would minimize the proposed Project's impact. With inclusion of all feasible mitigation identified, the SEIR concludes that the proposed Project's impacts to oak trees and woodlands would remain significant (Class I), primarily due to the temporal loss of oak trees and habitat.

Several comments noted that the LWEP's impacts to oak trees, woodlands and forests were small as compared to the SWEP. The number of oaks that would be removed or pruned for LWEP cannot be determined because the actual turbine layout was not identified in that application. However, oak impacts of the LWEP were much less by comparison with SWEP and mitigation would have reduced those impacts to less than significant (Class II). The SEIR compares the SWEP and LWEP impacts to oak trees and woodlands in Section 4.5.4.2, *Proposed Project Impacts and Mitigation Measures*, under Impact BIO-2a (Construction Impacts to Oak Woodland and Forest) and in Section 5.5, *Alternatives Analysis*, Table 5-1 (Comparison of Alternatives).

Due to the proposed SWEP Project's significant Class I impacts to oaks, the SEIR identifies a feasible Project alternative that would substantially reduce oak tree losses (see SEIR Section 5.5.2, *Modified Project Layout, Including Elimination of WTGs E-7 and E-8*). Even with this substantial reduction and application of feasible mitigation (above), the oak impacts of the Modified Project Layout Alternative

would remain significant (Class I). Nonetheless, this alternative's impacts to oaks would be reduced by 67 percent, to 225 oaks. Some comments recommended the LWEP design as a reduced impact alternative. Please refer to General Response GR-1: Reasonable Range of Alternatives and the expanded discussion in Section 5.4.1 of the Final SEIR.

GR-6 Use of a Supplemental EIR

The proposed Project is substantially similar to the previous Lompoc Wind Energy Project (LWEP) as both projects are wind energy facilities located on the same site with substantially similar facilities (wind turbine generators, substation, O&M facility, power collection lines, 115-kV transmission line, and substation). As shown in Figure 2-2 of the Draft SEIR, the SWEP wind turbine generators (WTGs) are located in similar locations to those of the LWEP, although the SWEP has substantially fewer WTGs than LWEP. In particular, the proposed SWEP has fewer WTGs in the western, northern, and northeastern portions of the site. Both projects placed WTGs in corridors along the southern edge of the site (i.e. the west and east strings of WTGs) and in a north-south line near the center of the site (i.e. the north string of WTGs), although the LWEP includes WTGs in other areas where the SWEP does not propose turbines. The transmission line route for the SWEP is also similar to that of the LWEP, with a notable difference being that the central portion of the SWEP transmission line is located just east of San Miguelito Road whereas the portion of the LWEP transmission line would have been located adjacent to San Miguelito Road (see SWEP SEIR Figure 2-1 and LWEP EIR Figure 2-4). These substantial similarities make preparation of a Supplemental EIR an appropriate choice in order to build upon and update the information and analysis about constructing and operating a wind energy facility at this site, and to also avoid unnecessary duplication of information and analysis in the Lompoc Wind Energy Project EIR. The SWEP fits the situation defined in Sections 15162 and 15163 of the State CEQA Guidelines for preparation of a Supplemental EIR, including the situation in which "Substantial changes are proposed in the project which will require major revisions of the previous EIR".

A Supplemental EIR contains the same content that is required for a regular EIR, but it does not need to unnecessarily repeat relevant information contained in the original EIR. A Supplemental EIR also has the same noticing and public review requirements as a regular EIR. The SWEP SEIR contains all the components found in a regular EIR, including: a summary; project description; descriptions of existing environmental conditions; analyses of all significant direct, indirect, and cumulative impacts; mitigation measures; and analysis of a reasonable range of feasible alternatives. There is nothing missing or deficient in comparison to a regular EIR and, therefore, there is no substantive reason to object to the preparation of a Supplemental EIR for the proposed Project.

Preparation of a Supplemental EIR is consistent with several concepts expressed in CEQA, including:

- Reducing delay and paperwork through the use of incorporation by reference (State CEQA Guidelines § 15006(t) and PRC § 21061)
- Preparation of a supplemental EIR when substantial changes are proposed in a project which will require major revisions of the previous EIR (State CEQA Guidelines § 15162(a)(1))
- Providing only the information necessary to make the previous EIR adequate for the project as revised (State CEQA Guidelines § 15163(b))

GR-7 Recirculation of the Draft SEIR

CEQA only requires recirculation of an EIR prior to certification when significant new information is added to the EIR after the Draft EIR has been circulated for public review. Significant new information

includes the identification of new significant impacts or a substantial increase in the severity of a previously identified significant impact. It could also include analysis of an alternative or mitigation measure considerably different from others previously analyzed. Recirculation is not required when new information added to the EIR merely clarifies or amplifies information already in the EIR or makes insignificant modifications to the EIR. (State CEQA Guidelines § 15088.5(a) and (b))

Some commenters indicated that the Draft SEIR should be recirculated to expand the discussions of certain impacts. This is an insufficient basis for recirculation of the SEIR, particularly if the SEIR already characterizes the impact and concludes that the impact is significant based on evidence presented in the SEIR. The SEIR only needs to provide the amount of information necessary for the identification and characterization of impacts, and to make determinations about the significance of those impacts. Recirculation would only be warranted if a new significant impact is identified or if a previously identified significant impact is substantially more severe than indicated in the Draft SEIR. Similarly, updates, corrections, or expansions of information about the project, environmental conditions, sensitive resources, or regulations do not necessitate recirculation of the SEIR. Therefore, requests for more information or more analysis are not sufficient to warrant recirculation of the SEIR.

The County has taken all comments received on the Draft SEIR seriously and has been responsive to these comments. Thoughtful responses have been prepared to each comment; however, this does not mean that the County agrees with all of the statements expressed in the comments nor necessarily agrees that more information or analysis needs to be added to the SEIR. CEQA does not require the impact analysis in an EIR to be exhaustive, and disagreements about information or analysis, even among experts, does not make an EIR inadequate (State CEQA Guidelines § 15151) nor is it a justification for recirculation. CEQA does not require a lead agency to “conduct every test or perform all research, study, and experimentation recommended or demanded by commenters” nor “provide all information requested by reviewers.” (State CEQA Guidelines § 15204(a).)

Commenters on the Draft SEIR must provide substantial evidence to support their comments, just as the County needs to present substantial evidence to support the impact analysis in the SEIR. Reviewers need to explain the basis for their comments and should “submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts” to support their comments. (State CEQA Guidelines § 15204(c).) Some comments expressed concerns about the Project’s impacts without providing evidence to substantiate the concerns. In accordance with Section 15064 of the State CEQA Guidelines, an impact cannot be considered significant in the absence of substantial evidence.

8.2 Responses to Public Agencies

Comment Set 1: Patricia A. Abel, Coastal District Deputy, California Department of Conservation, Division of Oil, Gas, and Geothermal Resources

California
Department of Conservation
Division of Oil, Gas, and Geothermal Resources

Gavin Newsom, Governor
David Bunn, Director

May 20, 2019

Ms. Kathy Pfeifer, Planner
Santa Barbara County
Planning & Development
123 E. Anapamu Street
Santa Barbara, CA 93101

Dear Ms. Pfeifer:

SCH # 2018071002 STRAUSS WIND ENERGY PROJECT

The Division of Oil, Gas and Geothermal Resources (Division) appreciates the opportunity to submit comments on the Strauss Wind Energy Project. The Division has reviewed and provided a comment on July 18, 2018 regarding the Strauss Wind Energy Project. In addition to the previous comment (enclosed) please see the below comment for revised language.

The Division categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure. Items that can affect well access include, but are not limited to, buildings, housing, permanent equipment, infrastructure, fencing, hardscape, landscape, trees, pools, patios, sidewalks, roadways, parking lots, waterways or channels, and decking. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access. 1.1

There are no guarantees a well abandoned in compliance with current Division requirements will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current standards have a lower probability of leaking in the future, however there is no guarantee that such abandonments will not leak.

The Division advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations should be provided to the Division in Latitude and Longitude, NAD 83 decimal format. The Division expects any wells found leaking to be reported to it immediately. 1.2

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PLANNING & DEVELOPMENT

State of California Natural Resources Agency | Department of Conservation
Coastal District – Orcutt, 195 S. Broadway, Suite 101, Orcutt, CA 93455
conservation.ca.gov | T: (805) 937-7246 | F: (805) 937-0673

Ms. Kathy Pfeifer Planner
May 20, 2019
Page 4

Failure to plug and re-abandon a well may result in enforcement action, including an order to perform re-abandonment well work, pursuant to PRC § 3208.1, and 3224.

PRC § 3208.1 gives the Division the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment, or if the well is not accessible or visible. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for re-abandonment as:

1. **The property owner** - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

2. **The person or entity causing construction over or near the well** - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be re-abandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

3. **The party or parties responsible for disturbing the integrity of the abandonment** - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the re-abandonment.

To view PRC § 3208.1 in its entirety, please visit:
https://www.conservation.ca.gov/index/Documents/DOGGR-SR-1%20Web%20Copy.pdf

1.2 *cont.*

Ms. Kathy Pfeifer Planner
May 20, 2019
Page 4

No well work may be performed on any oil, gas, or geothermal well without written approval from the Division. Well work requiring written approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other abandonment or re-abandonment work. The Division also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR §1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this regulation, a permit from the Division is required before work can start. **1.2** *cont.*

The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, the Division recommends that information regarding the above identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property. **1.3**

2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC § 3106, the Division has jurisdictional authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources, damage to underground oil, gas, and geothermal deposits, and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues. **1.4**

If during development activities any wells are encountered that were not part of this review, a Division engineer in the Coastal District - Orcutt office is to be notified immediately, and an amended site plan with well casing diagrams for Division review shall be filed. After appropriate review, the District office will send a follow-up well evaluation letter to the property owner, applicant, and local permitting agency. **1.5**

Ms. Kathy Pfeifer Planner
May 20, 2019
Page 4

Thank you for considering the Division's comments. If you have any questions, please contact our district office at (805) 937-7246 or via email at DOGGRCoastal@conservation.ca.gov.

Sincerely,

Patricia A. Abel
Coastal District Deputy

cc: State Clearinghouse
OLRA, Christine Hansen
CEQA Unit
DOGGR Coasta`l, Zack Nelson
CSWR File
Chrono

Page 4 of 4

Response to Patricia A. Abel

1.1 Thank you for this information. The Project does not involve building over any known oil, gas, or geothermal wells.

1.2 Thank you for this information. The Project does not involve building over any known oil, gas, or geothermal wells.

1.3 Thank you for this information. The Project does not involve building over any known oil, gas, or geothermal wells.

1.4 Thank you for this information. The Project does not involve building over any known oil, gas, or geothermal wells.

1.5 Thank you for this information. The Project does not involve building over any known oil, gas, or geothermal wells.

Comment Set 2: Carly Barham, Planning Division, Santa Barbara County Air Pollution Control District

air pollution control district
SANTA BARBARA COUNTY

June 7, 2019

Kathy Pfeifer
Santa Barbara County
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

Re: APCD Comments on the Draft Supplemental Environmental Impact Report for the Strauss Wind Energy Project, 18EIR-00000-00001, SCH No. 2018071002, 18CDP-00000-00001, 18VAR-00000-00002, 16CUP-00000-00031

Dear Ms. Pfeifer:

The Air Pollution Control District (District) appreciates the opportunity to provide comments on the Draft Supplemental Environmental Impact Report (SEIR) for the Strauss Wind Energy Project. The Strauss Wind, LLC proposes to develop, construct, and operate a utility-scale wind energy project that would produce up to 102 megawatts of electric power. The project is broadly similar to the Lompoc Wind Energy Project, which was never built and subsequently sold to the applicant. The project's main components are as follows: construction and operation of up to 30 wind turbine generators (WTGs), 8.2 miles of new access roads and widening of 10.8 miles of existing non-County roads at the wind farm site and along the transmission line, modifications to San Miguelito Road, communications system and meteorological towers, onsite electrical collection lines and onsite project substation, operations and maintenance building, 7.3 mile, 115-kilovolt transmission line from onsite substation to PG&E Cabrillo Substation in Lompoc, and upgrades to the PG&E substation for interconnection. The Project would be constructed in one phase and is anticipated to take approximately 10 months. The project will be located on approximately 5,887 acres of rural, unincorporated land, southwest of the City of Lompoc.

Air Pollution Control District staff has the following comments on the Draft SEIR:

1. **Section 2 Project Description, Page 2-25:** Avoidance and Protection Measure "PL-9" provides a reference citation of "SBCAPCD, 2007". It appears that 2007 is a typographical error and was meant to be cited as 2017. Please correct as needed. **2.1**

2. **Section 4.4 Air Quality, Section 4.4.3.2 *County Thresholds for Operational Air Pollutants*, Page 4.4-11:** This page states that, "*The daily and annual trigger noted in the first bullet above have been revised, and are higher than those used in the LWEP, to reflect the changes in the referenced SBCAPCD New Source Review (NSR) rule offset triggers that form the basis for the County approved emissions significance thresholds.*" This statement is not accurate. Although the District did revise its NSR rule in 2016, it is our understanding that this District action would not affect the County's adopted thresholds unless the County took action to revise its thresholds. Therefore, the County's thresholds remain 55 lbs/day for NOx and ROC. We recommend removing the referenced text. **2.2**

Aeron Arlin Genet, Air Pollution Control Officer
805.961.8800 | 260 N. San Antonio Rd., Ste. A Santa Barbara, CA 93110 | ourair.org | @OurAirSBC

APCD Comments on the Draft SEIR for the Strauss Wind Energy Project, 18EIR-001, SCH No. 2018071002, 18CDP-001, 18VAR-002, 16CUP-0031
June 7, 2019
Page 2

3. **Section 4.4 Air Quality, Section 4.4.4 *Environmental Impacts and Mitigation Measures*, Table 4.4-4, Page 4.4-11**: Impact No. AQ-2 in Table 4.4.-4 lists as an "SWEP Change" that MM AQ-1 was updated to match SBCAPCD Tier 3 engine mitigation recommendation. However, since Impact AQ-2 relates to emissions of PM10, the referenced update to MM AQ-1 would be most appropriately discussed under Impact No. AQ-1. And, since MM AQ-2 is the dust control plan, the updates to MM AQ-2 should be included under Impact AQ-2. Please consider and revise as appropriate. **2.3**

4. **Section 4.4 Air Quality, Section 4.4.4 *Environmental Impacts and Mitigation Measures*, Table 4.4-5, Page 4.4-13:** The ROG emissions total in Table 4.4-5 should be cited as 9.58 tons per year as per the Emissions Summary included in Appendix B. The current total of 8.83 tons per year excludes emissions from helicopters. **2.4**

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8890 or via email at BarhamC@sbcapcd.org.

Sincerely,

Carly Barham

Carly Barham
Planning Division

cc: Chron File

Response to Carly Barham

2.1 The date of the SBCAPCD reference on page 2-25 of the Draft SEIR has been corrected to 2017 in the Final SEIR as suggested in the comment. The reference was also added to Section 2.10 of the Final SEIR.

2.2 The sentence below the significance thresholds list on page 4.4-11 that was noted to be inaccurate has been removed as suggested in this comment.

2.3 In the LWEP EIR, both mitigation measures were required to provide maximum feasible particulate emissions reductions. The LWEP analysis, unlike the SWEP analysis, did not find that the estimated NOx emissions exceeded significance thresholds. Therefore, the information provided in Table 4.4-4 in regard to the two LWEP mitigation measures being required as part of LWEP Impact AQ-2 is correct. However, edits have been made to Table 4.4-4 to better explain that both of these mitigation measures are now required under SWEP Impact AQ-1, which combines the two LWEP construction emissions impacts into one construction emissions impact.

2.4 The ROG emissions total in Table 4.4-5 has been corrected to 9.58 tons per year as suggested in this comment.

Comment Set 3: Jim Throop, City Manager, City of Lompoc

City of LOMPOC

June 14, 2019

Kathy Pfeifer, Planner
County of Santa Barbara Planning and Development,
Energy Division,
123 East Anapamu Street,
Santa Barbara, CA 93101

RE: Comments on the Draft Supplement to the Lompoc Wind Energy Project's Environmental Impact Report for the Strauss Wind Energy Project Case #: 16CUP-00000-0031, and associated cases 18CDP-00000-00001 and 18VAR-00000-00002,County EIR No. 18EIR-00000-00001, SCH# 2018071002

Dear Ms. Pfeifer:

Thank you for the opportunity to comment on the Draft Supplement to the Lompoc Wind Energy Project's Environmental Impact Report (DSEIR) for the Strauss Wind Energy Project. The City of Lompoc's comments are identified in Attachment A. Feel free to contact Stacy Lawson, (805) 875-8275 with any questions, or for more details.

Sincerely,

Jim Throop, City Manager
City of Lompoc

cc: Honorable Mayor and Lompoc City Council
Lompoc Planning Commission
Jeff Malawy, City Attorney
Michael Luther, Public Works Director
Brad Wilkie, Utility Director
Christie Alarcon, Community Development Director
Dean Albro, Finance Director
Brian Halvorson, Planning Manager

100 CIVIC CENTER PLAZA, LOMPOC, CA 93436
PHONE: 805-736-1261 FAX: 805-736-5347

Letter of Comment on the
Draft Supplement to the
Environmental Impact Report,
Strauss Wind Energy Project

ATTACHMENT A

City of Lompoc
Letter of Comment on the Draft SEIR
Strauss Wind Energy Project
June 14, 2019

City of Lompoc Comments and Concerns Related to the Adequacy of the DSEIR

Corrected Baseline Conditions

Baseline conditions related to Safety Resources have changed since the prior Lompoc Wind Energy Project EIR was prepared. The City of Lompoc would like to make the following corrections to stated Lompoc Safety resources on pages 4.8-4 and 4.8-5.

A. Lompoc Fire Department, Station 1, has a total 6 staff members, with one of them being a Chief Officer. The Station 1 equipment includes an engine with 3 Firefighters, 1 Rescue with 2 Firefighters, Battalion Chief's command vehicle with 1 Chief Officer, a Ladder Truck in reserve and a Type 3 Brush Truck for wildland fire responses. **3.1**

B. Lompoc Police Department has 37 sworn officers and 11 vehicles, six of which are in need of replacement.

Project Description

The applicant has indicated the transportation route from Highway 1 along Santa Lucia Canyon Road to Floradale, left on Ocean Avenue/Highway 246 to I Street and right on I Street may be the preferred route. If this is in fact the case, the project description should be changed to reflect this fact. **3.2**

Additional details are warranted in the project description regarding the type and timing of truck trips and large loads, anticipated number of large loads per week, delivery timing of large loads within the projected 10-month project period and construction timing within the year, i.e. winter, spring, summer, fall.

Biological Resources and Water Quality

1. The proposed re-alignment of Miguelito Road at the City's Frick Springs Facility in Miguelito Canyon appears to show grading and fill to be placed in San Miguelito Creek (Figure 2-6a) which is directly west of the existing roadway. San Miguelito Creek supports Southern California Steelhead and Redlegged Frogs, Federally Endangered and Threatened species. Redlegged Frog individuals have been identified in San Miguelito Creek at Frick Springs where Figure 2-6a shows potential for direct impact from fill. If fill is not proposed in this location, revise Figure 2-6a accordingly. Specific **3.3**

2

mitigation to protect these species and ensure water quality in San Miguelito Creek is not degraded by fill in the creek's bed should be provided. **3.3** *cont.*

Noise

2. If the switch yard south of Sheffield Drive includes voltage transformation and/or regulating equipment, noise impacts on the residents, at least one of whom is located less than 150-feet from the switchyard, should be quantified, and mitigation proposed. The City of Lompoc's noise requirement at property lines adjacent to residential uses is 60 ldn. **3.4**

Public Infrastructure - Electric

3. The City of Lompoc operates its own Electric system. The DSEIR does not identify this fact and the project proposes to route its electric transmission lines and connect to the electric grid, to which the City of Lompoc's electric utility is also connected." This fact has not been identified or discussed in the DSEIR (Section 4.8, 4.8.1, 4.8.2, USS-4). **3.5**

   The question was raised: Why is a switching yard south of Lompoc needed, when the line could be taken all the way to the PGE substation on 12th Avenue?

Public Infrastructure - Water

4. The proposed re-aligned roadway and related grading along Miguelito Road at City's Frick Springs Water Treatment Facility appears to impact the facility, which provides water to 15 services Creek (Figure 2-6a). The facility, its location, and impacts to it, are not identified or discussed, and mitigation is not addressed in the DSEIR. If the proposed project will not relocate of the roadway into the creek and over the same location as the Frick Springs Water Treatment Facility, Figure 2-6a should be revised accordingly, proposed grading to allow passage of the equipment revised and reflected accurately on the Figure, and any related revisions made in the discussions of vegetation removal. **3.6**

   It may be useful to ensure Figure 2-6a is reconciled with the details found in Appendix G Transportation Study's Appendix A – Site Photos and Work Description and Appendix B – Exhibits to better identify the potential for impacts to the Frick Springs Water Treatment Facility.

Letter of Comment on the
Draft Supplement to the
Environmental Impact Report,
Strauss Wind Energy Project

ATTACHMENT A

Permitting and Public Infrastructure

5. On page 2-57, Revise the list of permits and approvals required by the City of Lompoc to appear as follows:
    - Encroachment Permits for work within the City Rights-of-way.
    - City of Lompoc oversize vehicle permit(s), including purple weight and bonus overloads.
    - Approval of a Detailed Traffic Control Plan addressing vehicles traveling through Lompoc.
    - Fees for increases in Peak Hour trips, if warranted.
    - A Traffic Management Plan.
    - An agreement between the developer and the City of Lompoc providing the developer will make all repairs to affected roadways, properties and infrastructure, including, but not limited to: sidewalks, parkways, landscaping, street lights, curb, gutter, signs, necessary to restore them to their pre-project condition, as evidenced by photo/videotape documentation undertaken before the start of the project. **3.7**
    - Bonds or other financial assurance acceptable to the City, guaranteeing performance under the above-referenced agreement.
    - Photo documentation of pre- and post-construction road condition of roadways used to transport vehicles and equipment through Lompoc.
    - Any applicable Land Use review for improvements to private property within the City of Lompoc or on City-owned property.
    - Recycled Water Permit from Wastewater.

6. The City is not confident the proposed mitigation measures would be reasonably enforceable or that they would effectively mitigate the project impacts discussed on pages 4.17-21 through 4.17-25 relating to the project truck traffic causing the traffic Level-of-Service for the northbound movement at the intersection of F Street/Ocean Avenue to drop to D during the AM peak hour and an F during the PM peak hour. Please also study the effects of sending all project traffic in and out of the I Street/Ocean Avenue intersection and present the resulting LOS, provided all four approaches of the intersection can be continually operated by the traffic signal throughout the duration of project construction, even if temporary signal heads must be used for the southbound approach in order to accommodate the oversize load turning movements. **3.8**

7. The alternative surface transportation route along Santa Lucia Canyon Road warrants additional evaluation in the DSEIR. Analysis of impacts at the intersection of I Street and Ocean Avenue on public facilities and adjacent properties within the path of travel of the oversize loads, in addition to the traffic impacts discussed above, should be provided. Please also study the traffic impacts at the I Street/Ocean Avenue **3.9**

intersection of removing the conflicting traffic signal pole (necessary for the oversize loads' turning movements), comparing the operation of the intersection as a 4-way stop to signalized operation with temporary modified signal heads located outside of the path of travel. **3.9** *cont.*

8. On page 4.17-24, in the second sentence of the MM TC-1 section, please add that the purpose of the TMP is also to address LOS impacts. **3.10**

9. On page 4.17-29, under the MM TC-3 section, please add that all repairs shall be made to the current standards or policies of the affected jurisdiction. **3.11**

10. Please correct the discussion and figure(s) relating to the Alternative Transportation Route discussed on pages 5-21 and following, in order to show the purpose of reducing the number of turns and the length of travel through the City of Lompoc. The route is intended to enter the west edge of the City on Ocean Avenue and travel east to I Street, then turn south onto I Street and not require any other turns within the City. **3.12**

11. On page 5-25, Transportation and Traffic, line 10, it appears the sentence was not properly completed. It should be noted the alternative reduces the number of turning movements in downtown Lompoc, but still requires a turn through the central business district at Ocean Avenue and I Street. **3.13**

Recommended Mitigation Measures

Emergency Services

1. Due to the project's and local resident's potential need for emergency services and current communication difficulties in Miguelito Canyon, the City of Lompoc proposes the following Mitigation Measures:

   a. One or more cellular sites shall be provided, and a dedicated repeater placed, to improve cell phone service and facilitate emergency service response and radio communications in Miguelito Canyon. **3.14**

   b. A Hazard Mitigation Plan shall be developed, identifying at least one secondary emergency evacuation route and evaluating the need for a new roadway to allow egress from the site. The plan shall also designate a dedicated evacuation zone providing an area of temporary refuge / shelter, if egress from the canyon is not possible.

Letter of Comment on the
Draft Supplement to the
Environmental Impact Report,
Strauss Wind Energy Project

ATTACHMENT A

Public Utilities - Electric

2. If any portion of the City of Lompoc's Electric underground or overhead infrastructure will need to be removed and/or relocated to allow for transport of equipment or construction of project facilities, a minimum of 90 days notification to the City of Lompoc Electric Division is required. A line extension agreement will be required, along with payment of a deposit, based on an estimate of the cost of the work needed to allow for equipment transport. Actual costs will be billed out on a time and materials basis. **3.15**

Transportation

3. TC-6 Soil on Roadways is stated on page 4.17-30 to be mitigated through MM AQ-2 which is described beginning on page 4.4-14; however, MM AQ-2 does not include any measures to clean soil from roadways. Please add to the requirements of TC-6, or add a new mitigation measure stipulating the roadways within the city of Lompoc must be kept clean, through of street sweeping or other City approved method to remove soil and/or other materials deposited on roadways and surrounding surfaces. **3.16**

4. The applicant shall fully compensate any private property owner for any damage caused by the transport of equipment and turbine parts. **3.17**

6

Response to Jim Throop

3.1 Thank you for this information. This information has been included in the Final SEIR.

3.2 In their comment letter on the Draft SEIR, dated June 14, 2019, the Applicant describes this proposed change to the Alternate Surface Transport Route alternative (Section 5.5.4). The description of Alternate Surface Transport Route alternative, including the accompanying figure (Figure 5-4), has been modified in the Final SEIR to reflect the change requested by the Applicant. The transport of the WTG components in oversized/overweight trucks would require a total of 240 truck trips (30 WTGs with 3 blades, 3 tower sections, a hub, and an axle nacelle for each WTG). This transport activity would occur over a 3-month span (i.e., months 5, 6, and 7 of a 10-month construction period). It is anticipated that the number of oversized/overweight truck trips would range from 4 to 10 trips per day and the duration of the interruption would be 30 minutes to an hour at each critical intersection where turning movements would occur. Additional details on the number of trips per week and timing of truck trips for turbine and blade delivery are still being finalized by the Applicant. The Applicant will share this information with the City when it is finalized.

3.3 The Applicant's current grading plans do not directly affect the Frick Springs Water Treatment Facility. A new figure (Figure 2-6d) has been added to the Final SEIR showing proposed grading in relation to the Frick Springs facility. Regarding steelhead, a habitat assessment was conducted for the Project and found no suitable habitat in the Project area (see Appendix C-1). The SEIR notes the occurrence of red-legged frog in San Miguelito Creek (see Section 4.5.1.4) and assesses potential impacts to this species (see Impact BIO-9). MM BIO-14g is recommended to minimize impacts to California red-legged frog and requires pre-construction surveys and monitoring, and notification to the resource agencies if any frogs are found. San Miguelito Road modifications have been added to this measure to clarify all areas where the measure would apply. Best management practices and avoidance measures to prevent impacts to wetland habitats are required under MM BIO-9, which includes the requirement that all wetland areas within 50 feet of ground disturbance shall be protected from siltation by placement of silt fence, straw bales (composed of certified weed-free straw), or other barriers. Barriers shall be in place prior to ground disturbance. Therefore, the SEIR includes adequate mitigation for aquatic species and measures to protect water quality in San Miguelito Creek.

3.4 There will be no voltage transformers at the switchyard. Those would be installed at the Project substation. The comment requests quantification of noise impacts that could be experienced at a residential receptor near the proposed switchyard. The analysis in SEIR Section 4.14 notes that three homes "would be less than 150 feet from the switchyard" (Draft SEIR, p.4.14-4). The methodology identifies that the switchyard would provide service to power lines at "115 kilovolts (kV) or less and would not include any notable sources of noise" (Draft SEIR, p.4.14-8). Each WTG tower site would include the step-up power transformers to increase the WTGs voltage up to the 34.5 kV of the collector system, and the step-up power transformer to the 115-kV system level would be at the on-site Project substation, not at the switchyard.

The Final SEIR clarifies that power transformers would not be sited at the switchyard (see Section 2.5.3). The circuit breaker, energy metering devices, disconnect switches, and other switchyard equipment would not create notable levels of noise and would be in compliance with the 60 dBA Ldn standard set by the City's General Plan.

3.5 The fact that the Project would connect to the same electric grid used by the City (PG&E's system) has been noted in the Final SEIR in Section 4.8.4 under Impact FPES-2 and in Section 4.18.4 under Impact USS-4.

The Point of Interconnection (POI) is a single pole location on the existing Manville 115-kV transmission line. This line is not associated with the Cabrillo Substation on 12th Street. The POI was originally intended to be located on 12th Street across the Street from Cabrillo Substation, which would have resulted in the Applicant building the Project switchyard adjacent to the POI and building a new 115-kV transmission line in parallel to the existing Manville line. This would have resulted in the construction of the switchyard within the City limits. This potential POI location is no longer available to the Applicant has it has been reserved by PG&E for another interconnection project. The currently proposed Project places the POI on private property outside of City limits and within the Imerys property.

3.6 The Applicant's current grading plans do not directly affect the Frick Springs Water Treatment Facility. Please note that the Applicant's Transportation Study (Appendix G of the SEIR) was revised in March 2018 and is not as accurate or detailed as more recently developed information about the Project. Rather than revising Figure 2-6a, which is not at a suitable scale to display the requested information, a new figure has been added to the Final SEIR showing proposed grading in relation to the Frick Springs facility (Figure 2-6d).

3.7 Thank you for this information. It has been added to the Final SEIR in Section 2.9.2.

3.8 The traffic-related mitigation measures presented in the Draft SEIR would be enforceable because they would become a legal requirement of the Applicant subsequent to the certification of the Final SEIR. In addition, the Applicant or the Applicant's contractors would be required to obtain permits and/or other agreements from the City of Lompoc to operate oversized or overweight vehicles on the City roadways and to modify any features in the public right-of-way that would have to be relocated to accommodate the truck movements. The City would, therefore, have the authority to revoke the permits, halt the progress, and re-negotiate the terms if extreme safety or operational impacts were to ensue. With regard to the effectiveness of the proposed mitigation measures to alleviate the level of service impacts of truck traffic on northbound F Street at Ocean Avenue, the proposal is to deploy flag persons and pilot vehicles to facilitate the truck movements and to restrict truck travel during the peak periods. As the substandard level of service at this intersection would occur only at the stop sign on northbound F Street, the proper use of flaggers and the avoidance of the peak periods would ensure that the delays would be reduced to an acceptable level.

With regard to the proposal to route all of the truck traffic onto I Street through the intersection of I Street and Ocean Avenue, as opposed to the proposed routing along F Street and Cypress Avenue, a level of service analysis indicates that the intersection of I Street and Ocean Avenue would operate at the following levels of service for the "year 2020 with project" scenario.

With ICU Methodology:	AM Peak Hour – ICU of 0.416 – LOS A
	PM Peak Hour – ICU of 0.390 – LOS A
With HCM Methodology:	AM Peak Hour – Delay of 9.9 seconds – LOS A
	PM Peak Hour – Delay of 10.0 seconds – LOS B

It should be noted that this level of service analysis is representative of a typical day of operation during construction of the Project when workers and conventional trucks would be traveling to and

from the Project site. It does not represent the scenario where an oversized and/or overweight truck passes through the intersection because the intersection would temporarily be closed during those maneuvers to accommodate the truck movements through the intersection. If I Street is used as the truck access route instead of the proposed routing along F Street and Cypress Avenue, the impacts of closing the intersection and temporarily removing signs, street light poles, traffic signal poles, trees, etc., to accommodate truck turning movements would be shifted to the I Street/Ocean Avenue intersection and would not occur at the Ocean Avenue/H Street, Ocean Avenue/F Street, Cypress Avenue/F Street, and Cypress Avenue/I Street intersections. The proposed route was selected because the routing involves streets that are designated as truck routes, whereas the I Street alternative would involve a street segment that is not a truck route (i.e., I Street south of Ocean Avenue).

3.9 The impacts of the alternative truck routing along Santa Lucia Canyon Road and through the intersection of Ocean Avenue and I Street for oversized trucks would, in general, be similar to the impacts described in the Draft SEIR for the proposed truck routing, except that the impacts would occur along a different set of roadways. The Applicant states that the only improvements required on any portions of the routes within the City of Lompoc are at the intersection of Ocean Avenue/South I Street and as described in the Draft SEIR along San Miguelito Road. The direct turn from Ocean to I Street in Lompoc includes temporary removal of four trees, two signs, and two stop lights to accommodate the movement of oversized trucks through the Ocean Avenue/I Street intersection. The Applicant is working with the City and Caltrans on these truck routing details.

If the Ocean Avenue/I Street intersection were to be temporarily converted to a 4-way stop (if the traffic signal had to be removed for the truck movements), the levels of service at the intersection would be as follows for the "year 2020 with project" scenario.

With 4-way Stop Signs:	AM Peak Hour – Delay of 13.1 seconds – LOS B
	PM Peak Hour – Delay of 14.3 seconds – LOS B

As presented in the response to Comment 3.8, it should be noted that this level of service analysis is representative of a typical day of operation during construction of the project when workers and conventional trucks would be traveling to and from the Project site. It does not represent the scenario where an oversized and/or overweight truck passes through the intersection because the intersection would temporarily be closed during those maneuvers to accommodate the truck movements through the intersection.

3.10 Text has been added to MM TC-1, as requested.

3.11 Text has been added to MM TC-3, as requested.

3.12 The description of the Alternate Surface Transport Route alternative, including the accompanying figure, have been modified as requested in the Final SEIR.

3.13 Thank you. This change has been made in the Final SEIR. The revised alternative routing for oversized and overweight trucks would shift the truck turning maneuvers to the Ocean Avenue/I Street intersection and would not require turning maneuvers at the Ocean Avenue/H Street, Ocean Avenue/F Street, Cypress Avenue/F Street, and Cypress Avenue/I Street intersections.

3.14 The Project will include the installation of a dedicated repeater for emergency response, which is also a requirement of the Santa Barbara County Fire Department (see Section 2.7.4 of the Final

SEIR). A new secondary evacuation route is not currently proposed and is not required by the Fire Department.

3.15 The Applicant has confirmed with PG&E that there will be no impacts to the City's electric infrastructure as a result of the Project.

3.16 Thank you for pointing this out. Mitigation Measure AQ-2 has been revised to include the requirement to clean up any soil tracked onto roadways.

3.17 The County agrees that the Applicant should compensate private property owner for any damage caused by the transport of equipment and turbine parts.

Comment Set 4: Erinn Wilson, Environmental Program Manager, California Department of Fish and Wildlife

State of California – Natural Resources Agency
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June 14, 2019

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Planning and Development
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Subject: Comments on the Draft Supplement Environmental Impact Report for the Proposed Strauss Wind Energy Project (SCH#2018071002; 16CUP-00000-00031; 18CDP-00000-00001; 18VAR-00000-00002; 18EIR-00000-0001), County of Santa Barbara

Dear Ms. Pfeifer:

The California Department of Fish and Wildlife (CDFW) received a Draft Supplement Environmental Impact Report (SEIR) from the County of Santa Barbara (County) as lead agency for the Proposed Strauss Wind Energy Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] CDFW also provided a comment letter on August 18, 2018, for the Notice of Preparation of this SEIR.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife resources. We appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code or through public trust.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; CEQA Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is directed to provide biological expertise (as available) during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). Permit applications (1600-2018-0314-R5 and 2081-2018-0065-05) have been submitted for the Project, and CDFW will need to exercise

1 CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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regulatory authority as provided by the Fish and Game Code, including (but not limited to) lake and streambed alteration (Fish & Game Code, § 1600 *et seq.*) and the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 *et seq.*).

Project Description and Summary

Objective: Strauss Wind, LLC, an affiliate of BayWa r.e. Wind, LLC, proposes to construct and operate a 102 megawatt (MW) wind energy facility south of the City of Lompoc. The Project's Wind Site is located on 2,970 acres, consisting of 11 properties, and the Project's transmission line corridor would be located on 11 properties, starting at the Wind Site and running east and northeast to the City of Lompoc. The major components of the project include:

Major components of the Project include:

- Construction and operation of up to 30 Wind Turbine Generators (WTGs) up to 492 feet tall;
- Development of 14.3 miles of new access roads;
- Construction of an approximate 1.4-acre switchyard;
- Widening of 16.1 miles of existing non-County roads at the wind farm site and along the transmission line;
- Modifications to San Miguelito Road;
- Construction of communication system and meteorological towers;
- Construction and maintenance of on-site electrical lines, an approximate 1-acre substation, and an approximate 0.4-acre operations and maintenance building;
- Construction of a new 7.3-mile, 115-kilovolt (kV) transmission line to interconnect with the Pacific Gas and Electric (PG&E) electric grid;
- Installation of 8.6 miles of 115-kilovolt (kV) transmission line from the on-site substation to Pacific Gas & Electric (PG&E) Cabrillo Substation in Lompoc and upgrades to the PG&E substation for interconnection;
- Reconductor (replacing wires and possibly poles) for 0.6 miles along PG&E's existing Manville 115-kV power line from the proposed switchyard to PG&E's Cabrillo substation in the City of Lompoc; and,
- Upgrades to the Cabrillo substation.

Stauss Wind, LLC has long-term lease agreements with the property owners of the 2,988 acres. The Project would have an aggregate electrical generating capacity of 102 megawatts MW, which would supply approximately 44,700 homes with electricity per year.

Location: The Project is located on approximately 2,988 acres of rural land accessed via San Miguelito Road. The Project site is currently zoned for agriculture and situated on coastal ridges approximately 3 to 5 miles southwest of the City of Lompoc, Santa Barbara County. The proposed Project is located within the Santa Ynez Mountains along the coast between Jalama Beach and Point Arguello. The southern Project boundary is situated within the coastal zone. The Project area is bounded by Vandenberg Air Force Base (VAFB) to the south and west and private property to the north and east. Surrounding land uses include rangelands to the north, west, and south and a diatomite mine to the east.

Habitat types on-site with the potential to be impacted by the Project include coastal scrub, freshwater marsh, riparian scrub, eucalyptus woodland, live oak woodland, native and annual

grassland, native perennial grassland, and ruderal. Project impacts include an estimated permanent removal of 42.9 acres of habitats and temporary removal of 126.6 acres of habitats (for WTG and power pole installation and construction staging and underground lines).

Wildlife with the potential to be impacted by the Project from construction and/or operational activities include: the federal and state endangered and state fully protected unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*); the federal endangered El Segundo blue butterfly *(Euphilotes battoides allyni);* the federal threatened and state Special Species of Concern (SSC) California redlegged frog (*Rana aurora draytonii*); the federal and state endangered Gaviota tarplant (*Deinandra increscens* ssp. *villosa);* the California SSC San Diego desert woodrat (*Neotoma lepida intermedia),* coast horned lizard (*Phrynosoma coronatum frontale),* and silvery legless lizard (*Anniella pulchra pulchra);* and, the California Native Plant Society List 1B mesa horkelia (*Horkelia cuneata puberula),* black-flowered figwort (*Scrophularia atrata),* and Kellogg's horkelia (*Horkelia cuneata sericea).*

Wildlife with the potential to be impacted by the Project from construction and/or operational activities including WTG and power line strikes include: the state endangered and fully protected American peregrine falcon (*Falco peregrinus anatum*); the state fully protected and SSC golden eagle (*Aquila chrysaeto);* the state fully protected white-tailed kite (*Elanus caeruleus);* and 11 additional bird species and 5 bat species that are SSC.

Comments and Recommendations

CDFW is in the process of issuing the Incidental Take Permit (ITP) under CESA for this Project. In processing the ITP, we have had regular and ongoing meetings with Strauss Wind, LLC (Applicant) to resolve data gaps and complete the appropriate analysis for the Gaviota tarplant. While that process is ongoing, the ITP cannot be finalized until the SEIR is certified. CDFW appreciates the efforts taken to date by the Applicant to address our data needs and expect that many of the following comments regarding Gaviota tarplant will be addressed during the CESA process.

CDFW offers the comments and recommendations below to assist the County in adequately identifying, avoiding and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. **4.1**

For impacts demonstrated to be unavoidable in the SEIR, CDFW recommends the measures or revisions below be included in a science-based monitoring program (with adaptive management strategies) as part of the Project's mitigation, monitoring, and reporting program (Public Resources Code, § 21081.6).

Comments Requesting Clarification

1) Leach Lines: Section 4.12 of the SEIR states that two 100-foot-long leach lines will be located "just north of the O&M facility in native soil." The Hydrology and Water Quality section of the SEIR, Table 4.12-1 states, "Groundwater. The Project would not substantially deplete groundwater supplies or interfere with groundwater recharge. Effluent from facility drains would be disposed of through a proposed leach line system." However, the Project Description in the Biological Resources section does not mention a **4.2**

leach line as being a component of the Project or analyze potential biological effects.

The location of the leach lines is proximal to known populations of listed Gaviota tarplant and could potentially be impacted by leachate generated from the Project. Increased surface or shallow subsurface moisture would have an effect, either directly or indirectly, by facilitating invasive ant establishment, allowing competing plants/perennial plant to crowd out the annual Gaviota tarplant, and changing existing shallow, soil hydrology. CDFW recommends the SEIR identify and evaluate alternative locations and technologies to the proposed leach lines that would avoid or minimize potential impacts to Gaviota tarplant. **4.2** *cont.*

2) Vegetation Classification – Survey Season: The SEIR states "[t]he following minimum vegetation mapping units applied during vegetation mapping: 0.5–1.0 acre for inaccessible areas of the site due to steep terrain and poison oak (*Toxicodendron diversilobum*). Appendix C2. If vegetation observed did not meet the membership rules of the vegetation communities in these sources, a new name was recorded based on the dominant species observed, consistent with the MCV2 Veg mapping for the 100-foot wide Transmission line corridor, 60-foot wide vehicle access corridor was conducted on May 16, 29, 30, 31, 2018, and June 6, and 7, 2018."

   The dates indicated in the SEIR are late in the plant survey season. This could explain why the Manual of California Vegetation alliances could not be determined in some cases, resulting in many missed or misidentified herbaceous annuals. We recommend that these areas be re-mapped with the results included in the final SEIR. **4.3**

3) Mapping Effort: Appendix C3, Page 123 states "[i]t is highly likely that precise plant community mapping efforts would yield a greater number of more specific plant communities." The SEIR should clarify if the mapping effort used in the analysis is adequate to make a complete assessment of impacts to sensitive vegetation communities. CDFW is concerned if additional mapping prior to impacting habitat is needed to accurately determine project impacts and mitigation.

4) Gap Areas – December Surveys: Appendix C5 (Gap Area Survey Report) indicates that surveys, including vegetation mapping, for the Gap Areas (that were not included in previous biological surveys) were conducted in December of 2018. Annual plant species that could dominate many vegetation communities are typically dormant and easily misidentified during December. Therefore, CDFW is concerned that the December surveys result in less accurate mapping than if surveyed during the optimal time for detection.

5) Gap Areas – Native Stands: California's grasslands and flower fields vegetation types are among the most difficult to analyze and study. The greatest challenge comes from the variation in species composition and abundance from early to late season and between years. Researchers and consultants have tended to underestimate the significance of native herbaceous plants because they are frequently at their highest cover either very early or very late in the season and may have very low cover during the spring and summer, when non-native grasses dominate and when field work is often performed. Additionally, in some years, a given area may be characterized by an abundance of non-native forbs and grasses, while in other years native herbs may **4.4**

dominate. Given this inter-seasonal and inter-annual variance of cover between the diagnostic species and the less diagnostic species, identification of herbaceous vegetation should be more broadly inclusive for nativity. Specifically, relative cover as low as 10 percent natives could be considered as a native stand (CDFW, 2019).

Accurate mapping of vegetation communities during the optimal time of year is important for full disclosure. This allows the Project to adequately assess impacts and determine appropriate avoidance, minimization, and mitigation for sensitive vegetation communities. CDFW believes the 10 percent relative cover threshold would be more appropriate to determine native vegetation due to the timing of the gap surveys and the inter-seasonal and inter-annual variance of cover vegetation at the Project site. **4.4** *cont.*

6) Transmission Line Corridor: Plant communities in the proposed transmission line corridor appear to have not been mapped (SEIR Page 89). However, Appendix C states the transmission line corridor has been mapped. Please clarify this inconsistency. The omission of mapping and accurate determination of impacts in these areas may significantly underestimate the proposed impact to sensitive vegetation communities in the SEIR. **4.5**

7) White Lights: To minimize impacts to avian species, CDFW recommends (consistent with Federal Aviation Administration [FAA] requirements) that the minimum number pilot warning "white" lights be utilized for the Project. The white lights should use the longest permittable duration between flashes or strobes. White strobe lights have been shown to be comparatively less disruptive to night-migrating birds than red or non-strobe lighting (USFWS, 2007). **4.6**

Project Description

Comment #1: Gaviota Tarplant Analysis

Issue: There are seven identified populations of Gaviota tarplant: Lion's Head (near Point Sal), Point Arguello, Tranquillion Mountain/Sudden Peak, Point Conception, Hollister Ranch, Santa Ynez Mountains, and Gaviota (USFWS, 2011). The Project proposes impacts to the Tranquillion Mountain/Sudden Peak population of Gaviota tarplant. This population contains a substantially larger number of individuals – more than all of the other six recorded populations combined (Table 1). **4.7**

Table 1. Gaviota Tarplant Populations

Population	Maximum Number of Recorded Individual Plants*
Lion's Head (near Point Sal)	611
Point Arguello	750
Tranquillion Mountain/Sudden Peak	5,008,360
Point Conception	10,230
Hollister Ranch	1,101
Santa Ynez Mountains	700
Gaviota	1,200

*Data from CNDDB, corrected to only include *Dienandra increscens villosa*

As shown in the above table using data from the California Natural Diversity Database (CNDDB), the Project proposes to impact the entire Tranquillon Mountain/Sudden Peak population of Gaviota tarplant, except for approximately 12 acres and 202 plants outside of the Project footprint (Occurrences 24, 29, and 30; Table 2). The Tranquillion Mountain/Sudden Peak is a major core population for this species. To assess species impacts, CDFW evaluates both direct and indirect impacts to Gaviota tarplant that could affect the quality, health, and long-term outlook (viability) of an occurrence/population.

Table 2. Occurrences that Comprise the Tranquillion Mountain/Sudden Peak Population
(Grey Shading Denotes Project Impacts to Population)

Occurrence	Acreage	Number of Individuals	Project Impacts Acres / Percent		Project Impact Individual Tarplants	
18	149.2	3,729,112	24	16%	616,120	17%
24	10	~200				
25	9	1	*	*	*	*
26	24.3	10,391	1	4%	2,067	20%
27	7.6	230,975	1.7	22%	56,597	25%
28	9.5	492,660	0.4	4%	54,079	11%
"Estimated"	14.1	545,019	14.4	100%	545,019	100%
29	1	1				
30	1	1				
Total	232	5,008,360	41.4	18%	1,273,882	26%
* CNDDB maps Occurrence 25 on the Project site near turbine N-9, this occurrence is not included in the SEIR maps or data submitted to CDFW						
Data in Table is from CDFW and USFWS records						

4.7 *cont.*

Specific Impact:

1) The SEIR appears to limit the impact analysis for Gaviota tarplant to the acreage being directly graded. However, this approach can substantially underestimate the total impact to this species. Other potential impacts to Gaviota tarplant include altered surface hydrology, shading, vibration, reduced patch size, genetic viability as affected by small (or biologically isolated/fragmented) population size, loss of reproductive vigor in small populations or patch sizes, stochastic (random) extirpation/extinction events due to the small size and isolation of the species, increased fire risk, effects from invasive ants and plant species, effect on pollinators including from tower vibration, changes in wind speed from turbines, and night lighting.

   Isolation/Fragmentation – Turbines, roads, and other Project disturbances have the potential to impact every occurrence of Gaviota tarplant on the Project directly, overtime (indirectly), and cumulatively. One of CDFW's major concerns is that the Project has been designed to often bisect an occurrence, fragmenting it, and creating small islands of isolated individuals. Based on review of the SEIR (Section 4.5), it appears that the impact analysis and calculations only capture the soil disturbance limit. It is unclear how fragmentation, isolation, edge effects, reduced pollination and other such impacts that could occur to the remaining disturbed mosaic of Gaviota tarplant have been accounted. The many occurrences of Gaviota tarplant proposed for avoidance would be left in smaller, isolated patches surrounded by structures and edge disturbance.

Pollination – Studies indicate that if pollinator habitat within 1,000 m of host plants is eliminated, seed set of plant species may be decreased by as much as 50 percent. Additional studies suggest that the degradation of pollinator habitat is likely to adversely affect the abundance of pollinator species (Jennersten, 1988; Rathcke and Jules, 1993).

4.7 *cont.*

Surface Hydrology – Runoff from pads, roads, compacted edges of roads, buildings, and other facilities may significantly alter the surface hydrology that currently supports the Gaviota tarplant on the Project site. Collecting surface water from concrete pads and structures and diverting it to a basin would alter the local surface and subsurface soil moisture/hydrology in the drainage sub-basins that supports the Gaviota tarplant.

Heat Island Effect – The heat island effect from large developed concrete structures will modify the microclimate of the Gaviota tarplant occurrences.

2) CDFW is concerned that the Project, as designed, will directly and/or indirectly impact all but 5 percent of the Tranquillion/Sudden Peak Gaviota tarplant population. This would substantially reduce the species' resiliency to adapt and persist under climate change. Of the seven populations of Gaviota tarplant recognized (USWFS, 2011), five occur on coastal terraces, which are at risk of erosion due to predicted sea level rise from climate change. The population on the Project site is the largest one of two known populations that are not located on coastal terraces subject to sea level rise and are located at the species' higher elevations. The Project proposes to impact nearly the entire Tranquillion Mountain/Sudden Peak population, leaving the small Santa Ynez Mountains population of 700 plants as the only other high elevation population considered safe from sea level rise impacts.

Why Impact Would Occur: The Project initially appears to avoid roughly 80% of the tarplant acreage which is estimated to correlate to 74% of individual plants. However, when considering habitat fragmentation, edge effects, invasive species proliferation, and the loss of pollinator availability, the impact acreage is substantially greater than that currently disclosed in the SEIR.

Evidence Impact would be significant: **4.8.**
Isolation/Fragmentation – The conservation of Gaviota tarplant is dependent upon several factors that include (but are not limited to):

- The protection and management of existing populations and the habitat which supports them;
- The maintenance of areas of sufficient size and configuration to sustain natural ecosystem components, functions, and processes (e.g., full sun exposure, natural fire and hydrologic regimes, adequate biotic balance to prevent excessive herbivory);
- Protection of existing substrate continuity and structure, connectivity among groups of plants within geographic proximity to facilitate gene flow among the sites through pollinator activity and seed dispersal; and,
- Sufficient adjacent suitable habitat for vegetative reproduction and population expansion.

Since the proposed on-site open space area would be surrounded by existing and potential future development, trails, and irrigated slopes, the value of the on-site open space will be dramatically reduced for native plants and animals. Studies have demonstrated that habitat patches that are road-less and inaccessible to humans serve to better conserve many target

species than do areas with roads and accessible habitat patches (National Research Council, 1995). Additionally, studies show that habitat remnants from 24 to 247 acres do not retain their complement of native vertebrate species for longer than a few decades, leading to collapse of the ecosystem (Soule, 1992).

A smaller patch size also becomes subject to greater influences of edge effect. These include Argentine ant invasions known to occur when irrigation is introduced, as well as competition from non-native species, heat island effect, shading, noise, lighting, human disturbance, fuel modification, and not having enough land to properly respond to climate pressures and/or carry out all parts of a lifecycle, including pollinator support (Menke, 2007; Mitrovich, 2010; Lach, 2008; Tanowitz, 1982; B. Baldwin, 2001).

Large concrete slabs, paving, trails, debris basins, housing structures, v-ditches, and irrigated areas retain moisture in the soil. Invasive Argentine ants thrive in this perennially moist zone. Invasion and establishment of Argentine ant colonies may occur due to soil disturbance, introduction of hardened surfaces (paving, cement, storm drains and structures), and irrigation (Menke, 2007). Sites within 200 meters (656 feet) of urban areas are more likely to have been invaded by Argentine ants (Mitrovich, 2010). This is significant because Argentine ants negatively impact and displace native ants, altering the ecosystem. Studies show native honeybees spend 75 percent less time foraging on inflorescences with Argentine ants, reducing seed production and long-term population viability of native plants (Lach, 2008).

Pollination – Gaviota tarplant depends on the successful transfer of pollen between plants in order to produce seeds. Gaviota tarplant are self-incompatible (Tanowitz, 1982; B. Baldwin, 2001), meaning that self-fertilization is impossible, and insects are necessary for the transfer of pollen. This type of incompatibility system that tarplant species possess (sporophytic) makes their ability to reproduce particularly vulnerable to loss of genetic variation within and between populations (B. Baldwin, 2001). **4.8** *cont.*

Tarplant pollinators observed on the flowers of Gaviota tarplant include several species of flies, bees, skippers, and butterflies (Tanowitz, 1982; Howald, 1989; Niehasus, 1971). Studies to quantify the distance that bees will fly to pollinate their host plants are limited in number, but the few that exist show that some bees will routinely fly 100 to 500 m (328 to 984 ft) to pollinate plants. Some bees have known to fly at least 1,000 m (3,280 ft) to pollinate flowers (Steffan-Dewenter and Tscharntke 2000).

Surface Hydrology – The removal of habitat can significantly change the local soil hydrology by altering the "soil hydraulics" or redistribution of moisture in the root zone (Meinzer, 2004).

Heat Island Effect – Thermal regimes affect habitat quality and biogeochemical processes. An increase in temperature of 1.5 degrees Celsius has been shown to induce earlier flowering time (Primack, 2004). This can be significant as blooming is timed to coincide with maximum pollinator availability, and Gaviota tarplant rely on successful pollination to produce viable seed.

Recommended Potentially Feasible Mitigation Measure(s):

CDFW recommends the SEIR include an analysis of how Project impacts would affect the status of Gaviota tarplant throughout its range. This includes geographic/geologic setting, spatial distribution from the coast, elevation ranges, and potential impacts to the species from

sea level rise. To provide an adequate analysis of the magnitude and extent of the proposed impact/taking to Gaviota tarplant, we recommend:

1) An evaluation of the Project's impacts on the long-term persistence of Gaviota tarplant as a species. This should include how proposed impacts would affect the ability to provide stable, healthy, higher elevation populations of the species that would not be at risk from climate change, including rising sea level estimates.

2) An assessment of impacts that will result from Project improvements and surface water flow to Gaviota tarplant occurrences/polygons. Both the pre- and post-surface drainage flow analysis and supporting exhibits should be disclosed to demonstrate how the Project could impact subsurface flows and related water availability for Gaviota tarplant.

3) An analysis with supporting evidence that Project roads, turbine pads, and other facilities have been located to avoid or minimize impacts to Gaviota tarplant to the maximum extent practicable. Section 15126.6(a) of the CEQA Guidelines states that an EIR should describe "alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives." Section 15126.6(f) of the CEQA Guidelines, the "Rule of reason", requires, "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." **4.8** *cont.*

   CDFW believes there are feasible alternatives that would meet most of the Project objectives and significantly reduce impacts to the listed Gaviota tarplant. Such alternatives include engineering modifications to avoid bisecting/fragmenting occurrences of Gaviota tarplant (e.g., occurrences 18, 25, 26, 27 and 28), alternative wind energy technologies, alternative locations, undergrounding power lines to reduce fire risks, and Project phasing based on accuracy of tarplant surveys and mapping.

4) CDFW recommends conserving a buffer of 1,000 meters around any population that is proposed as mitigation or identified as "avoided" until site-specific studies on Gaviota tarplant pollinators have been conducted to demonstrate that less than 1,000 meters would be sufficient for the on-site populations.

5) For CESA compliance, it will be necessary to demonstrate Project design features that include measures taken to avoid and minimize the proposed taking of the species. Populations that will be impacted will need sufficient evidence to demonstrate/document impacts were minimized to the extent feasible. Areas proposed as conservation for unavoidable impacts will need to demonstrate long-term viability with adequate preserve design and buffer (i.e., large blocks of habitat with no or minimal edge effects).

Comment #2: Inconsistency and Reliability of Gaviota Tarplant Impact Acreage

Issue: **4.9**

1) Impacts disclosed in the SEIR do not appear consistent with the Incidental Take Permit (ITP) application data provided to CDFW on February 2, 2019.

2) It is unclear how the impacts disclosed in the SEIR correlate to the estimated individuals associated with a numbered occurrence.

3) Based on the surveys completed for Gaviota tarplant, it is unclear if the correct plant (*Dienandra increscens subsp. villosa*) was reliably identified, or if *Dienandra increscens subsp. increscens* or *Deinandra paniculata* were mistakenly identified as *D. increscens villosa.*

Specific Impact: The following information was provided for impacts to Gaviota tarplant and its habitat:

- Page 4.5-38 states that construction would result in 10.3 acres (8.1% of site total) of permanent and 22.3 acres (17.4% of site total) of temporary loss or disturbance to Gaviota tarplant and its habitat (total impact of 32.6 acres). Occasional disturbance to small areas of Gaviota tarplant habitat may occur as a result of operations or maintenance activities involving clearing or vehicle operation in occupied habitat.

- Page 4.5-63 of the SEIR states: "[a] total of 27.1 acres of permanent impacts to Gaviota tarplant occupied habitat would occur from construction of the SWEP [Strauss Wind Energy Project] (14.2 percent of site total), compared with 10.3 acres under the LWEP [Lompoc Wind Energy Project]." **4.9** *cont.*

- The SEIR, Appendix C, states (Page 5-84) "[t]he development and operation of the turbines and access roads would result in the conversion of 6.3 acres of permanent impacts, 12.93 acres of temporary impacts for a total of 19.23 acres of suitable habitat for Gaviota tarplant, outside of critical habitat. There would be 26.32 acres of permanent impact and 71.16 acres of temporary impacts within critical habitat associated with over widened roads to accommodate construction equipment. The total 97.48 acres of temporary and permanent impacts are located in the 791-acre Sudden Bench Unit of designated critical habitat for Gaviota tarplant (Sapphos, 2018). The entire 791-acre Sudden Peak Unit of critical habitat for Gaviota tarplant is located within the Project site."

- SEIR Page 4.5-65, BIO-5b states that impacts to Gaviota tarplant habitat during operations and maintenance would be the same as described in the LWEP EIR; however, the acreage is not provided in the SEIR.

- The information provided to CDFW by the Applicant includes an additional 14.4 acres and 545,019 individual Gaviota tarplants of "estimated impacts". However, these numbers were not included in the SEIR analysis.

- The ITP Application submitted to CDFW states that there will be 39.5 acres of permanent impacts and 1.9 acres temporary impacts (41.4 total) to Gaviota tarplant. In addition, the maps provided to CDFW appear to have several locations depicting Gaviota tarplant impacts that are not included in the SEIR impact analysis, or the Map on Page 98 of the SEIR.

The inconsistency of the impact acreage for Gaviota tarplant results in an unreliable baseline from which Project impacts are analyzed in the SEIR. This creates a potential situation where impacts to Gaviota tarplant in certain locations may be significantly underestimated while the areas proposed to be avoided or conserved overestimated.

Why Impact Would Occur: Grading, vegetation removal, and other ground disturbances could crush and bury listed plants, including Gaviota tarplant, resulting in direct mortality. Additionally, given the expertise necessary to ensure confidence in accurately identifying Gaviota tarplant and its complex genetic relationship, CDFW is concerned that accurate identification of Gaviota tarplant may not have occurred in all instances. The accurate identification of all the species and subspecies of Dienandra is vital to enable CDFW to determine the extent of impacts. This allows CDFW and the Lead Agency to fully analyze avoidance, minimization, and mitigation measures proposed. Accurate distribution and abundance data for Gaviota tarplant (baseline data) is critical for the analysis in the SEIR. Avoiding areas with higher densities of Gaviota tarplant is more biologically valuable than avoiding or preserving areas that contain other Dienandra species or higher percentage of non-Gaviota tarplant.

Evidence Impact would be significant: The SEIR does not provide adequate disclosure of the impacts for CDFW to conclude the proposed mitigation measures fully mitigate the impacts to Gaviota tarplant, which is required under CESA (Sections MM BIO-5a and MM BIO-6). This may create a consistency/adequacy issue where CDFW is acting as a Responsible Agency with related CEQA actions. CDFW considers any Project-related development activity (both direct and indirect) that would impact the ability of Gaviota Tarplant to persist long-term as "take" under CESA. **4.9** *cont.*

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the SEIR include an updated baseline and impact analysis with supporting mapping to clarify the acreage and extent of impacts to Gaviota tarplant, including the estimated impact areas disclosed to CDFW as part of the ITP application. This analysis should include an account of the locations, accurate occurrence/polygon sizes, and the number of plants that would be impacted. This updated baseline and analysis is needed to allow the public and decision-makers a meaningful review and the ability to weigh the avoidance and mitigation measures and alternatives with the totality of the direct and indirect impacts (CEQA Guidelines, § 15088.5[a][4]).

Mitigation Measure #2: Surveys completed for Gaviota tarplant should be conducted by botanists with expertise in *Dienandra* identification. A documentation of voucher specimens collected, including the voucher identification number, should be provided so experts can verify the correct identification was made. The proper identification/verification of Gaviota tarplant is critical to establishing an accurate baseline from which impacts from the proposed Project can be analyzed in the SEIR.

Comment #3: Gaviota Tarplant Avoidance and Minimization

Issue: The Project impacts every occurrence of Gaviota tarplant on the Project site. Since all occurrences have some level of impact, the overall quality and viability of this core population of Gaviota tarplant would still incur some cumulative level of impact. **4.10**

Specific Impact: The SEIR appears to only count impacts to Gaviota tarplant from direct grading. However, the Project also indirectly impacts the rest of the occurrences through edge effect and other impacts mentioned above (see Comment #1: Gaviota Tarplant Analysis). Impacting portions of an occurrence, especially bisecting a polygon down the middle, impacts the entire polygon.

Why Impact Would Occur: Without species verification and additional survey work, the long-term viability of the areas/acreage identified in the SEIR cannot be scientifically substantiated. In addition, avoidance/preservation of Gaviota tarplant without considering a suitable buffer (see Comment #1; Gaviota Tarplant Analysis – "Evidence Impact would be significant") also reduces the long-term viability of the ""avoided" occurrences of on-site Gaviota tarplant.

Evidence Impact would be significant: Inadequate avoidance, minimization, and mitigation measures for impacts to these listed species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s): **4.10** *cont.*

Mitigation Measure #1: There appears to be viable alternatives for turbine placements, which would result in complete avoidance of Occurrences 27 and 28. These alternatives would also avoid undisclosed "estimated impacts" to Occurrence 27 and 28, as described in the ITP Application for the Project. CDFW recommends the County evaluate these alternatives that would meet most of the Project objectives and significantly reduce impacts to the listed Gaviota tarplant.

Mitigation Measure #2: The SEIR should include alternatives that leave wholly intact occurrences of Gaviota Tarplant, surrounded on all sides by a suitable (1,000 m) buffer. Relocating turbines that are the last of a string, or that terminate in a spur that impact Gavoita ttarplant, such as W-8, W-7, N-7 and E-1, would allow whole occurrences of the species to be avoided. These turbines can potentially be added in other portions of the Project to mitigate the loss of energy production, using some of the locations included in the Lompoc Wind Project that are not located within occurrences of Gaviota tarplant. To help facilitate this analysis, Figure 2-2 (Comparison of LWEP and SWEP) of the SEIR should be updated to include accurate mapping of Gaviota tarplant with supporting calculations.

Comment #4: Incomplete Vegetation Mapping

Issue:

1) Parts of the Project, such as the transmission line, appear to be mapped at a larger scale or not included in vegetation mapping efforts at all.

4.11.

2) Appendix C-3 states "[i]n addition, sawtooth golden bush scrub areas were observed during 2016–2018 field surveys, but their precise area was not mapped" and "[f]urther plant community mapping efforts are needed to quantify the acreage of this vegetation type." CDFW considers *Hazardia squarrosa* Alliance, or sawtooth golden

bush scrub alliance, a sensitive vegetation community ranked S3.

Specific Impact: Some vegetation communities may be misidentified or unidentified, resulting in undisclosed impacts to sensitive habitats.

Why Impact Would Occur: The SEIR contains conflicting information on the completeness of vegetation mapping conducted for the Project. The Project may impact sensitive vegetation communities or wildlife species that depend on these communities due to misidentified or unidentified vegetation classification. Without appropriate disclosure, CDFW is unable to recommend appropriate avoidance, minimization, and/or mitigation measures. If a vegetation community in the Project area has not previously been described, it may be because it is a rare type in that location.

Evidence Impact would be significant: An S3 ranking indicates there are 21 to 80 occurrences of this community in existence in California, S2 has 6 to 20 occurrences, and S1 has less than 6 occurrences. CDFW considers natural communities with ranks of S1 to S3 to be sensitive natural communities that meet the CEQA definition and analyzed in during environmental review (CEQA Guidelines, §§ 15380, 15063, 15065, and § 15125[c]]). Without appropriate vegetation classification, the Project may underestimate or omit impacts to sensitive vegetation and result in substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any sensitive natural communities and S1 to S3 ranked species in local or regional plans, policies, or regulations, or by CDFW or USFWS. **4.11** *cont.*

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The SEIR should contain an accurate and complete survey assessment of vegetation using verified MCV alliance/association community scientific names and ensure the alliances found on the Project are accurately described.
Mitigation for impacts to S2 ranked vegetation communities should be commensurate with the classification of only 6 to 20 occurrences in California. An list of recognized alliance/association names can be found at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153399.

Mitigation Measure #2: CDFW recommends any lands proposed as mitigation to offset impacts to sensitive vegetation communities be preserved and managed in perpetuity under a conservation easement and managed by a qualified entity. The proposed specific mitigation location should be identified in the SEIS to ensure that mitigation is not deferred until some future time; however, the CEQA document "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" [[CEQA Guidelines, § 15126.4(a)(1)(B])].

Mitigation Measure #3: CDFW recommends the SEIR provide an analysis of how the proposed mitigation measure would reduce impacts to less than significant, including a discussion on the type of mitigation activity (e.g., creation, restoration, enhancement, preservation, monitoring), mitigation location, size of the mitigation area, management in perpetuity, mechanism for protection, and any other relevant information.

Comment #5: Mitigation Proposed for Gaviota Tarplant **4.12**.

Issue: The SEIR states on page 4.5-64 that "[c]ompensatory mitigation for Gaviota tarplant shall be implemented to offset take; compensation lands will be managed according to the Gaviota Tarplant Mitigation Plan prepared in support of the Incidental Take Permit and Biological Opinion. Permanent disturbance to Gaviota tarplant shall be mitigated at a minimum 3:1 ratio. Areas of temporary disturbance shall be restored to pre-disturbance conditions and compensated at a 3:1 ratio. Temporary impacts to Gaviota tarplant habitat will be mitigated as permanent impacts unless monitoring demonstrates full recovery of Gaviota tarplant occurrences (plant density and extent of occupied area) in the temporarily impacted areas. To account for annual variability, the final density and extent of the Gaviota tarplant occurrence in the restored area can be adjusted to compare to pre-disturbance levels using metrics obtained from a nearby reference population, to demonstrate full recovery has occurred".

Specific Impact: The SEIR does not identify the methodology or location to demonstrate how over 3,821,646 (3:1 ratio) Gaviota tarplant plants would be successfully established and conserved/managed in perpetuity to offset proposed impacts. To implement an experimental approach at the scale proposed on a species that has no documented research raises concerns regarding the ability for this approach to successfully offset project impacts and achieve full mitigation required under CESA [Fish & Game Code, § 2081(b)(2)].

4.12 *cont.*

Transplantation for listed plant species with limited distribution and specific habitat requirements typically results in a high rate of failure. Moving or translocating plants and attempting to reconstruct the community of rare plants that naturally grow is often unsuccessful because the full assemblage and of essential elements, including critical microbial components, is almost never known or reproducible in the field. Due to a currently limited understanding of phenology, reproduction, functional roles, interaction/dependence on microbes, cryptogams, and support plants, transplants [of Gaviota tarplant] may be placed into sites with both biological and physical insufficiencies. A decrease, or loss in genetic diversity may occur if genotypes from diverse sources are mixed, as well as potential outbreeding depression. Research indicates experimentation with vegetation under controlled conditions may have little relevance to natural ecosystems (Fahselt, 2007). For these reasons, transplantation is not considered to be a reliable means of conserving sensitive/listed species or reproducing functional characteristics of natural communities.

Why impact would occur: The analysis in the SEIR relies on future surveys to determine impacts, the preparation of future management plans to avoid/minimize impacts, and mitigation requirements through obtaining permits from other agencies. Without specific performance standards, such as a conceptual restoration plan with performance/success criteria, this is considered, to some degree, as deferred mitigation under CEQA (CEQA Guidelines, § 15126.4). CDFW acknowledges that the issuance of CESA take authorization for Gaviota tarplant would ultimately be implemented through state and federal permits and is under the jurisdiction of another agency to some extent (CEQA Guidelines, § 15091 [a][2]); however, the County has specific requirements for rare plants under its CEQA implementing regulations and land use requirements that necessitates the full disclosure of the above elements in the SEIR. CEQA requires the SEIR to analyze if the Project may have a significant effect on the environment as well as review if the Project will avoid the effect or mitigate to a point where clearly no significant effects would occur (CEQA Guidelines, § 15070 and § 15071).

Considering the body of scientific literature available on the long-term success of transplanting rare plant species (Fiedler, 1991), CDFW considers this practice for Gaviota tarplant at this

scale experimental in nature and not appropriate to meet CESA requirements for full mitigation [Fish and Game Code §2081(b) (2)]. In addition, the lack of knowledge on the specific pollinator of Gaviota tarplant further demonstrates that more research and information is needed before using this approach to offset substantial impacts to the species. However, CDFW does acknowledge that transplanting can be considered as a minimization measure in some instances.

Evidence impact would be significant: CDFW is concerned that the impacts to this important and major population of Gaviota tarplant will still result in a net loss of over 1,273,882 individual tarplant and 41 acres of occupied habitat within the Tranquillion Mountain/Sudden Peak population. The SEIR requirement of 3:1 ratio for mitigation does not specify any location of the mitigation to determine availability of essential components, describe how the proposed 3:1 ratio would be achieved and over what time period, or provide any scientific evidence supporting the basic premise that over 3,821,646 individuals could be successfully created in other locations. CDFW is concerned the extent and magnitude impacts to Gaviota tarplant currently proposed by the Project are potentially unmitigable under CEQA and may not meet the permit issuance criteria under CESA.

Recommended potentially feasible mitigation measure(s):

4.12 *cont.*

Mitigation Measure #1: To analyze if a Project may have a significant effect on the environment, the Project-related impacts, including survey results for species that occur in the Project footprint need to be disclosed in the SEIR. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

Mitigation Measure #2: CDFW recommends the SEIR look at further avoidance and minimization alternatives. Avoidance should consider leaving intact occurrences with a suitable buffer of at least 1000 meters. To adequately preserve, avoid, and meet the full mitigation standard under CESA [Fish and Game Code §2081(b)(2)], the SEIR should a) ensure a viable reserve that is protected from edge effects, b) include a suitable buffer, c) eliminate or minimize risks from Argentine ants, d) preserve surface and subsurface hydrology, e) provide adequate pollinator support habitat, f) allow for appropriate management activities, and g) allow lateral and elevational migration in response to climate change.

Mitigation Measure #3: Success criteria identified in the SEIR should demonstrate that any mitigation proposed is ultimately self-sustaining (i.e., no maintenance, planting, watering, or weeding required, as this is still considered the installation period) and the population has a positive population trend, for a minimum of 15 years. This recommendation for 15 years is based on the time needed to get a clear population trend for Gaviota tarplant, an annual plant species supported by a seed bank. With annual plant species, the number of individuals present above-ground from one year to the next varies dramatically, depending on factors such as the amount of rainfall, timing of rainfall, and temperature regimes during critical stages of germination and seedling growth. For example, Rindlaub (1998) reported that in 1995 and 1997, Gaviota tarplant was not abundant at the locations it was known to occur at the time (USFWS, 2011). There are some years when patches may contain few to no individuals (Howald 1989), but a seed bank likely persists in the soil.

Comment #6: Groundwater Assessment

Issue:

1) The SEIR indicates that the Project is underlain by a shallow, local aquifer, with average depth to water at 7 feet below ground surface. The SEIR indicates that "[l]ow producing wells in the Project area provide ranchers with a minimal amount of water supply for domestic use and cattle grazing operations. No irrigated agriculture occurs on the SWEF [Strauss Wind Energy Facility] site." The Project proposes to use 20 gallon per minute (GPM) of well water for operations with an estimated lowering of the water table (annual average) of 1 foot. The SEIR appear to only analyze groundwater drawdown in relation to existing 50-foot-deep well heads, without addressing how Project use of groundwater will affect habitat or how the seasonal variation may be affected during dry seasons with pumping.

2) The SEIR includes an alluvial well as an alternative to the proposed groundwater pumping location. This well is located in a broad drainage swale approximately 2,500 feet northeast of the San Miguelito Road and Sudden Road intersection (Figure 2 of the SEIR). The existing alluvial well is located in a channel, and the SEIR indicates there is surface water 1,000 feet upstream of the well and 500 feet downstream of the well. CDFW is concerned with the placement of a new well in a stream due to potential stream dewatering from the well's subsurface cone of depression.

3) The SEIR also indicates that "[t]he upper Gaviota-Sacate sandstone does feed a few springs in the project area. One spring visited during site reconnaissance had been developed for stock water with an EC measuring 620 µmhos/cm. A second spring visited was not flowing but there was vegetative evidence of seeps. These springs emanate from an indurated and locally coarser grained sandstone bed that is above the alluvial valley floor. To tap the spring zone, a well would need to be drilled on the ridge above the valley floor at a distance of roughly 4,000 feet from the O&M site". Based on the information presented in the SEIR, it is not clear if pipelines and/or transmission of water from wells to the Project were included in the impacts to biological resources. **4.13**

Specific impacts: The presence of extremely shallow ground water at 7 feet indicates the local water table supports surface vegetation. Phreatophytes, plants with root systems that obtains water from near the water table, on the Project site could be affected by even the 1-foot average draw down predicted by operational use of well water. For example, local shrubs such as California sage (*Artemesia tridentata*) have been documented as having a maximum rooting depth of 9.84 feet and California buckwheat has been documented as having more than 4 feet (https://groundwaterresourcehub.org/gde-tools/gde-rooting-depths-database-for-gdes/).

Installing new wells or increasing the production (duration or volume) of pumping is known to create a subsurface cone of depression. The cone of depression is a local lowering of the water table in response to the pumping action. The land area above a cone of depression is called the area of influence. Groundwater flows towards the well into the cone of depression, which can change the natural direction of groundwater flow within the area of influence around the well. If the cones of depression for two or more wells overlap, there is said to be well interference. This interference reduces the water available to each of the wells. The cone of depression from a

well might extend to a nearby stream or lake. This lowers the water table below the stream or lake level. As a result, the stream or lake begins to lose water to the groundwater aquifer near the well. This is known as induced recharge.

Streams and wetlands can be completely dried up by induced recharge from well pumping. The Oregon Water Resources Department considers wells within 0.25 miles of a stream to have a potential effect on stream flow (Raymond, Jr., 1988). Other sources state streams within a few miles can be affected as well (Penn State University, https://www.e-education.psu.edu/earth111/node/929).

Why impacts would occur: Shallow groundwater directly supports plants whose roots grow to the water table depth. Higher concentrations (sub saturation) soils occur in the area above the saturation point in the vadose zone. Deeper rooted plant roots also serve as a conduit that redistributes water around the local soil (soil hydraulics) thereby increasing the general moisture content of the soil above the groundwater saturation zone, supporting shallower-rooted plants. Removing habitat or altering the groundwater levels can change the "soil hydraulics" or redistribution of moisture in the root zone (Meinzer, 2004).

As long as the stream is hydraulically connected to groundwater [whether gaining or losing], lowering of groundwater levels results in an increase in leakage from the stream (i.e., a depletion in surface flows). When a well or group of wells begins to pump, all pumped water comes from reduction of groundwater storage. As the cone of depression moves and intersects streams, lakes, and springs, the pumped water is increasingly supplied by streamflow depletion. This happens by reducing outflows from the aquifer to these surface water features and/or inducing inflows from these features to the aquifer. Near-stream pumping wells may be particularly problematic from the perspective of stream depletion management. Such wells may approach a nearly direct depletion of stream flow and may do so with relatively little drawdown. Such near stream wells require special analysis to determine what, if any, impacts habitat and stream surface and subsurface hydrology (Hall, 2018).

4.13 *cont.*

Evidence impacts would be significant: Pumping of groundwater wells often creates a cone of depression around the wellhead. This cone of depression can result in aquifers (that once contributed to surface waters) draining surface waters and reducing instream flows. It can also alter the "soil hydraulics" or redistribution of moisture in the root zone (Kibel, 2018; Meinzer, 2004). Groundwater diversions affecting groundwater dependent habitat not included in specially protected areas is covered by the Public Trust Doctrine (Fish & Game Code, §§ 711.7, subdivision [a] & 1802).

Project water use may result in impacts to vegetation density (e.g., reduced tree canopy, reduced understory) and plant composition (e.g., shifts in vegetation type, such as herbaceous species to shrub species) from changes in groundwater levels from Project wells. Habitat loss (e.g., downed trees) and habitat fragmentation may also be detectable and could result from Project-related changes in groundwater levels. Surface water at seeps and springs, rivers and streams, or wetlands can also decrease in surface area and extent in response to lower groundwater levels. Visually detectable declines in the health of terrestrial vegetation, such as reduced tree canopy, reduced understory, shifts in vegetation type, tree mortality, and habitat fragmentation, could also result from degraded water quality. Degraded water quality due to nutrient loading from groundwater discharge may result in visible algal blooms on surface water bodies. River or stream reaches may also become narrower or drier for longer periods due to

depletions of surface water. The ecosystem services provided by groundwater supported habitat include water purification, soil preservation, carbon sequestration, flood risk reduction, and recreational opportunities. When groundwater is unsustainably managed, ecosystems can suffer, compromising these public benefits and the economic opportunities they provide (Rohde, 2018).

Recommended Potentially Feasible Mitigation Measure(s): **4.13** *cont.*

Mitigation Measure #1: CDFW recommends the SEIR include a detailed analysis about the direct and cumulative effect of any proposed pumping of groundwater to the existing surface habitat. This should include seasonal/monthly data. Wells that do not lower groundwater levels that support stream, wetland, riparian, phreatophytic vegetation, listed plant species, or other habitat dependent on shallow groundwater should be incorporated into the Project. All wells should have a monitoring system including to track and management water withdrawal to avoid/minimize impacts to groundwater dependent vegetation.

Comment #7: Power Lines

Issue: California Public Utilities Commission (CPUC) Fire-Threat Map Adopted by CPUC January 19, 2018, identified the Project area as being in the "elevated risk" fire category. According to the CPUC website "[s]everal of the worst wildfires were reportedly ignited by overhead utility power lines and aerial communication facilities in close proximity to power lines" (https://www.cpuc.ca.gov/firethreatmaps/)

Specific impact: Fires resulting from power lines typically occur during Santa Ana wind events. High wind-driven fires tend to burn at a much higher intensity than non-wind driven fires. High intensity vegetation burn areas do not display good recovery of vegetation. Occurrences of Gaviota tarplant as well as all other sensitive plants, animals, and vegetation communities located on the Project site are at risk of impact from high intensity, wind driven fires potentially started by power lines associated with the Project.

Why impact would occur: The mitigation contained in the CPUC's analysis of recent power company started fires is to cut power delivery during high-wind events. CDFW is concerned that the Project's priority to generate electricity through high winds would prevent the shutting off power generation at the Project site during wind events deemed a moderate to high fire threat. **4.14**

Evidence impact would be significant: Southern California shrubland habitats are resilient to specific fire frequencies and intensities. More frequent fires, higher intensity fires, and/or unnaturally short fire return intervals can result in the replacement (type conversion) of native communities. In many areas, fires are occurring more frequently or at a higher intensity than they would naturally, often leading to type conversion from native habitat to a vegetation community dominated by invasive weeds.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends placing all power lines underground, following existing road right of ways where possible. The SEIR should also include an alternative that undergrounds all or portions of power lines to reduce the risk of fire created by the Project.

Ms. Kathy Pfeifer
Santa Barbara County Planning and Development
Page **19** of **28**
June 14, 2019

Comment #8: Impacts to Bats

Issue: A review of CNDDB indicates that multiple bat species that are SCC are found on the Project site, including the following: silver-haired bat (*Lasionycteris noctivagans*), western mastiff bat (*Eumops perotis californicas*), pallid bat (*Antrozous pallidus*), western red bat (*Lasiurus blossevillii*), and hoary bat (*Laruirus cinereus*). CDFW is concerned with potential impacts to both bird and bat species from utility-scale renewable energy, such as the proposed Project.

Specific impact: Utility-scale renewable energy presents a variety of potential effects to avian species such as bats including, but not limited to, direct and indirect effects of loss of foraging habitat, loss of breeding habitat, direct mortality, increased anthropogenic pressures, and navigational disruptions during migration.

Why impact would occur: The construction of towers, pad and road clearing, and staging of equipment along the Project alignment are likely to lead to loss of foraging and breeding habitat for bats, and direct mortality to bats resulting from direct strikes with WTGs.

Evidence impacts would be significant: Project impacts may result in substantial adverse effects, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. Adverse impacts to bats may occur because the measures provided do not condition the Project to implement take avoidance surveys prior to operations, including, but not limited to, ground and vegetation disturbing activities. Take of special status bat species could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065). In addition, bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish and Game Code § 4150, California Code of Regulations § 251.1). **4.15**

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW concurs with SEIR mitigation measures BIO-10 and MM BIO-16 requiring the development of a bird and bat conservation strategy. CDFW recommends that CDFW staff are involved early in the strategy development in order to provide comments.

Mitigation Measure #2: For any Project activities that will result in the removal of trees, buildings, or other occupied habitat for any species of bat, CDFW recommends avoidance of these areas.

Mitigation Measure #3: If bats cannot be avoided by Project activities and a bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling the tree with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree should be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly. The bat specialist should determine the optimal time to disturb occupied bat habitat to maximize bats escaping during low light levels. Downed trees should remain in place until they are inspected by a bat specialist. Trees that are known to be bat roosts should not be sawn-up or mulched immediately. A period of at least 24 hours (preferably 48 hours) should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of

buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.

4.15 *cont.*

Mitigation Measure #4: CDFW recommends that the Project include measures to ensure that bat habitat remains available for evicted bats or loss of bat habitat resulting from the Project, including information on the availability of other potential roosts that could be used by bats within protected open space on or near the project site.

Comment #9: Impacts to Tricolored Blackbird (*Agelaius tricolor*)

Issue: Based on an April 17, 2018 field meeting, the presence of wetlands and suitable habitat on the Project site indicates the need to conduct surveys for tricolored blackbirds (*Agelaius tricolor*), a state listed threatened species. As recommended in our August 18, 2018 NOP comment letter, CDFW recommended conducting focused surveys for tricolored blackbirds and incorporating the results into the SEIR. It appears that no current survey information for this species has been provided.

Specific impacts: Ground-disturbing activities from grading and filling, water diversions and dewatering would physically remove or otherwise alter existing streams or their function and associated riparian habitat on the Project site. Downstream areas and associated biological resources beyond the Project development footprint may also be impacted by Project-related releases of sediment and altered watershed effects resulting from Project activities. The Project will remove habitat and likely result in the loss of foraging and nesting habitat for sensitive bird species, including tricolored blackbirds. The placement of towers, access roads, and associated machinery could also lead to diminished habitat in both quantity and quality for tricolored blackbirds.

Why impact would occur: Impacts to tricolored blackbird could result from vegetation clearing and other ground disturbing activities. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable nesting and foraging habitats. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

4.16

Evidence impact would be significant: Project impacts may result in substantial adverse effects, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. Adverse impacts to tricolored blackbird may occur because the measures provided do not condition the Project to implement take avoidance surveys prior to operations, including, but not limited to, ground and vegetation disturbing activities.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW again recommends conducting focused surveys for tricolored blackbirds and incorporating the results into the SEIR. The omission of current survey information on tricolored blackbird may significantly underestimate the proposed impact to listed species in the SEIR and create a consistency/adequacy issue where CDFW is acting as a Responsible Agency with related CEQA actions. Prior to initiation of construction within or adjacent to suitable nesting habitat, a CDFW-approved biologist with experience surveying for and observing tricolored blackbird shall conduct preconstruction surveys in accordance with

established protocols to establish use of nesting habitat by tricolored blackbird colonies. Surveys will be conducted within and adjacent to suitable habitat, where access allows, during the nesting season (generally March 15 to July 31). If a nesting colony is found, no activity shall occur within a 500-foot buffer of the colony until a qualified biologist determines and CDFW confirms that all chicks have fledged and are no longer reliant on the nest site.

4.16 *cont.*

Mitigation Measure #2: If take of tricolored blackbird would occur from Project construction or operation, state incidental take authorization under CESA would be required for the Project. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to state-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of state-listed species.

Comment #10: Impacts to El Segundo Blue Butterfly (*Euphilotes battoides allyni*)

Issue: The El Segundo blue butterfly (ESBB), a federally endangered species, was observed near the proposed Project site in 2005 (LWEP FEIR) around Tranquillon Peak and an adjacent ridge. The proposed Project has potential to impact this species through loss of habitat and/or direct mortality.

Specific Impacts: The host plant for El Segundo blue butterfly is sea cliff buckwheat (*Eriogonum parvifolium*), which is found in the middle of the south end of the Project site. According to the LWEP FEIR, there are an estimated 30.9 acres of habitat on the Project site containing the ESBB host plant. Grading for the access roads and construction of WTGs could lead to a loss of sea cliff buckwheat and other El Segundo blue associated habitat and/or direct impacts to the species.

Why impacts would occur: Impacts to El Segundo blue butterfly could result from vegetation clearing and other ground disturbing activities. Project disturbance activities could result in mortality or injury to larvae and adults, as well temporary or long-term loss of suitable nesting and foraging habitats.

4.17

Evidence impacts would be significant: Project impacts may result in substantial adverse effects, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. Adverse impacts to El Segundo blue butterfly may occur because the measures provided in the SEIR (MM BIO-13) do not condition the Project to implement take avoidance surveys prior to operations, including, but not limited to, ground and vegetation disturbing activities.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Prior to initiation of construction within or adjacent to suitable habitat, a CDFW-approved entomologist should conduct directed protocol surveys for the El Segundo blue butterfly during the flight season (approximately mid-June to August) within all areas of coast buckwheat known on the Project site, including areas that would be affected by construction, operation, or maintenance of the project. The surveys should include a description of methodology, description and maps of the surveyed areas, and identification of locations of

any el Segundo Blue butterflies observed within the proposed Project area (including maps and GPS coordinates). The sites where El Segundo blue butterflies are located should be described by the entomologist, including vegetation, soils, exposure, and other factors that may influence the occurrence of species at that site. If El Segundo blue butterfly is detected, occupied areas should be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during Project construction with USFWS and CDFW contacted immediately for further direction.

Mitigation Measure #2: All suitable habitat for the El Segundo blue butterfly that will be permanently or temporarily impacted by the Project should be replaced/restored in consultation with USFW and CDFW. Revegetation and restoration of suitable habitat should include the use of coast buckwheat that is salvaged from the site or native to the local area. All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by USFWS and CDFW, prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands pursuant to Assembly Bill (AB) 1094 (2012), which amended Government Code sections 65965-65968. **4.17** *cont.*

Comment #11: Impacts to Raptors

Issue: Based on the location and habitats of the Project site, several raptors species are likely to occur on-site, including the state fully protected white-tailed kite. The Project site and surrounding areas are known habitat of the federally and state listed endangered and state fully protected California condor as well as the state fully protected golden eagle and American peregrine falcon. Also, State species of special concern burrowing owl has been observed using the Project site.

Specific impacts: The Project will likely result in the loss of foraging habitat for sensitive avian species. There is also high potential for bird mortality resulting from collisions with WTGs.

Why impacts would occur: Direct impacts include the loss of individual animals during construction and facility operation primarily as a result of (1) collisions by birds and bats with power line poles, lines, WTGs, and WTG blades and (2) vehicle strikes. The construction of towers, pad and road clearing, and staging of equipment along the Project alignment are likely to lead to loss of foraging and breeding habitat for raptors. Additionally, some tree trimming may be required in the vicinity of power lines. Indirect impacts during the operation and maintenance would be similar to those occurring during construction. **4.18**

Evidence impacts would be significant: Project impacts may result in substantial adverse effects, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. Adverse impacts to raptors may occur because the measures provided do not condition the Project to implement take avoidance surveys prior to operations, including, but not limited to, ground and vegetation disturbing activities.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW concurs with SEIR mitigation measure BIO-10 and MM BIO-16 for the need to prepare are bird and bat conservation strategy. CDFW recommends that CDFW staff are involved early in the strategy development in order to provide comments.
There may be some areas where raptors are more concentrated, particularly during migration. However, migratory flyways are not well understood. The following USFWS website provides guidelines to reduce risks to raptors and other birds that may be applicable to wind turbine projects: https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/communication-towers.php.

4.18 *cont.*

Mitigation Measure #2: CDFW cannot authorize the take of any fully protected species as defined by state law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). CDFW has advised the Permittee that take of any species designated as fully protected under the Fish and Game Code is prohibited.

Mitigation Measure #3: CDFW concurs with SEIR mitigation measure MM BIO-12, which requires surveys for burrowing owls, a State species of special concern, within all suitable habitat in the Project area. The measure includes a buffer of 300 feet of all Project facilitates. CDFW recommends the buffer be changed to 500 feet of all Project facilities. CDFW also recommends following the protocol surveys outlined in CDFW's March 7, 2012, *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012).

Comment #12: Impacts to Golden Eagle (*Aguila Chrysaetos*)

Issue: Based on Project location and habitat, the state fully protected golden eagle is highly likely to occur on the Project site. According to the LWEP FEIR, golden eagles are expected to be present on the site regularly. Nesting golden eagles have been reported in recent years in the vicinity of the Project, likely on Vandenberg Air Force Base. In addition, based on a December 20, 2018 field meeting, CDFW observed golden eagle within the Project site.

Specific impacts: The Project will likely result in the loss of foraging habitat for sensitive avian species. There is also high potential for bird mortality resulting from collisions with WTGs.

4.19

Why impacts would occur: Direct impacts include the loss of individual animals during construction and facility operation primarily as a result of (1) collisions by birds with power line poles, lines, WTGs, and WTG blades and (2) vehicle strives. The construction of towers, pad and road clearing, and staging of equipment along the Project alignment are likely to lead to loss of foraging and breeding habitat for raptors. Additionally, some tree trimming may be required in the vicinity of power lines. Indirect impacts during the operation and maintenance would be similar to those occurring during construction.

Evidence impacts would be significant: Project impacts may result in substantial adverse effects, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. Adverse impacts to golden eagle may occur because the measures provided do not condition the Project to implement take avoidance surveys prior to operations, including, but not limited to, ground and vegetation disturbing activities. CDFW cannot authorize the take

of any fully protected species as defined by state law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & Game Code, §§ 3511, 4700, 5050, 5515).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The SEIR should demonstrate how impacts to golden eagle and other fully protected species would be avoided by the Project. **4.19** *cont.*

Mitigation Measure #2: CDFW recommends the County conduct individual eagle point count and 10-mile helicopter nest surveys for all areas known to support eagles (https://www.fws.gov/southwest/es/oklahoma/documents/te_species/wind%20power/usfws_interim_goea_monitoring_protocol_10march2010.pdf). CDFW further recommends a minimum one-mile buffer be established from each nest known to be active within the last five years to further minimize the potential for impacts and avoid take of the species. In addition, it is important the eagle nest data be comprehensive to the County and should be updated regularly to maximize avoidance to golden eagles.

Mitigation Measure #3: CDFW has advised the Permittee that take of any species designated as fully protected under the Fish and Game Code is prohibited.

Comment #13: Impacts to Passerine Birds

Issue: The *Biological Resources Report for the Antelope Expansion 1B Solar Project, Los Angeles County, California (SWCA, 2018)* indicates that loggerhead shrike (*Lanius ludovicianus*), a state SSC, was reported on site.

Specific impacts: Construction during the breeding season of nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment.

Why impacts would occur: Impacts to passerine birds could result from vegetation clearing and other ground-disturbing activities. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable nesting and foraging habitats. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment. **4.20**

Evidence impact would be significant: The loss of occupied habitat or reductions in the number of rare species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Furthermore, nests of all native bird species are protected under both federal and State laws and regulations, including the Migratory Bird Treaty Act and California Fish and Game Code sections 3503 and 3503.5, respectively.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The SEIR includes mitigation measure BIO-8 and MM BIO-12 to reduce impacts to nesting birds. CDFW concurs with these measures and recommends consultation with CDFW staff if the 500 foot buffer is recommended to be reduced.

Comment #14: Impacts to Unarmored Threespine Stickleback (*Gasterosteus aculeatus williamsoni*)

Issue: As indicated in the Hydrology/Water Quality section of the SEIR, the Water Resources section of the LWEP EIR determined that the Project would result in significant impacts regarding flood hazards, water quality, groundwater, drainage, and stormwater runoff. Table G-6 (*Summary of Road Crossings and Culvert Sizes*) of the *Strauss Wind Energy Project Conditional Use Application Tab G: Project Description (Sapphos Env. Inc., April 2018)* provides a summary of 8 road crossings over drainage channels. CDFW is concerned that some of these crossings could damage the habitat and water quality found along Cañada Honda Creek, on the west end of the property. According to CNDDB, there are numerous historical records of unarmored threespine stickleback, a state fully protected species, in the Cañada Honda Creek. Except as provided in the Fish and Game Code (e.g., for necessary scientific research), take of any fully protected species is prohibited and cannot be authorized by the Department (Fish & Game Code, § 5515 and § 3511).

Specific impacts: The Project may result in the loss of streams, associated watershed function, and biological diversity that could directly or indirectly impact the local population of unarmored threespine stickleback. **4.21**

Why impacts would occur: Ground-disturbing activities from grading and filling, water diversions and dewatering would physically remove or otherwise alter existing streams or their function and associated riparian habitat on the Project site. Downstream areas and associated biological resources beyond the Project development footprint may also be impacted by Project related releases of sediment and altered watershed effects resulting from Project activities.

Evidence impacts would be significant: The Project may substantially adversely affect the existing stream pattern of the Project site through the alteration or diversion of a stream. Which absent specific mitigation, could result in substantial erosion or siltation on-site or off-site of the Project. CDFW cannot authorize the take of any fully protected species as defined by state law. State fully protected species may not be taken or possessed at any time, and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW has advised the Applicant that take of any species designated as fully protected under the Fish and Game Code is prohibited.

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Public Resources Code, § 21089). **4.22**

Conclusion

We appreciate the opportunity to comment on the Strauss Wind Energy Project to assist the County of Santa Barbara in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, §15073[e]). If you have any questions or comments regarding this letter, please contact Dan Blankenship, Senior Environmental Scientist (Specialist), at (661) 259-3750 or Daniel.Blankenship@wildlife.ca.gov. **4.23**

Sincerely,

Erinn Wilson
Environmental Program Manager

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Response to Erinn Wilson

4.1 The County understands that the Applicant is currently consulting with the CDFW to obtain incidental take authorization pursuant to the California Endangered Species Act (CESA). Responses to specific comments including comments regarding Gaviota tarplant and recommended mitigation follow.

4.2 The Applicant provided further clarification on the proposed leach lines[6]. The O&M Facility waste would be disposed of through a proposed leach line septic system. Leach lines are subsurface wastewater disposal facilities used to remove contaminants and impurities from the liquid that emerges after anaerobic digestion in a septic tank. Organic materials in the liquid are catabolized by a microbial ecosystem. The drain field typically consists of an arrangement of trenches containing perforated pipes and porous material (often gravel) covered by a layer of soil to prevent animals and surface runoff from reaching the wastewater distributed within those trenches. The septic tank and leach lines would be located just north of the O&M building and would be identified on Project plans. The Applicant informed the County that no alternative or specific avoidance and minimization measures were discussed with CDFW for this Project component. According to the original Gaviota tarplant survey data incorporated in the Draft SEIR analysis, and new Gaviota tarplant location data from 2019 surveys provided to the County[7], the leach line location is not within or adjacent to any

[6] Email communication from Daniel Duke, BayWa r.e. to Kathy Pfeifer, Santa Barbara County Planning & Development dated July 18, 2019.

[7] Dudek. 2019. Pre-construction Botanical Surveys for the Strauss Wind Energy Project. Prepared for Strauss Wind, LLC. – see Appendix C-9

mapped occurrences of Gaviota tarplant. The nearest occupied Gaviota tarplant habitat is about 100 feet west of the proposed O&M site. The leach line would be about 100 to 200 feet from the Gaviota tarplant location. Therefore, the County concludes that the potential impacts to Gaviota tarplant suggested by CDFW, including invasive ant establishment, overgrowth of weeds, and changes to soil hydrology are unlikely and alternatives to the proposed leach lines are unnecessary.

4.3 The commenter believes that the field dates of the vegetation mapping indicated in Table 4.5-1 (Summary of Surveys Conducted on the Site) were late in the season and may have resulted in plant misidentifications and perhaps incorrect vegetation classification. Vegetation mapping and classification in shrublands and woodlands is based on conspicuous and common plants that may be identified at any time of year. The date of the field surveys would not affect its accuracy. Vegetation mapping in grassland or other herbaceous communities may rely on season due to the seasonal nature herbaceous plants. The only herbaceous vegetation types for which this comment is relevant are the grasslands and forb-dominated types. The 2018 mapping revision was based on detailed quantitative late spring field effort that followed earlier spring season identification of potential native grassland locations. These field surveys were conducted at the appropriate time of year for mapping and classifying all vegetation types on the Project site.

4.4 The comment addresses Gap Area Survey Results (Appendix C-5), where biological surveys were conducted late in 2018 to supplement prior field work. The comment expresses concern similar to Comment 4.3, regarding season of the field work and plant identification. Please see response to Comment 4.3. As recommended in the comment, the vegetation mapping used 10 percent or greater cover of native grass species as a lower threshold for mapping native grassland stands (summarized in SEIR Appendix C, Table 6, Native Grassland Assessment Results). Additionally, based on the detailed quantitative vegetation mapping approach taken by the applicant's consultant for herbaceous vegetation, the County is confident that the gap area surveys provide a suitable basis for evaluating Project impacts to these vegetation types. The 2018 surveys identified in the table and described in Section 4.5.1.2 (Vegetation and Habitats) were themselves updates and revisions to prior vegetation mapping first completed in 2008, then revised during spring 2017 and winter 2018 field work (please refer to Draft SEIR Appendix C-1, Biological Resources Technical Report [BRTR], page 4-21, Section 4.2.6 [Plant Community Mapping]). The purpose of the 2018 vegetation mapping (see Draft SEIR Appendix C-3, BRTR Addendum No. 2, Section 2.2.1 Vegetation Communities and Habitat Mapping) was to refine the prior maps. Much of the previously identified non-native grassland was remapped as native grassland (Final SEIR Table 4.5-3 and Figures 4.5-1a and 4.5-1b). The 2018 mapping revision was based on detailed quantitative late spring field effort that followed earlier spring season identification of potential native grassland locations. The field approach described in SEIR Appendix C-2 properly distinguished grassland types and provides a suitable basis for evaluating Project impacts to these vegetation types.

4.5 Vegetation mapping was conducted along the transmission line within a previous iteration of the route, and the current transmission line disturbance footprint has been mapped. Please see Figure 4.5-1b (Vegetation), Section 4.5.1.2 (Vegetation and Habitats), and Table 4.5-3 (Impacts to Vegetation and Landforms). Section 4.5.1.2 (Vegetation and Habitats) of the SEIR has been revised to clarify the vegetation mapping along the transmission line.

4.6 CDFW's recommendation to require white FAA lighting with longest possible duration has been added to MM BIO-15b.

4.7 The comment addresses Gaviota tarplant. It summarizes background information from online sources and USFWS and CDFW records. The comment states that "the Project proposes to impact the entire Tranquillon Mountain / Sudden Peak population of Gaviota tarplant except for approximately 12 acres and 202 plants outside of the Project's footprint" and later states that the CDFW's interpretation of impacts includes both direct and indirect impacts. While the entire Tranquillon Mountain / Sudden Peak population is within the SWEP site, only a small portion of the population would be directly impacted by the Project (including permanent direct impacts for new land uses and temporary impacts during Project construction, that would be subject to revegetation identified as mitigation in the Supplemental EIR). The SEIR describes indirect impacts but does not quantify them.

The comment emphasizes Gaviota tarplant counts (see response to comment 4.9 regarding numbers of annual plants) and it does not indicate how it arrived at its estimated acreage of indirect impacts. The comment goes on to name several potential indirect impacts, and briefly describe four of them: isolation/ fragmentation, pollination, surface hydrology, and heat island effect.

The comment's claim regarding extent of the Project's impacts does not distinguish between direct and indirect impacts and thus may leave the reader with a mistakenly exaggerated understanding of the actual impacts. In fact, more than 87 percent of the Gaviota tarplant habitat is outside the project footprint. The Project's impacts to Gaviota tarplant are described in SEIR Section 4.5.4.2 under Impacts BIO-5a (Construction Impacts to Gaviota Tarplant) and BIO-5b (O&M Impacts to Gaviota Tarplant). Impact acreages to Gaviota tarplant occupied habitat have been updated in the Final SEIR to include cumulative results of all field surveys reported, including Dudek's 2019 surveys (Appendix C-9), increasing the total occupied acreage on the Project site from 192 acres to 207 acres. In addition, Project impact acreage has been revised to incorporate the most recent Project disturbance area, slightly reducing the total impact area. The proposed Project would have 26.33 acres of permanent impacts to Gaviota tarplant occupied habitat, or 12.7 percent of the 207 acres of total known occupied habitat on the site. Additional temporary direct impacts to occupied habitat were calculated as 0.01 acres. Project facilities such as roads or turbines would be located within most of the mapped Gaviota tarplant polygons within the site (see Draft SEIR Figure 4.5-4a, Special-Status Plant Survey Results). The comment seems to include 100 percent of the area of each affected polygon, regardless of the distance from proposed Project facilities, in its estimate of total directly and indirectly affected habitat. The apparent assumptions within the comment's estimate of indirect impact area, especially as to the implied severity and distance of these indirect effects from the actual project activities, may cause readers to misunderstand the environmental effects of the proposed Project.

The SEIR properly addresses indirect impacts to Gaviota tarplant by summarizing the LWEP Final EIR assessment and incorporating it by reference. The LWEP Final EIR (Section 3.5.7.3 Project Impacts, under Impact Bio-5, Gaviota Tarplant) described the direct and indirect impacts of construction and O&M to Gaviota tarplant. That analysis addresses fragmentation and pollinators, and points out evidence of Gaviota tarplant's disturbance tolerance (see also Comment 10.77 footnote 52 and citations therein). By their nature, indirect impacts tend to be more substantial immediately adjacent to a work site or facility, and their importance declines with increasing distance. These impacts cannot be quantified in terms of acreage, but are far less important than direct impacts even immediately adjacent to the Project footprint and decline in importance over short distances. The great majority of Gaviota tarplant habitat on the site would be subject to little or no indirect Project disturbance.

Regarding isolation and fragmentation, the comment states that the project may affect "every occurrence of Gaviota tarplant on the Project [site] over time, (indirectly) and cumulatively. Direct, indirect, and cumulative impacts to Gaviota tarplant are properly addressed in the SEIR in the sections cited above and in Section 4.5.5 (Cumulative Effects). The comment notes that project facilities (mainly roads) often would bisect occupied Gaviota tarplant occurrences. The Gaviota tarplant distribution on the site as mapped in 2018 and presented in the Draft SEIR consists of 103 separate groupings or patches. About 34 of these patches are large enough to be depicted on Figure 4.5-4a. About 14 are contiguous patches of roughly one acre to several dozen acres, and about 20 are smaller, some only a few hundred square feet. Many other patches are smaller still and cannot be seen on the figure. In the existing patchy Gaviota tarplant distribution, gaps between occupied habitat patches are often several hundred feet and in one case about 2,000 feet. Project access roads crossing occupied Gaviota tarplant habitat would be 22 to 40 feet wide (SEIR Section 2.5.9, On-Site Access Roads). More recent Gaviota tarplant survey results are mapped at a finer scale (see Final SEIR Figure 4.5-4c) but the overall patchy distribution with gaps between occupied patches are commonly larger than gaps that would result proposed access roads or WTG sites. In the context of the plant's existing patchy distribution, these roads and pad sites would not cause significant isolation or fragmentation effects to Gaviota tarplant beyond those evaluated in the SEIR.

The comment states that Gaviota tarplant occurrences would be "surrounded by structures and edge disturbance." To the contrary, the proposed Project consists only of 30 wind turbines and a few other structures. A limited amount of "edge disturbance" would occur along roadways and adjacent to facilities, but would consist only of project O&M activities. Other than this, no land use change is proposed for the site. Existing open space and agricultural practices would remain and the edge effects that are caused by new residential/commercial land uses would not occur.

Regarding pollination, the comment cites research regarding effects of eliminating pollinator habitat within 1,000 meters of plants, and that habitat degradation may affect pollinator abundance. The proposed project would eliminate small patches of potential insect habitat, as shown by the proposed Project footprint on Figure 4.5-4a, but would leave the vast majority of surrounding habitat undisturbed. No Gaviota tarplant occurrences would be isolated from pollinator habitat and surrounding land uses would remain unchanged. Habitat isolation, fragmentation, or degradation on the scale of the cited literature would not occur, and these potential indirect impacts would not cause significant effects to Gaviota tarplant beyond those evaluated in the SEIR.

4.8 The comment states that "all but 5 percent of the Tranquillion / Suden Peak Gaviota tarplant population" would be affected. This statement reiterates the earlier evaluation by assuming indirect impacts would be more severe and extend further than supported by available information, including the citations in the earlier comment. Please see response to Comment 4.7. The comment addresses potential effects on Gaviota tarplant's adaptation or persistence in response to climate change, claiming that only the the Santa Ynez Mountains population would persist if the low-elevation coastal populations are lost. The comment concludes that the indirect effects discussed in Comment 4.7 would potentially cause the entire Tranquillon Mountain / Sudden Peak population to be extirpated. In fact, more than 87 percent of the Gaviota tarplant habitat is outside the Project footprint. No Gaviota tarplant occurrences would be significantly fragmented or isolated from pollinator habitat, and the surrounding land uses would remain unchanged. The comment presents no evidence that Tranquillon Mountain / Sudden Peak population would not persist under future climate change scenarios.

The comment names several conservation considerations for Gaviota tarplant, paraphrased and addressed individually below. The proposed Project and recommended mitigation are consistent with these considerations.

- Protection and management of existing populations. Mitigation Measures BIO-5 (Pre-construction Rare Plant Surveys and Restoration) and BIO-6 (Gaviota Tarplant Disturbance) specify on-site management, on-site or off-site compensation, as well as other measures that are consistent with protecting and managing existing Gaviota tarplant occurrences.
- Maintenance of sufficient habitat area size. As described above, extensive occupied habitat and surrounding open space would remain on the Project site, consistent with this consideration.
- Protection of substrate, connectivity, and gene flow. As described above, extensive occupied habitat and surrounding open space would remain on the Project site, leaving substrates unchanged, minimizing habitat fragmentation, and presenting little or no interruption to potential gene flow (pollinators or seed dispersal).
- Adjacent suitable habitat for vegetative reproduction and population expansion. Adjacent habitat would remain unchanged; it is unclear whether Gaviota tarplant can expand into these areas or, if so, why it would not currently occupy them. As an annual species, Gaviota tarplant does not reproduce vegetatively.

The comment describes a "future open space area that would be surrounded by future development, trails, and irrigated slopes" pointing out that such an area would be substantially compromised in terms of its habitat value. The comment goes on to cite edge effect research indicating that relatively small habitat patches suffer ecological degradation. The comment mentions a variety of adverse direct and indirect effects of residential and commercial development including non-native Argentine ants and irrigated slopes. This comment appears to be wholly unrelated to the proposed Project, instead referring to some other project involving small set-aside areas in an urban landscape. Instead, the proposed SWEP would affect only a small proportion of a large open space area, and the existing open space and agricultural practices would remain. The edge effects that are caused by new residential/commercial land uses would not occur.

Regarding pollination, the comments states that Gaviota tarplant is self-incompatible, names types of pollinators, and notes the flight distances of some pollinators (100 to 500 m [330 to 1,640 ft] for some flies and at least 1,000 m [3,280 ft] for some bees). The proposed Project features (roads and turbine sites) are smaller than these pollinator flight distances and would not interrupt insect movement. The comment presents no evidence that the proposed Project could adversely affect Gaviota tarplant pollination. Please also refer to response to Comments 10.77 and 10.78 regarding pollination.

The comment speculates that habitat impacts could affect surface hydrology, by altering moisture availability in the root zone. The applicant indicates that most sections of road that would impact Gaviota tarplant occupy ridgetops where runoff is expected to flow laterally away from both sides of the road. Thus, no effects to overland sheet flow are expected in these areas. The road design will allow for sheet flow across the road where the road occupies a mid-slope position to maintain sheet flow into and between Gaviota tarplant areas. The comment presents no evidence that surface water effects could affect Gaviota tarplant and no significant impacts are expected.

The comment indicates that heat island effects could affect pollination and flowering times for some plants and infers that Gaviota tarplant could be similarly affected. Heat island effect is an urban phenomenon resulting from dense concentration of rooftops, paved surfaces, and other development. The proposed Project is not expected to cause any heat island effect and the comment presents no evidence that it could.

The comment recommends a series of new analyses and conservation measures, addressed in the following bullets.

- Analysis of the proposed Project's impacts to Gaviota tarplant throughout its range, evaluation of potential Project impacts on its "long-term persistence as a species," including impacts to "stable, healthy, higher-elevation populations… that would not be at risk from climate change, including sea level rise…." The project's impacts to Gaviota tarplant would be limited to the impacts identified and described in the SEIR, including the direct, indirect, and cumulative effects described in responses to comments above and Comment Set 10. Long-term persistence of the species in light of global climate change is beyond the scope of the SEIR. It is not reasonable nor practical to expect a lead agency to engage in new scientific study, especially given the timeframe articulated in the State CEQA Guidelines for preparing an EIR. (State CEQA Guidelines § 15108). The commenter is referred to the USFWS 5-year review of Gaviota tarplant (2011) cited elsewhere in the comment letter for further detail. More than 87 percent of the Tranquillon Mountain / Sudden Peak Gaviota tarplant population would be unaffected or minimally affected by the proposed Project and is expected to persist into the long-term future. Mitigation Measures BIO-5a (Construction Impacts to Gaviota Tarplant) and BIO-5b (O&M Impacts to Gaviota Tarplant) would reduce the proposed Project's impacts to Gaviota tarplant below a level of significance.
- An assessment of surface water flow. The comment recommends that drainage analysis should be disclosed. Please refer to surface water impacts provided earlier in this response to Comment 4.8. Additionally, please refer to SEIR Section 4.12, *Hydrology*. The comment presents no evidence that surface water effects could affect Gaviota tarplant.
- An "analysis with supporting evidence that the Project… facilities have been located to avoid or minimize impacts to Gaviota tarplant to the maximum extent practicable," and quoting the CEQA Guidelines regarding project alternatives. The requested information is not required by CEQA. Instead, the lead agency's responsibility is to evaluate the proposed Project and a reasonable range of alternatives, as provided in the SEIR. The lead agency need not evaluate all possible alternatives. Please refer to General Response GR-1: Reasonable Range of Alternatives.
- The comment recommends "conserving a buffer of 1,000 meters" around Gaviota tarplant occurrences pending a future pollinator study. The recommended requirement would not mitigate any potential significant impact of the proposed Project and thus is not within the scope of CEQA. The Project would not affect most habitat or land use surrounding the Gaviota tarplant occurrences. Further, the recommendation does not define the intent, scope, or duration of the pollinator study. The Project is not expected to affect Gaviota tarplant pollination or reproduction and the comment presents no evidence that it would. Please refer to text of this response above and response to Comments 10.77 and 10.78. The proposed additional mitigation is not adopted.

- The comment identifies Project design and conservation considerations that CDFW may consider in its evaluation under the California Endangered Species Act (CESA). Thank you for providing this additional information.

4.9 The comment states that impacts disclosed in the SEIR do not appear consistent with the ITP application data provided to CDFW on February 2, 2019. The County has requested updated information from the Applicant, who replied as follows: "Strauss Wind, LLC has been working to continue to refine the project design largely to further reduce the impacts of the project on resources (e.g., Gaviota tarplant) and is currently conducting additional pre-construction surveys, including for Gaviota tarplant, both of which will be folded into final permit authorizations with CDFW and final approvals with the County. All of the impacts are within the context of the Project Description and Impact analysis in the DSEIR." Since then, the Applicant has provided updated Gaviota tarplant surveys data (Appendix C-9 and Final SEIR Figure 4.5-4c). Differences between CDFW's impact estimates and the acreages identified in the Draft and Final SEIR may in part result from CDFW's approach to quantifying indirect impacts.

The comment states that it is unclear how the impacts disclosed in the SEIR correlate to the estimated individuals associated with a numbered occurrence. The County did not base its evaluation on numbers of plants at individual mapped occurrences. Instead, the SEIR analyzes Gaviota tarplant impacts in terms of occupied habitat. During 2018, the Gaviota tarplant population on the site was estimated at more than 4.5 million plants. But for annual plants, numbers are a poor metric for project impacts. As an annual species, Gaviota tarplant numbers fluctuate by orders of magnitude from one growing season to another, dependent on rainfall or other environmental considerations. Please also refer to the final paragraph of Comment 4.12 and the commenter's citations therein. Outside the growing season, its numbers fall to zero living plants. Regardless of the number of plants that may be present in any given year, the Project's impacts are evaluated in terms of occupied habitat (including all occupied habitat mapped in any year, where the County assumes that a viable seed bank is present and expects the tarplant to be present in some, if not all future years).

The comment indicates that "it is unclear" if the botanical surveys conducted on the site properly identified Gaviota tarplant (as opposed to other tarplant species). The possibility for misidentification was resolved during the 2019 field surveys (Appendix C-9). All Gaviota tarplant occurrences mapped in the 2018 and 2019 surveys (Final SEIR Figure 4.5-4c) are confirmed as proper identifications[8].

The comment cites acreages of permanent and temporary direct impacts to Gaviota tarplant of the LWEP presented in Table 4.5-2 (Table 4.5-2. LWEP Impacts and Mitigation Measures – Biological Resources), page 38 of the Draft SEIR and notes correctly that these acreages differ from the proposed SWEP impacts. It also notes differing acreages presented in Appendix C. The impacts to Gaviota tarplant presented in SEIR Section 4.5.4.2 (Proposed Project Impacts and Mitigation Measures) under Impact BIO-5a (Construction Impacts to Gaviota Tarplant) are based on the proposed Project footprint provided by the Applicant and analyzed in the SEIR. Note that the Project has undergone several refinements to the proposed grading plan, and the impacts cited in appendices to the SEIR correspond to a previous iteration. The impact acreages listed in Section

[8] Telephone communication between Kelly Schmoker (CDFW Botanist) and Scott White (Aspen Environmental Group), September 13, 2019.

4.5.4.2 reflect the current proposed site plan and reflect the most up-to-date information that has been provided to the County. Regarding the statement that impacts during operations and maintenance (i.e., BIO-5b, O&M Impacts to Gaviota Tarplant) would be "the same," the comment indicates that the acreage of impacts is not provided. Please note there is no acreage associated with O&M impacts for either the LWEP or SWEP. Acreages are provided under Impact 5a (Construction Impacts to Gaviota Tarplant).

The comment indicates that data provided by the Applicant to CDFW differs from data analyzed in the SEIR, and that maps provided to CDFW "appear to have several locations depicting Gaviota tarplant impacts that are not included in the SEIR impact analysis." As above (first paragraph of response to Comment 4.9), analysis in the SEIR is based on field data and the proposed Project footprint provided by the Applicant. The comment points out that inconsistency in impact acreage may be an "unreliable baseline" from which SEIR impacts are analyzed. The County has received updated information from the Applicant (see Appendix C-9 and Final SEIR Figure 4.5-4c). These data have been incorporated into Section 4.5, *Biological Resources*, of the Final SEIR analysis of impacts to Gaviota tarplant.

The comment states that accurate baseline data is needed to analyze Project impacts, that the SEIR's disclosure of impacts would not support CDFW's CESA requirement to "fully mitigate" impacts to the Gaviota tarplant and provides a brief explanation of its interpretation of "take" for its CESA review. The County recognizes that CDFW's permitting role under CESA and as a responsible agency commenting on the SEIR differs from the County's role as a CEQA lead agency. The SEIR analyzes and discloses impacts to Gaviota tarplant and identifies feasible mitigation for those impacts, supporting its conclusion that the impact would be mitigated to less than significant (Class II) under CEQA. The SEIR properly analyzes indirect impacts of the Project. The SEIR does not quantify these impacts and the County believes that the CDFW's effort to do so (in Comments 4.7 and 4.8) largely overstates the extent and severity of indirect impacts (please refer to the discussion of indirect impacts throughout responses to Comments 4.7, 4.8, and 4.9). The SEIR does not (and must not) assume the CDFW's CESA permitting role, to evaluate whether or not the "fully mitigate" standard is met. Insofar as the SEIR evaluates take of any plant or animal, it implicitly adopts the California Fish and Game Code definition: to "…hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." In the County's analysis, this definition would apply to direct impacts to Gaviota tarplant.

The comment concludes by recommending a new analysis of Gaviota tarplant impacts, to be based on updated baseline data, and that new Gaviota tarplant surveys should be conducted. Section 4.5, *Biological Resources*, of the Final SEIR presents a revised analysis of impacts based on these new data.

4.10 The comment reiterates earlier comments regarding indirect impacts to Gaviota tarplant, long-term viability of the population, verification of species identification. Please see responses to Comments 4.7, 4.8, and 4.9 above. The comment states that "inadequate avoidance, minimization, and mitigation measures for impacts … will result in [significant impacts, quoting from CEQA Guidelines checklist criterion IV.a.]" This determination is the responsibility of the CEQA Lead Agency, in this case, the County. The SEIR properly evaluates direct, indirect, and cumulative impacts to Gaviota tarplant, identifies feasible mitigation for those impacts, and concludes that these impacts would be less than significant with mitigation (Class II). The comment recommends an alternative project design to avoid certain Gaviota tarplant occurrences, referring to the Applicant's Incidental Take

Permit (ITP) application submitted to CDFW (pursuant to the California Endangered Species Act). The County has not been provided with the ITP application and cannot comment on that information. Regarding turbine siting as recommended in the comment, please refer to General Response GR-1 (Reasonable Range of Alternatives) which identifies multiple siting considerations and constraints including Gaviota tarplant occurrences. General Response GR-1 also discusses the complexity and multiple considerations involved in designing WTG layout design, the County's belief that a balance is needed between environmental impact and wind generation capacity, and the SEIR's focus on reducing significant environmental impacts through mitigation. In the case of Gaviota tarplant, potentially significant impacts are reduced to less than significant through Mitigation Measures identified in the Supplemental EIR and described in responses to comments 4.8 and 4.9. Finally, the comment recommends designating 1,000-meter (3,280 feet) buffer areas surrounding undisturbed Gaviota tarplant occurrences. The comment does not provide a basis for the recommended distance. However, newly recorded Gaviota tarplant occurrences at the northwestern Project site boundary near San Miguelito Road are roughly 1,000 meters from any proposed project disturbance areas (Final SEIR Figure 4.5-4c).

4.11 See the response to Comment 4.5 regarding vegetation mapping along the transmission line. Regarding sawtooth golden bush scrub, the Draft SEIR identifies this alliance as a sensitive community (see page 4.5-5: "California brittle bush scrub, Menzies's golden bush scrub, *sawtooth golden bush scrub*, and toyon chaparral are considered sensitive by CDFW." [Italics added for emphasis]). That same paragraph refers the reader to Appendix C-2, *Biological Resources Technical Report, Addendum No. 2,* in which communities and habitat mapping performed by the Applicant's previous consultant (Sapphos 2017 revised 2018) was updated to include the sensitive vegetation communities Menzies's golden bush scrub and sawtooth golden bush scrub. See also the response to Comments 4.3 and 4.4 regarding vegetation mapping. Therefore, the SEIR already includes an accurate and complete vegetation survey assessment and no revisions are required.

Regarding CDFW's recommendation that any lands proposed as mitigation to offset impacts to sensitive vegetation be preserved and managed in perpetuity under a conservation easement and managed by a qualified entity, this requirement has been added to MM BIO-3. The Applicant has not yet identified compensatory mitigation lands beyond the conceptual level, but are currently considering on-site locations that are outside of the development footprint. MM BIO-3 contains detailed requirements for restoration and compensatory mitigation. See Impact BIO-1a (Vegetation and Wildlife Habitat Impacts during Construction) for a discussion of how the proposed mitigation would reduce vegetation impacts to less-than-significant (Class II).

4.12 The comment addresses Mitigation Measure BIO-6 (Gaviota Tarplant Disturbance), stating that the measure does not identify compensation sites, restoration, or habitat management details. Please refer to response to Comment 10.106. These details need not be identified in the SEIR. Consistent with CEQA, Mitigation Measure BIO-6 specifies performance standards to objectively evaluate compliance with the measure. In some cases, the performance standards in the SEIR may be accomplished in more than one specified way (e.g., compensation or restoration). The Applicant has indicated that potential mitigation lands have not been identified to date "beyond the conceptual level" and that "all options considered to date are on-site."

Notwithstanding the commenter's view of rare plant restoration, nothing in the measure relies on an "experimental approach" to mitigate the identified impact because habitat compensation is feasible. Population restoration may be implemented in combination with compensation, or

compensation alone may be used to mitigate the impact. Regarding pollination, please refer to responses to Comments 10.76 through 10.78. The comment discusses translocating plants as a potentially infeasible approach; however, nothing in MM BIO-6 suggests translocation of Gaviota tarplant. Translocation is not a viable horticultural practice for an annual plant, although population restoration from seed is likely to be effective. The comment again emphasizes numerical measures of an annual plant population (please see response to Comment 4.9 and the commenter's closing paragraph in Comment 4.12 regarding the reasons for relying on acreage rather than numbers).

The comment incorrectly claims that the Draft SEIR analysis relies on future surveys to identify impacts and deferring the mitigation to future permits from other agencies. Instead, the impacts are identified and quantified in the Draft SEIR and updated in Section 4.5, *Biological Resources*, of the Final SEIR (see response to comments 4.7 through 4.9). Mitigation measures identified in the SEIR include consultation with the CDFW and USFWS to facilitate a complementary overall approach to mitigating the impact, but the significant impact itself would be mitigated through implementation of the identified mitigation. The measure, including consultation and permitting from other agencies, is fully consistent with CEQA requirements (please see response to Comment 10.106). The comment quotes from CEQA Guidelines regarding the lead agency's decision to prepare a negative or mitigated negative declaration. That citation is irrelevant to the SEIR; please refer to General Response GR-6 (Use of a Supplemental EIR). The comment mentions CESA standards; the County recognizes that CDFW's permitting role under CESA and as a responsible agency commenting on the SEIR differs from the County's role as a CEQA lead agency. The SEIR analyzes and discloses impacts to Gaviota tarplant and identifies feasible mitigation for those impacts, supporting its conclusion that the impact would be mitigated to less than significant (Class II) under CEQA.

The comment concludes with three "mitigation measures" (to be clear, these are not mitigation measures in the CEQA context). The first states that the SEIR must disclose impacts (it does) and assess their significance relative to its range, distribution, population trends, and connectivity. The broader assessment recommended by the comment is beyond the scope of the SEIR. It is not reasonable nor practical to expect a lead agency to engage in new scientific study, especially given the timeframe articulated in the State CEQA Guidelines for preparing an EIR. (State CEQA Guidelines § 15108). The commenter is referred to the USFWS 5-year review of Gaviota tarplant (2011) cited elsewhere in the comment letter for further detail. The second recommends analysis of additional Project alternatives, referring again to CESA standards. Please refer to General Response GR-1: Reasonable Range of Alternatives and to the distinct roles of the County as a CEQA lead agency as compared with the CDFW as a responsible agency. Please also refer to responses to Comments 4.7 through 4.10. The final point recommends revisions to Mitigation Measure BIO-6. These, as well as other revisions, have been incorporated into the Final SEIR.

4.13 The comment indicates that potential pipelines may not have been analyzed regarding Biological Resources impacts. The Biological Resources analysis addressed the proposed Project footprint as provided by the applicant, which included the proposed water pipeline.

The commenter is primarily concerned that groundwater drawdown could affect phreatophytes (i.e., groundwater dependent plants). The commenter cites two species (California sagebrush and California buckwheat), both of which are arid land upland shrubs and neither of which is groundwater dependent. The comment misidentifies California sagebrush as Artemisia tridentata, the Latin name of Great Basin sagebrush. Great Basin sagebrush is another arid land upland species

not dependent on groundwater. The comment speculates that groundwater use may affect vegetation, then goes on to speculate that groundwater quality also may be affected which may, in turn, affect vegetation. But there is no evidence that the proposed well would cause these effects. The groundwater level at the well to be used for water supply (See Appendix D) is more than 50 feet below the ground surface. The local aquifer contains approximately 1,000 acre feet of storage. Project construction would require about 12 to 46 acre feet of water, or about 1 to 5 percent of the total aquifer volume. This one-time withdrawal would be fully replenished naturally after construction (see Appendix E-2). O&M use will be approximately 250 gallons per day (roughly the amount of water used by one single-family residence). Over a period of 30 years, total O&M use would be approximately 8.4 acre feet, which would be less than 1 percent of total storage. Since there will be annual recharge of the aquifer from natural sources, this amount of use will be negligible in terms of aquifer storage. Long-term maximum depth of the cone of depression is estimated to be less than one foot (Appendix D). Since as shown in Figure 4-5-7b of the SEIR there are no riparian resources at the location of the proposed well, no adverse effect on riparian resources is expected. No mitigation would be required.

4.14 The County conferred with the Santa Barbara County Fire Department (SBCFD) regarding the suggestion to underground the transmission line to minimize risk of wildfire.[9] The SBCFD explained that there are pros and cons of building the transmission line underground. Above-ground transmission lines can be inspected more easily, and issues can be identified and corrected easier than with underground lines. The SBCFD stated that they rarely if ever see line slap, bird strike encounters, or pole failure in larger transmission lines such as the proposed SWEP transmission line; these events are the main contributors to wildland fires from power lines and most commonly occur on lower voltage lines. Lower-voltage power lines are lower to the ground and can be close enough to trees to make contact, and are usually located on wood poles. In addition, lower-voltage lines are located closer together allowing for line slap, cross connection in the event of contact with wind-blown debris, or birds being electrocuted by contacting two lines and dropping to the ground to start a fire. The vegetation below the SWEP transmission line would need to be properly managed, but this would only require trimming tall vegetation to maintain required clearance distances and would not require removing any tarplant or other low-growing vegetation.

The SBCFD stated that while undergrounding the line would eliminate potential line slap, the use of proper restraints, line separators, and structurally sound poles would adequately avoid this risk for overhead construction as well.

The SBCFD's primary concern regarding the transmission line and wildfire risk is the ability to shut down the wind farm in the event of a fire in the area. This ability is controlled by both local and remote computer-based systems, and the SBCFD understands from the Applicant that the shutdown can happen within minutes. SBCFD's dispatch would have direct contact with the wind farm operator, which is standard practice for other generating facilities. The SBCFD expressed confidence that this approach is the best way to avoid and minimize wildfire risk.

In addition, greater temporary impacts would occur to biological and cultural resources. Therefore, the County does not believe that undergrounding the transmission line is warranted.

[9] Email communication from Captain Glenn Fidler, Planning and Engineering Supervisor, Santa Barbara County Fire Department to Kathy Pfeifer, Santa Barbara County Planning & Development dated August 15, 2019.

4.15 MM BIO-14e requires focused surveys for roosting bats at all sites to be disturbed between February 1 and August 31 of each year of construction. However, in response to CDFW's recommendations, this measure has been revised to require roosting bat surveys prior to removal of trees, buildings, and other suitable habitat at any time of the year. Additional details provided by CDFW have also been added to the measure.

4.16 As described in the LWEP EIR, flocks of tricolored blackbirds (TCBL) were documented on site during surveys in 2002 and 2008. The Fish and Game Commission voted to list the TCBL as threatened under the CESA on April 19, 2018. As described in the DSEIR and appendices, a flock of approximately 12 individuals were observed in grasslands during avian surveys and another 66 were detected in 2009 in grasslands and agricultural fields. Potential suitable foraging habitat occurs within grasslands throughout the wind development site and transmission line route, but suitable nesting habitat is not present in Project impact areas and nesting is unlikely. In addition, avian surveys performed from October 2017 through 2019 have failed to detect any additional TCBL. Regardless, potential impacts to TCBL were generally discussed in the DSEIR related to nesting (Impact BIO-8) and collision (Impact BIO-10) and mitigated through implementation of MMs BIO-1, BIO-2, BIO-3, BIO-11c, and BIO-11d. The Applicant has indicated that it has not sought a take permit for TCBL because of the low potential to nest on site and minimal detections on site.[10] Therefore, additional focused surveys have not been performed and are not proposed to be performed. The SEIR analysis provides County decision makers with sufficient information to take intelligent account of environmental consequences of the proposed Project and alternatives.

4.17 The impacts to El Segundo blue butterfly (ESBB) described in CDFW's comments are disclosed in the Draft SEIR under Impacts BIO-9 (Special-Status Wildlife). CDFW's pre-construction survey recommendations have been incorporated into MM BIO-13. This measure also requires habitat restoration and/or enhancement on site.

4.18 Impacts to fully protected, listed, and other sensitive and common raptors, including habitat loss and impacts with wind turbines and power lines, are discussed in the SEIR under Impacts BIO-1a, BIO-1b, BIO-2a, BIO-2b, BIO-8, BIO-10, BIO-11, BIO-12, BIO-13a, and BIO-13b. MM BIO-16 already requires the Owner/Applicant to submit a Bird and Bat Conservation Strategy that incorporates the Monitoring and Adaptive Management Plan to USFWS and CDFW for review and approval. The County has reviewed the website provided in the comment, which discusses collision impacts from communication towers. Many of the suggested minimization measures are already incorporated into the mitigation strategy identified in the SEIR (e.g., unguyed communication towers, etc.). As requested, the buffer distance for burrowing owls identified in MM BIO-12 has been revised to 500 feet.

4.19 The comment addresses golden eagles, including potential loss of foraging habitat and mortality from collision with wind turbines. These potential impacts are identified and described in the LWEP Final EIR. Golden eagles are known to forage on the site, and some foraging habitat would be lost or altered by project facilities. In 2019, aerial surveys found a potential nest location approximately 500 feet north of the Project Area (approximately 1,000 feet north of WTG N-7) within oak woodlands. Subsequent ground observations documented an active nest in this location. There is also a known nest site approximately 4 miles northeast of the Project area, on a cliff along the Santa

[10] Email communication from Daniel Duke, BayWa r.e. to Kathy Pfeifer, Santa Barbara County Planning & Development dated July 18, 2019.

Ynez River. Appendix C-8 documents the results of surveys conducted in 2018 and 2019, and Section 4.5 of the SEIR has been revised to incorporate these new results. Impacts to potential raptor (including golden eagle) nesting and foraging are summarized and incorporated by reference, and mitigated as feasible in the SWEP SEIR. The comment notes that Project impacts to golden eagle may be significant, consistent with the SEIR analysis and conclusion (i.e., impacts would be significant and unavoidable with feasible mitigation applied, Class I; please refer to SEIR Section 4.5.4.2, Proposed Project Impacts and Mitigation Measures under Impact BIO-10, Avian and Bat Collisions with WTGs). The comment states that this impact would result "because the measures provided do not condition the Project to implement take avoidance surveys prior to operations…" The commenter's wording is unclear (surveys cannot avoid take). Nonetheless, the Applicant has implemented extensive golden eagle and other avian surveys as summarized in SEIR Section 4.5.1 (Environmental Setting) and Appendix C-8. The comment summarizes California law regarding fully protected species. This point has been added to Mitigation Measure MM BIO-16 (Monitoring and Adaptive Management Plan / Bird and Bat Conservation Strategy) in the Final SEIR.

The comment concludes by recommending that the SEIR "should demonstrate how impacts to golden eagle… would be avoided by the Project," and that the County should conduct additional on-site golden eagle point counts, helicopter-based nest surveys over a ten-mile radius surrounding the Project site, and a one-mile radius buffer surrounding known active and formerly active nest sites. Please see Appendix C-8 for the results of all surveys conducted to date, including aerial eagle nest surveys that were completed after the Draft SEIR publication. The SEIR concludes that impacts to golden eagle cannot be avoided or feasibly mitigated to less than significant (Class I). The analysis and conclusions in the SEIR are based on known likelihood that golden eagles nest in the project region and forage over the project site. The recommend point counts and 10-mile survey radius would not improve our understanding of golden eagle occurrence on the site, or potential Project impacts. However, MM BIO-12 (Avoidance Measures for Nesting Birds) has been revised in the SEIR to require nest surveys over a one-mile radius and to avoid Project-related impacts within one mile of active nests. In addition, MM BIO-15b requires active control technology such as IdentiFlight as part of the initial Project design to minimize collision risk to eagles and other large birds.

4.20 The issue identified in CDFW's comment appears to refer to a different project than SWEP (Antelope Expansion 1B Solar Project in the western portion of the City of Lancaster in Los Angeles County). However, the comment generally addresses nesting birds. See Impact BIO-8 in the SEIR for an analysis of impacts to nesting birds. CDFW requests to be consulted if the 500-foot buffer (for nesting raptors) is proposed to be reduced. However, MM BIO-12 already states "The prescribed buffers may be adjusted to reflect existing conditions, including but not limited to ambient noise, topography, and disturbance, with the approval of the County of Santa Barbara in coordination with CDFW." In addition, this measure has been revised to require daily monitoring of all nests with buffers that have been reduced below the recommended sizes stated in the measure.

4.21 See Impacts WAT-1 (Erosion and Sedimentation), WAT-5 (Riparian Vegetation Removal), and BIO-3 (Wetlands, Seeps, and Springs, and Features Subject to Regulation by the USACE, Santa Barbara County, or CDFW) for impacts to drainages. Suitable aquatic habitat for unarmored threespine stickleback is found only outside the Project footprint and the Project would not impact aquatic habitats that could support this species. MM BIO-9 is proposed to minimize or avoid direct and indirect impacts to jurisdictional features and would require the preparation and implementation of a Wetland Avoidance and Riparian Habitat Restoration Plan. MMs BIO-1 through BIO-3, BIO-11c, BIO-11d, and WAT-2 are also required to avoid or minimize impacts to jurisdictional resources,

including indirect impacts to downstream aquatic habitats that could support this species. Therefore, impacts to unarmored threespine stickleback are unlikely to occur.

4.22 Regarding CDFW filing fees, the comment is noted.

4.23 As requested by the commenter and required by CEQA, CDFW will be notified when the Final SEIR is published and will also be notified of any hearing dates for the Project.

Comment Set 5: John J. Olejnik, Senior Transportation Planner, District 5, California Department of Transportation

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY Gavin Newsom, Governor

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Making Conservation a California Way of Life.

June 21, 2019

SB-1-18.81
SCH # 2018071002

Kathy McNeal Pfeifer, Planner
County of Santa Barbara
123 E. Anapamu Street
Santa Barbara, CA 93101

COMMENTS FOR THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE STRAUSS WIND ENERGY PROJECT

Dear Ms. McNeal Pfeifer:

The California Department of Transportation (Caltrans) thanks you for the opportunity to review the DEIR for the Strauss Wind Energy Project. The project proposes to construct and operate a 30 wind turbine generator (WTGs) wind energy project south of the city of Lompoc. In order to construct the 30 WTGs, large sections of the materials, including the fully constructed turbine blades, must be transported on oversized trucks from Stockton and Bakersfield to the project location south of Lompoc. This requires oversized, extra-long trucks to navigate Interstate 5, State Routes 166 and 1, and US 101. Caltrans has reviewed the above referenced project and offers the following comments at this time.

General Comments:

- Caltrans supports local planning efforts that are consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate inter-regional and local travel.
- In addition to review by the California Highway Patrol (CHP), the proposed route will require in depth review by Caltrans Traffic Operations, Traffic Management Center, Transportation Permits, and Encroachment Permits. If proposals include any fill, cuts, drainage modifications, or intersection improvements other environmental studies may be required. That said, there are a number of concerns regarding the proposed route; Caltrans looks forward to working with the County and transport consultant to discuss strategies to mitigate these concerns. **5.1**

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Ms. Kathy McNeal Pfeifer
June 21, 2019
Page 2

- We appreciate that the applicant was in contact with Caltrans Headquarters Permit Office regarding aspects of this project. However, at this stage Caltrans District 5 staff will be your point of contact going forward for in-depth review of the planned haul route, traffic control plan, etc.
- This project crosses and potentially impacts several jurisdictions: Caltrans (District 5, 6, & 10), Santa Barbara County (Lead Agency), San Luis Obispo and Kern Counties and certain cities therein. It's advisable to include these jurisdictions in joint discussions regarding this project. Caltrans District 5 staff will be in communication with our counterparts in District 6, 10, and Headquarters to share our concerns; concurrence by each jurisdiction will need to be obtained prior to overall approval.

5.1 *cont.*

Permits:

- Please be aware that if any work is completed in the State's right-of-way it will require an encroachment permit from Caltrans and work must be done to our engineering and environmental standards, and at no cost to the State. The conditions of approval and the requirements for the encroachment permit are issued at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditioned and requirements. For more information regarding the encroachment permit process, please see the attachments and visit our Encroachment Permit Website at: http://www.dot.ca.gov/trafficops/ep/index.html.
- Horizontal and vertical turning templates on a scaled plan showing all highway facilities, structures, electrical facilities, and utilities affected or modified as a result of the turning movements will need to be provided. These templates must be laid out on all highway intersections or interchanges where turning is expected and must be prepared by a Registered Civil Engineer. All highway intersection and ramp turns must be diagrammed.
- Tree removals and major trimming will require a plan that may include replacement ratios of greater than 1:1 depending on the species of the tree.
- It should not be presumed that signal poles and highway lighting are simply removed and replaced. This equipment will experience fatigue depending on the number of times it is modified and who is handling them. Locations where poles are being removed and replaced may require replacement to the current standard. Where this is the case, the reconstruction of the facility must be done under the supervision of a Registered Civil Engineer.
- Utilities that fall under California Public Utilities Commission will require separate contracts to modify their facilities. Some utility structures are owned by public entities such as the counties or cities and approval by them will be required as well.
- Ongoing consultation with the District Permit Engineer will need to occur after the scope and transport mitigation strategies have been agreed upon in all the Caltrans Districts and affected counties and cities. An engineering cost estimate of highway facility modifications will need to be provided in order to determine the most appropriate project delivery

5.2

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Ms. Kathy McNeal Pfeifer
June 21, 2019
Page 3

approach. All traffic handling and improvement plans must be prepared by a Registered Civil Engineer. If the project delivery method is by permit, the applicant will need to provide project plans and documentation to the satisfaction of the District Permit Engineer and Caltrans Encroachment Permits Policy. If the project delivery method is non-Encroachment Permits, the project will be handled by the Capital Oversight Process as detailed by the Project Development Procedures Manual and Project Development Policies. **5.2** *cont.*

- The transportation mitigations and materials transport will need to include performance and payment bonding as well as Certificate of Insurance with amount to be determined after the improvements and project delivery method is determined by Caltrans staff.

Traffic Operations:

- Please provide information on the number of truck trips, the proposed duration of the hauling operation, and the duration of the impacts. **5.3**
- The U-Turn at Tower Grove Drive is no longer available. The left and U-turns from El Campo Drive to Hemi Road have been physically removed or closed on US 101. As of May 21, 2019, right-in/right-out are the only turning movements available at these locations. **5.4**
- The traffic impact study does not disclose all the routes taken to get the WTG materials to the "lay down" location at the intersection of San Miguelito Road and Sudden Road in the City of Lompoc. It is necessary to evaluate the entire route the materials will be taking to determine if there are other impacts along similar corridors. Please clarify the route the materials will take to arrive at the "lay down" location. **5.5**
- Please clarify how the removal and replacement of traffic equipment will be handled during the hauling operation and in the long term after all materials have been hauled to the "lay down" site. **5.6**
- State Route 166 East (SR 166E) is considered a Traffic Safety Corridor in the County of San Luis Obispo. Any hauling/trucking projects that are proposing to use SR 166E as part of the haul route may need to include building CHP truck inspection locations and slow vehicle pull outs for trucks as part of the project mitigation. The County of Santa Barbara should coordinate with San Luis Obispo County to complete these mitigations. **5.7**
- Please provide a turning route diagram specific for SR 166E and clarify what improvements are proposed for SR 166E. **5.8**
- Please be aware that a special permit is required from the State to transport Extra Legal Loads and/or oversized materials. http://www.dot.ca.gov/trafficops/permits/ **5.9**

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Ms. Kathy McNeal Pfeifer
June 21, 2019
Page 4

Landscape Architect/Scenic Highway Coordination:

- The Aesthetics/Visual Resources Section 4.2 Mitigation Measures VIS-4 needs to include a success/measurability criterion to be consistent with CEQA guidelines. For example, indicating what percentage of the switching station visibility needs to be screened (and by when) for the mitigation to achieve its stated benefit of sufficiently reducing visual impacts to a level of less than significance. Any alternative that results in WTG or transmission towers extending above a primary ridgeline as seen from Highway 1 may jeopardize the route's State Scenic Highway status. **5.10**

We look forward to continued coordination with the County and applicant on this project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 542-4751 or Ingrid McRoberts at (805) 549-3131 or Ingrid.Mcroberts@dot.ca.gov.

Sincerely,

John J. Olejnik
Senior Transportation Planner
Caltrans District 5 - Development Review

cc:

CT Districts 6 & 10
CHP Coastal Division
City of Lompoc

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Response to John J. Olejnik

5.1 Thank you for this information. It will be shared with the Applicant. The SEIR preparers have been in contact with the City of Lompoc and the public works departments of the counties of San Luis Obispo and Kern regarding the transport routes for the blades and turbine components.

5.2 Thank you for this information. It will be shared with the Applicant.

5.3 The transport of the WTG components in oversized/overweight trucks would require a total of 240 truck trips (30 WTGs with 3 blades, 3 tower sections, a hub, and an axle nacelle for each WTG). This transport activity would occur over a 3-month span; i.e., months 5, 6, and 7 of a 10-month construction period. It is anticipated that the number of oversized/overweight truck trips would range from 4 to 10 trips per day and the duration of the interruption would be 30 minutes to an hour at each critical intersection where turning movements would occur. For the overall construction period, there would be a total of 16,190 truck trips spread throughout the 10-month construction phase, most of which would be conventional-sized trucks. The number of truck trips per month would range from 200 to 2,348 and the number of truck trips per day would range from 10 to 108.

5.4 The Applicant is no longer planning on transporting along Tower Grove Drive. The new route is described in the response to Comment 5.5 below.

5.5 The proposed routes for transporting the WTG materials to the Project site, as described in Section 2.6.2 and listed in Section 4.17.1 of the Draft SEIR, include the following:

> Turbine blades for GE 3.8 blades would be delivered using Highway I-5 and would exit at Old River Road S, CA-166 (Maricopa Highway), N. Thompson Avenue N, Los Berros Road W, turn to CA-101, E. Union Valley Parkway, CA-135 (Orcut Expressway), CA-1 S, turn south onto Santa Lucia Canyon Road, Floradale Avenue, and turn to Ocean Avenue, then South I Street, San Miguelito Road S (Figure 2-5, Turbine Blade Transportation Route).
>
> The remaining GE 3.8 components would be delivered from Port of Stockton through Highway I-5, CA-132W, CA-140E, CA-165S, CA-152E, CA-33S, and exit at Fairfax Avenue. From Belmont Avenue, CA-33S, exit at Manning Avenue. From Colorado Road, turn to CA-145S, CA-269S, CA-33S, CA-166W, CA-101S, CA135S to Donovan Road, turn to Blosser Road, CA-116W, CA-1S to Santa Lucia Canyon Road, Floradale Avenue, and turn to Ocean Avenue, then South I Street, San Miguelito Road.
>
> The GE 1.79 components would be delivered via Highway I-5, I-210W, I-118W, I-23, CA-101, CA-135, CA135S to Donovan Road, turn to Blosser Road, CA-116W, CA-1S and use Santa Lucia Canyon Road, Floradale Avenue, and turn to Ocean Avenue, then South I Street, San Miguelito Road.

5.6 The Applicant states that the only improvements required on any portions of the routes described in Comment 5.5 are within the City of Lompoc at the intersection of Ocean Avenue/South I Street and as described in the DEIR along San Miguelito Road. The direct turn from Ocean to I Street in Lompoc includes temporary removal of four trees, two signs, and two stop lights to accommodate the movement of oversized trucks through the Ocean Avenue/I Street intersection. If additional removal and replacement of traffic equipment at any affected roadway and intersection location is required, agreements will be formulated between the Applicant and/or the Applicant's contractor and the responsible jurisdictional agency (i.e., Caltrans, County, and City). In general, the short-term actions will be to remove or relocate any features that would block the movement of the WTG, such

as signs, street light poles, traffic signal poles, trees, etc., If any of the traffic control devices, such as traffic signals or stop signs, are critical to the safety and operation of the intersection, they will be installed in a temporary location. If it is infeasible to position the traffic control devices in a temporary location, traffic control officers or flaggers will be deployed. After the hauling operations are complete, the Applicant and/or the Applicant's contractor would return the roadway, intersection, and affected features back to the original condition, subject to the current standards of the responsible agency.

5.7 Thank you for your comment. The Applicant and/or the Applicant's contractor would be responsible for obtaining all required permits from the agencies that are responsible for each affected roadway and shall satisfy the requirements of each agency, which would include the items cited in the comment where applicable.

5.8 The preparation of a turning route diagram for SR 166E is beyond the scope of this SEIR. However, the Applicant and/or the Applicant's contractor will be required to satisfy any details such as this prior to obtaining permits for the use of SR 166E or any other public roadway for the transport of oversized/overweight vehicles.

5.9 Thank you for this information. It has been included Section 2.9.2 of the Final SEIR.

5.10 As stated in the analysis of KOP 2: Southbound SR-1 (Draft SEIR Section 4.2.4.3), screening vegetation should be planted around the switchyard pad to reduce visibility of the switchyard pad and, potentially, some of the lower structural elements within the fenced area visible from KOP 2. Therefore, screening vegetation should achieve a minimum height of six to eight feet at maturity in order to achieve the screening of a substantial majority of the switchyard pad; fencing; and complex, industrial-appearing components within the fenced area. However, necessary vegetation heights will ultimately depend on final grading plans and the final height of the switchyard pad. The text of MM VIS-4 has been expanded to include these performance criteria for the vegetative screening of the switchyard.

8.3 Responses to Tribes

Kenneth Kahn, Tribal Chairman
Santa Ynez Band of Chumash Indians

SANTA YNEZ BAND OF CHUMASH INDIANS
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October 23, 2019

By FedEx and Email

Kathy Pfeifer, County Planner
123 East Anapamu Street
Santa Barbara, CA 93101
kathypm@countyofsb.org

RE: WITHDRAWAL OF COMMENTS to Notice of Availability and Public Hearing on the Draft Supplemental Environmental Impact Report ("DSEIR") for the Proposed Strauss Wind Energy Project ("Project"); 16 CUP-00000-031; 18 CDP-00000-0001 & 18 VAR-00000-00002
Applicant: Strauss Wind, LLC

Dear Ms. Pfeifer:

The Santa Ynez Band of Chumash Indians ("Tribe") hereby withdraws its comment letter dated June 14, 2019 on the DSEIR for the Project. The Tribe wants to begin by thanking the Strauss Wind LLC ("Applicant") team and County Planning for working with the Tribe to address its concerns with the culturally sensitive and sacred areas within and near the Project. The Tribe supports clean energy initiatives. With regard to the proposed Project, the Applicant and the Tribe have worked together to balance the potential impacts of the Project with its economic and clean energy benefits and have agreed on culturally appropriate mitigation which will ensure, to the Tribe's satisfaction, that the Project will not result in significant impacts to archeological or Tribal resources.

These measures are subject to a separate enforceable agreement and do not conflict with any of the measures described in Chapter 4.6 of the DSEIR, *i.e.*, Mitigation Measures MM CULT-6 through MM CULT-10. Because the agreement provides for specific performance and equitable or injunctive relief, the Tribe is confident that if the Project is constructed, the Applicant will fully perform its obligations therein. Subject to the Applicant's compliance with the terms of the agreement, the Tribe withdraws its objections to the Project and to the County's DSEIR.

We recognize that the Applicant may use this letter to demonstrate to third parties that the Santa Ynez Band of Chumash Indians is not opposed to the Project or to the County's analysis in the DSEIR. Please contact me or Sam Cohen, Government Affairs and Legal Officer (Cell: 805-245-9083; scohen@sybmi.org), if you have any additional questions or if we can assist you further.

Sincerely,

Kenneth Kahn
Tribal Chairman

1

CC:

By Email:

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dwilliams@countyofsb.org
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2

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June 14, 2019

These comments have been withdrawn per a letter from Kenneth Kahn dated Oct. 23, 2019.

By Federal Ex and email

Kathy Pfeifer, County Planner
123 East Anapamu Street
Santa Barbara, CA 93101
kathypm@countyofsb.org

RE: Comments to Notice of Availability and Public Hearing on the Draft Supplemental Environmental Impact Report for the Proposed Strauss Wind Energy Project ("Project")
16 CUP-00000-031; 18 CDP-00000-0001 & 18 VAR-00000-00002

Dear Ms. Pfeifer:

The Santa Ynez Band of Chumash Indians (Tribe) makes the following comments as to the above Project:

This is a new project:

Ten years ago the windmills were of different design, their individual placements were in different locations, the power lines were in different locations and the staging areas were different. The only thing the same with this project is the use of wind and the creation of electricity. Using this analogy every new building project is just a supplemental EIR if there is any structure anywhere on the site. 6.1

AB 52 applies and the Tribe hereby Provides Written Notice to the County as Lead Agency

The Tribe provides this written request to the County as the lead agency for notice under AB 52 of all further actions for this Project as it is clearly within Chumash traditional and culturally affiliated area (Pub. Resources Code, § 21080.3.1 (b)). In doing so, the Tribe requests to participate in government-to-government consultations on the Project. 6.2

The Public Resources Code now establishes that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." (Pub. Resources Code, § 21084.2).

To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. (Pub. Resources Code, § 21080.3.1).

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code §20184.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources. **6.2** *cont.*

This is a sacred place to the Chumash

It is undeniable that this project of 520 foot and greater wind towers desecrates the view shed of Tranquillon Peak and Ridge. Ethnographer Richard Applegate (1975:26) lists *'alul* as a named place corresponding to El Tranquillon Heights near Point Conception. It's translated from the Chumash Purisimeño as "conspicuous". Former Vandenberg AFB Archeologist Larry Spanne in his attached statement from 2007 notes Tranquillon Mountain ('alul' or "conspicuous, stands out") is believed to have been the location of the great shrine indicated to have been near Point Conception. The Harrington notes indicate that this was a very delicate or sacred place for the Chumash. See attached statement of Larry Spanne dated Sept. 18, 2007. **6.3**

This is a Sacred Place Under Federal Law

The Santa Ynez Band of Chumash Indians, a federally recognized tribe ("Tribe"), hereby designates the Tranquillon Peak and Tranquillon Ridge (also known as Honda Ridge) as an Indian sacred site pursuant to Executive Order 13007. E.O. 13007 requires Federal land managing agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. It also requires agencies to develop procedures for reasonable notification of proposed actions or land management policies that may restrict access to or ceremonial use of, or adversely affect, sacred sites. **6.4**

Sacred sites are defined in the executive order as "any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site." There is no review of such determinations by a Federal agency.

This is a Sacred Place Under State Law

The Tribe hereby designates the Tranquillon Peak and Traquillon Ridge (also known as Honda Ridge) as an Indian sacred site pursuant to the Sacred Lands List maintained by the California Native American Heritage Commission (NAHC). **6.5**

This is an Undertaking Requiring Section 106 Consultation with the Army Corps. of Engineers

The Santa Ynez Band of Chumash Indians has requested government-to-government consultation with the U.S. Army Corps of Engineers (Corps) pertaining to the proposed Straus Wind Energy **6.6**

2

Project. See attached letter dated June 3, 2019. The Draft Supplemental Environmental Impact Report for the proposed project indicates that wetlands within the project area are subject to the jurisdiction of the Corps, and thus the Corps would issue a permit pursuant to Section 404 of the Clean Water Act. Due to the issuance of said permit, and but for issuance of said permit, the proposed project could not be constructed, the project qualifies as an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended.

The Corps' Nationwide Permit Pre-Construction Notification (PCN) Form, page 6, box 12 specifically addresses Historic Properties and Cultural Resources and Section 106 compliance. As the federal agency that established federal nexus, the Corps is required by law to reach out to all affected federally recognized Indian tribes. Failure to comply with Section 106 would constitute foreclosure on the Section 106 review process by the federal agency. Additionally, it would be a violation of the Administrative Procedures Act. **6.6** *cont.*

THE ENTIRE PROJECT SITE MUST BE ANALYZED AS A TRADITIONAL CULTURAL LANDSCAPE

Earle and Johnson (1999): Draft *Chumash Ethnohistoric and Ethnographic Overview of Sacred and Traditional Sites, Vandenberg AFB (hereinafter referred to as "Earle")*, explain the inter-relationship between Tanquillon Peak, Tranquillon Ridge (Honda) Ridge and Swordfish Cave and Window Cave. Tranquillon Peak is culturally sensitive due to belief it was important place for Chumash in former times, and that it is supernaturally powerful place. Chumash People were aware that this is the type of locale that would have been marked by a shrine. "It is, in fact, given the ethnohistorical information available about Chumash shrines, quite certain that Tranquillon Peak was the site of such a shrine in the late eighteenth century." Earle, p. 4-18. The Chumash Elders Council members consider this a sacred place, visit this site still, and its protection is a stated priority for the Chumash community. Earle, p. 4-18. "[The] sacred associations of both Tranquillon Peak and Swordfish Cave" have raised conern for launch facility development proposed on south base [at Vandenberg AFB]. "In the case of the sacred sites, not only the threat of construction, but noise figure in the negative impacts that are foreseen." Earle, p. 25. **6.7**

This constitutes a project for the purposes of CEQA and the lead agency has a duty to prepare an Environmental Impact Report ("EIR") to assess the potential environmental effects of the proposed project and identify mitigation measures that could reduce or avoid potential environmental impacts. CEQA Guidelines at 14 CCR 15121(a). The lead agency must consider direct physical changes in the environment and reasonably foreseeable indirect changes in the environment which may be caused by the project and to mitigate or avoid the significant effects on the environment of projects whenever feasible. Public Resources Code (PRC) Secs. 21083.2 – 21084.1 and 21002.1; CEQA Guidelines at 14. CCR Sec. 15064(d). CEQA provides for the protection of unique archaeological resources and historic resources. PRC secs. 21083.2 and 21084.1. A project with an effect that may cause a substantial adverse change in the significance of a historic resource is a project that may have a significant effect on the environment. 14 CCR **6.8**

3

sec. 15064.5(b). Thus the lead agency has a duty to avoid substantial adverse changes to historical and cultural resources. **6.8** *cont.*

Furthermore, the Governor's Office of Planning and Research (OPR) has observed that California Executive Order W-26-92 affirms that all state agencies shall recognize and, to the extent possible, preserve and maintain the significant heritage resources of the State. See Tribal Consultation Guidelines (Interim), March 1, 2005, p. 7. California state law includes a variety of provisions that promote the protection and preservation of Native American cultural places. Id. **6.9**

AUTHORITY TO IDENITFY CULTURAL RESOURCES

CEQA provides that certain historical resources are presumed to be historically or culturally significant for the purposes of CEQA. See PRC Sec. 21084.1. Additionally, CEQA provides that, even if a resource has been identified as significant pursuant to one of these mechanisms, a lead agency has the discretion to determine whether the resource may be a historical resource for the purpose of CEQA. Id. The CEQA Guidelines further clarify the authority of a lead agency to determine the presence of historically significant resources:

> Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant to in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resources, provided the lead agency's determination is supported by substantial evidence in light of the record.

CEDQ Guidelines at 14 CCR sec. 15064. **6.10**

Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing in CRHP, which include the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
(B) Is associated with the lives of persons important in our past.
(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
(D) Has yielded, or may be likely to yield, information important in prehistory or history.

CEQA Guidelines at 14 CCR at Sec. 15064.5

Thus, provided there sufficient evidence, there is authority to identify resources of historic significance even if such historic resources have not been previously identified. In fact, in light of the recommendations regarding the protection of traditional tribal uses, the lead agency appears to have an obligation to evaluate ongoing traditional tribal uses as significant historic resources in the CEQA process. **6.10** *cont.*

CULTURAL LANDSCAPES

A historic property may be a cultural landscape and it may be based on traditional uses of natural resources. The Department of State Parks has interpreted historic resources to include "cultural landscapes" and has looked to federal guidance interpreting the National Historic Preservation Act (16 U.S.C. sec. 470, et seq.) to define what resources may be designated a cultural landscape. See https://www.parks.ca.gov/?page_id=22500 (examples such as Golden Gate Park and Lake Shasta). Consistent with federal guidance, the State Parks website explains that the term "cultural landscape is an umbrella term that includes four general landscape types: historic designated landscapes, historic sites, and ethnographic landscapes which are defined in the National Park Service, Preservation Brief 36, Protecting Cultural Landscapes (Brief 36). Id. Brief 36 defines a cultural landscape to be a "geographic area, including both cultural and natural resources and the wildlife and domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values." In the definition of ethnographic landscape, Brief 36 also notes that subsistence of often a component of the landscape. https://www.nps.gov/tps/how-to-preserve/briefs/36-cultural-landscapes.htm

After reviewing the various types of cultural landscapes, State Parks identifies a list of themes in California history that are recognized as cultural resource deficiencies in the State Parks System. With regard to significant properties, State Parks offers the following themes: **6.11**

--Settlement and Subsistence Patters;

--Special Adaptations and Environmental Management;

--Trade and Movement; and

--Ideology (e.g. sacred sites, petroglyph and pictograph sites, intaglios).

California State Parks website at https://www.parks.ca.gov/?page_id=22500

5

The California Environmental Resources Evaluation System (CERES) has also issued guidelines for monitors and consultants working with Native American cultural, religious, and burial sites, which describe the scope of historical resources. Guidelines for Monitors/Consultants Native American Cultural, Religious, and Burial Sites, http://ceres.ca.gov/nahc/guidelines4mon.html. Consistent with State Parks interpretation of cultural landscapes, these guidelines advise that historic resources can include Native American graves and artifacts; traditional cultural landscapes; natural resources used for food, ceremonies or traditional crafts; and places that have special significance because of the spiritual power associated with them. Id.

The protections of historic and cultural resources under CEQA and the National Historic Preservation Act are interrelated, and as noted above, the State Parks looks to federal policy documents with respect to evaluating historic and cultural resources. Similarly, the National Parks Service guidelines for cultural resources management help illustrate the connection between cultural landscapes and traditional uses. The National Parks Service recognizes that "[e]thnographic resources are basic expressions of human culture and the basis for continuity of cultural systems" and they are not limited to things commonly thought of a cultural resources. See NPS-28, Cultural Resource Management Guideline, issued pursuant to Director's Order #28. "A cultural system … includes traditional arts and native languages, religious beliefs and subsistence activities." Id. "Ethnographic resources are variations of natural resources and standard cultural resource types. They are subsistence and ceremonial locales and sites, structures, objects, and rural and urban landscapes assigned cultural significance by traditional users." Id. When natural resources acquire meaning according to different cultural constructs of a particular group, they become ethnographic and thus cultural resources as well, and the heritage significance of the natural resources may be related to religious, healing, and subsistence. Id. **6.11** *cont.*

Failure to address the Chumash Sacred Sites as Traditional Cultural Properties (TCP) eligible for protection on the National Register:

National Register Bulletin No. 38 (hereinafter referred to as "NPS Bull. No. 38"), Guidelines for evaluating and Documenting Traditional Cultural Properties (1990; revised 1992; 1998) under NHPA http://www.nps.gov/nr/publications/bulletins/pdfs/nrb38.pdf

A. Locations for traditional ceremonies are defined as a TCP: NPS Bull No. 38, p. 1, provides: **6.12**

The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices. Examples of properties possessing such

6

significance include: ***

• a location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice;

B. Mountain tops and rock outcroppings like at CHUMASH SACRED SITES are TCP's: NPS Bull. No. 38, p. 2, provides:

Traditional cultural properties are often hard to recognize. A traditional ceremonial location may look like merely a mountaintop, a lake, or a stretch of river; a culturally important neighborhood may look like any other aggregation of houses, and an area where culturally important economic or artistic activities have been carried out may look like any other building, field of grass, or piece of forest in the area. As a result, such places may not necessarily come to light through the conduct of archeological, historical, or architectural surveys. The existence and significance of such locations often can be ascertained only through interviews with knowledgeable users of the area, or through other forms of ethnographic research.

6.12 *cont.*

C. Project must engage specialists as part of its TCP study: NPS Bull. No. 38, p. 10, provides:

In general, the only reasonably reliable way to resolve conflict among sources is to review a wide enough range of documentary data, and to interview a wide enough range of authorities to minimize the likelihood either of inadvertent bias or of being deliberately misled.
Authorities consulted in most cases should include both knowledgeable parties within the group that may attribute cultural value to a property

7

and appropriate specialists in ethnography, sociology, history, and other relevant disciplines.7

D. Specific events like the Solstice ceremony qualify as TCP: NPS Bull. No. 38, p. 11, provides:

For example, the National Register defines a "site" as "the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure." 9 Thus a property may be defined as a "site" as long as it was the location of a significant event or activity, regardless of whether the event or activity left any evidence of its occurrence. A culturally significant natural landscape may be classified as a site, as may the specific location where significant traditional events, activities, or cultural observances have taken place. A natural object such as a tree or a rock outcrop may be an eligible object if it is associated with a significant tradition or use. A concentration, linkage, or continuity of such sites or objects, or of structures comprising a culturally significant entity, may be classified as a district.

6.12 *cont.*

E. Native American ceremonies qualify as TCP: NPS Bull. No. 38, p.15, provides:

National Register guidelines stress the fact that properties can be listed in or determined eligible for the Register for their association with religious history, or with persons significant in religion, if such significance has "scholarly, secular recognition." 13 The integral relationship among traditional Native American culture, history, and religion is widely recognized in secular scholarship.14 Studies leading to the nomination of

8

traditional cultural properties to the
Register should have among their
purposes the application of secular
scholarship to the association of particular
properties with broad patterns
of traditional history and culture. The
fact that traditional history and culture
may be discussed in religious
terms does not make it less historical
or less significant to culture, nor does
it make properties associated with traditional
history and culture ineligible
for inclusion in the National Register.

F. Lack of use does not make a property TCP ineligible: NPS Bull. No. 38, p. 18, provides:

The fact that a property may have
gone unused for a lengthy period of
time, with use beginning again only
recently, does not make the property
ineligible for the Register. For example,
assume that the Indian tribe
referred to above used the mountain
peak in prehistory for communication
with the supernatural, but was forced
to abandon such use when it was confined
to a distant reservation, or when
its members were converted to Christianity.
Assume further that a revitalization
of traditional religion has begun
in the last decade, and as a result
the peak is again being used for vision
quests similar to those carried out
there in prehistory. The fact that the
contemporary use of the peak has
little continuous time depth does not
make the peak ineligible; the peak's
association with the traditional activity
reflected in its contemporary use is
what must be considered in determining
eligibility.

6.12 *cont.*

U.N. Declaration on the Rights of Indigenous Peoples must now be followed after Dec. 2010

In December 2010, the United States announced support for the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**. In announcing this support, President Obama stated: "The aspirations it affirms—including the respect for the institutions and rich cultures of Native peoples—are one we must always seek to fulfill…[W]hat matters far more than any

6.13

9

resolution or declaration – are actions to match those words." The UNDRIP addresses indigenous peoples' rights to maintain culture and traditions (Article 11); and religious traditions, customs, and ceremonies (Article 12); to participate in decision making in matters which would affect their rights (Article 18); and to maintain spiritual connections to traditionally owned lands (Article 25).

The ACHP will now incorporate UNDRIP in the Section 106 review process:

While the Advisory Council on Historic Preservation's (ACHP) work already largely supports the United Nations Declaration on the Rights of Indigenous Peoples, additional and deliberate actions will be taken to more overtly support the Declaration. The Section 106 review process provides Indian tribes and Native Hawaiian organizations (NHOs) with a very important opportunity to influence federal decision making when properties of religious and cultural significance may be threatened by proposed federal actions. While federal agencies are required to consult with Indian tribes and NHOs and to take their comments into account in making decisions in the Section 106 review process, adding the principles of the Declaration to that consideration may assist federal agencies in making decisions that result in the protection of historic properties of religious and cultural significance to Indian tribes and NHOs. http://www.achp.gov/docs/UN%20Declaration%20Plan%203-21-13.pdf

On August 11, 2014, the California State Legislature in AJR 42 expressed the Legislature's endorsement of the principles of the United Nations Declaration on the Rights of Indigenous Peoples. http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AJR42

6.13 *cont.*

DEFERRING MITIGATION BY THE PROJECT VIOLATES CEQA

The Supplemental EIR admits it is postponing archaeological Phase 2 study at 9 additional sites until after completing the EIR process which denies access to information sufficient to make an informed decision on the project. CEQA case law already rejects such deferral of analysis and specification of mitigation measures.

The Draft SEIR (page 4.6-11) states that 9 archaeological sites would be impacted by Project development but ***have not yet been evaluated.*** The document calls for evaluation of those resources and assessment of project impacts (Phase 2 analysis) only ***after*** completion of the CEQA process, according to MM CULT-10 (page 4.6-12). This delay is neither explained nor justified. MM CULT-10 calls for future preparation of an "Archaeological Evaluation, Data Recovery Excavation, Monitoring, and Reporting Plan," but the DSEIR summary of that plan is insufficient for the public and interested parties to evaluate its adequacy. Instead, the DSEIR alleges without support that any Project impacts to those 9 archaeological sites will be successfully mitigated to a level of Class II "less than significant.

6.14

This is a clear violation of CEQA:

Madera Oversight Coalition, Inc., v. County of Madera, No. MCV045353 (5th Dist. 2011).
The EIR contained a discussion of prehistoric archeological sites that were determined to be "historical resources" for purposes of CEQA. But one of the mitigation measures in the EIR provided for subsequent "verification" that the sites qualified as historical resources. The Court of Appeal held that this verification process violated CEQA because it could reverse the EIR's determination that the sites were historical resources. The court held that the determination whether a site is a historical resource must be

10

made before certification of the EIR, and neither CEQA itself nor the CEQA Guidelines authorizes any procedure for "undoing" that determination after certification.

Sundstrom v. County of Mendocino (1988) [in part, deferring environmental assessment to a future date conflicts with CEQA process—through the case dealt with ND, not EIR] **6.14** *cont.*

Gentry v. City of Murrietta (1995) [included rejection of requirement to postpone study and then implement recommendations from that study]

CEQA REQUIRES PRESERVATION IN PLACE FOR CULTURAL RESOURCES

Madera Oversight Coalition, Inc., v. County of Madera, No. MCV045353 (5th Dist. 2011). Petitioners also challenged the EIR's selection of mitigation measures for impacts to historical sites. They argued that Guidelines section 15126.4(b)(3), which states that "[p]reservation in place is the preferred manner of mitigating impacts to archeological sites," requires preservation in place for such sites unless infeasible. The court rejected this interpretation as reading too much into the term "preferred." Nonetheless, the court held that preservation in place must be adopted to mitigate impacts to archeological sites, if feasible, unless the lead agency determines that another form of mitigation is available and provides "superior mitigation" that better "serves the interests protected by CEQA." **6.15**

VIOLATIONS OF COUNTY GUIDELINES FOR DETERMINING THE SIGNIFICANCE OF AND IMPACTS TO CULTURAL RESOURCES

Sec. 1.3.3 Significance Determination for Archeological and Historic Sites:

Avoidance of significant sites through project redesign is always the first choice and is required by County policy if avoidance is possible. (p. 12)

Sec. 1.4.2 Consultation With Tribes Regarding Tribal Cultural Resources

A critically important aspect of the evaluation and treatment of cultural resources in consultation with tribes, who are recognized as experts for this type of resource. (p. 16)

Sec. 3.0 Mitigation and Design Considerations **6.16**

The ideal treatment for cultural resources is avoidance of impacts to and preservation in place of the resource. … [T]he County's Comprehensive Plan, including the Coastal Land Use Plan and Various Community Plans, contain policies that require avoidance of significant cultural resources if possible. (p. 32)

The Supplemental EIR contains no discussion in the cultural resources section why these cultural resources cannot be avoided.

Attachments: Lawrence Spanne, Chumash Spiritual Places and Historic Village Sites on Vandenberg AFB and Vicinity, Sept. 18, 2007 (one page); and

Letter to Col. Aaron Barta, U.S. Army Corps. of Engineers, June 5, 2019 (2 pages).

11

INCORPORATION BY REFERENCE

The Tribe hereby incorporates by this reference all other comment letters by any other participant in this process, all public comments at any public or private forum concerning this Project and any amendment or supplementation of these comments whenever delivered. 6.17

Sincerely,

Kenneth Kahn
Tribal Chairman

12

Chumash Spiritual Places and Historic Village Sites on Vandenberg AFB and Vicinity

Prepared by Laurence W. Spanne

September 18, 2007

Spiritual Places and Historic Village Sites

1. Point Conception (*humqaq'* or "the raven comes"). The Air Force is currently in negotiations with the Coast Guard to acquire title to Point Conception. To some, this is the Western Gate or Gateway to the Chumash Afterworld or paradise (*Similaqas*). Fernando Librado indicated to anthropologist, J. P. Harrington that there was a Chumash Shrine at Point Conception, but not a great shrine. However, he said there was a great shrine nearby--possibly Tranquillon Mountain (*'alul'* or "conspicuous, stands out") which is clearly visible from Point Conception and elsewhere indicated in the Harrington notes as a possible shrine.

2. Village of *shilimaqshtush* located at the mouth of Jalama Creek primarily within the County Park Boundaries but also north of the creek on Vandenberg AFB land. Mentioned in early Spanish diaries as the Village of Espada.

3. Rattlesnake Shelter Rock Art Site features red and black pictographs as well as unusual miniature incised designs on rd-painted surfaces. Site features an abundance of cavities and cracks filled with tiny quartz crystals and unusual mineral structures both in the rock surface and scattered on the slope below the site. There is also a structure just northwest of and slightly above the rock art consisting of a small semicircular enclosure against a rock wall with a good view of the ocean. There are many rattlesnakes here.

4. Rock Shelter containing marine shellfish fossils in its walls and roof and remnants of red pictographs on the wall above the entrance. This shelter may have been occupied late in time, perhaps during the Mission Period, as the shellfish remains on the floor (non-fossiliferous) appear to be very fresh and recent.

5. Beehive Shelter is a pictograph site at the top of the same canyon as No. 4. There are remnants of red and black pictographs here and a good view of the ocean.

6. Tranquillon Mountain ('alul' or "conspicuous, stands out"). This is believed to have been the location of the great shrine indicated to have been near Point Conception. The Harrington notes indicate that this was a very delicate or sacred place for the Chumash. The Navy constructed buildings on the peak in the late 1950s or early 1960s, which are in use by the Air Force today.

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June 5, 2019

By Fed Ex Overnight Courier

Colonel Aaron Barta
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Boulevard
Los Angeles, CA 90017

RE: Request for Government-to-Government Consultation
Proposed Strauss Wind Energy Project Section 404 Permit, Lompoc, CA
County of Santa Barbara Draft Supplemental EIR
16 CUP-00000-031; 18 CDP-00000-0001 & 18 VAR-00000-00002

Dear Colonel Barta:

The Santa Ynez Band of Chumash Indians respectfully requests government-to-government consultation with the U.S. Army Corps of Engineers (Corps) pertaining to the proposed Straus Wind Energy Project. The Draft Supplemental Environmental Impact Report for the proposed project indicates that wetlands within the project area are subject to the jurisdiction of the Corps, and thus the Corps would issue a permit pursuant to Section 404 of the Clean Water Act. Due to the issuance of said permit, and but for issuance of said permit, the proposed project could not be constructed, the project qualifies as an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended.

The Corps' Nationwide Permit Pre-Construction Notification (PCN) Form, page 6, box 12 specifically addresses Historic Properties and Cultural Resources and Section 106 compliance. To date the Tribe has not been consulted by your office as to the above Project. As the federal agency that established federal nexus, the Corps is required by law to reach out to all affected federally recognized Indian tribes. Failure to comply with Section 106 would constitute foreclosure on the Section 106 review process by the federal agency. Additionally, it would be a violation of the Administrative Procedures Act.

Per the implementing regulations for Section 106 (36 CFR Part 800), the Tribe opines that the introduction of multiple 520-foot-tall wind towers that would be visible from Swordfish Cave, Window Cave, and Point Conception would adversely affect the integrity of setting and the integrity of feeling for those historic properties, as well as other historic properties. For example,

Ethnographer Richard Applegate (1975:26) lists *'alul* as a named place corresponding to El Tranquillon Heights near Point Conception. It's translated from the Chumash Purisimeño as "conspicuous". Retired Vandenberg Air Force Base Archeologist Larry Spanne, in his attached statement, notes Tranquillon Mountain ('alul' or "conspicuous, stands out") is believed to have been the location of the great shrine indicated to have been near Point Conception. The anthropological notes of John P. Harrington indicate that this was a very delicate or sacred place for the Chumash.

The Tribe supports clean-energy initiatives. With regard to the proposed project, the Tribe's interest is in mitigating adverse effects to multiple historic properties to acceptable levels in accordance with federal law. We look forward to engaging with you in government-to-government consultation in the near future and being partners with you in the Section 106 review process.

Please contact Sam Cohen, Government Affairs and Legal Officer (Cell: 805-245-9083) to discuss mutual availability for a government-to-government meeting and to initiate consultation with the Tribe pursuant to Section 106 of the National Historic Preservation Act.

Sincerely,

Kenneth Kahn,
Tribal Chairman

2

Response to Kenneth Kahn

6.1 The proposed Project is substantially similar to the previous Lompoc Wind Energy Project (LWEP) as both projects are wind energy facilities located on the same site with substantially similar facilities (wind turbine generators, substation, O&M facility, power collection lines, 115-kV transmission line, and substation). As shown in Figure 2-2 of the Draft SEIR, the SWEP wind turbine generators (WTGs) are located in fairly similar locations to those of the LWEP, although the SWEP has substantially fewer WTGs than LWEP. In particular, the proposed SWEP has fewer WTGs in the western, northern, and northeastern portions of the site. Both projects placed WTGs in corridors along the southern edge of the site (i.e. the west and east strings of WTGs) and in a north-south line near the center of the site (i.e. the north string of WTGs). The transmission line route for the SWEP is also similar to that of the LWEP, with a notable difference being that the central portion of the SWEP transmission line is located just east of San Miguelito Road whereas that the portion of the LWEP transmission line would have been located adjacent to San Miguelito Road (see SWEP SEIR Figure 2-1 and LWEP EIR Figure 2-4). These substantial similarities make preparation of a Supplemental EIR an appropriate choice in order to build upon and update the information and analysis about constructing a wind energy facility at this site, and to also avoid unnecessary duplication of information and analysis in the Lompoc Wind Energy Project EIR. The SWEP fits the situation defined in Sections 15162 and 15163 of the State CEQA Guidelines for preparation of a Supplemental EIR, including the situation in which "Substantial changes are proposed in the project which will require major revisions of the previous EIR".

A Supplemental EIR contains the same content that is required for a regular EIR, but it does not need to unnecessarily repeat relevant information contained in the original EIR. A Supplemental EIR also has the same noticing and public review requirements as a regular EIR. The SWEP SEIR contains all the components found in a regular EIR, including: a summary; project description; descriptions of existing environmental conditions; analyses of all significant direct, indirect, and cumulative impacts; mitigation measures; and analysis of a reasonable range of feasible alternatives. There is nothing missing or deficient in comparison to a regular EIR and, therefore, there is no substantive reason to object to the preparation of a Supplemental EIR for the proposed Project.

6.2 Thank you for this information. The County is aware of AB 52's requirements for tribal consultation and the County has been abiding by those requirements in the processing of the application for the proposed Project. The County has completed multiple actions in the tribal consultation process with the Santa Ynez Band of Chumash Indians (SYBCI), including the following:

- On April 20, 2018, the County sent Ms. Julie Tumamait-Stenslie, the designated tribal representative, written "Formal Notification of Determination that a Project Application is Complete or Decision to Undertake a Project, and Notification of Consultation Opportunity, pursuant to Public Resources Code § 21080.3.1." The County did not receive a response from Ms. Tumamait-Stenslie.
- The County also complied Public Resources Code § 21080.3.1 and the County's Environmental Thresholds and Guidelines Manual by sending the Native American Heritage Commission (NAHC) a Local Government Tribal Consultation List Request for the proposed SWEP. The NAHC responded on June 12, 2018, and supplied a list of six Tribes, including the (SYBCI). In response, on July 2, 2018, the County sent a Notice of Preparation to the SYBCI and the five other tribes.

- County staff members met with SYBCI members and Elders on the SWEP site in September 2018 and again in March 2019. County staff members and County consultants had discussions with SYBCI members and Elders regarding SYBCI's concerns about potential SWEP impacts on cultural and tribal resources at the Project site and in the Project area. The Tribal Resources analysis in the Draft SEIR is based on these discussion and interactions with the SYBCI Elders.
- After the Draft SEIR public comment period, County staff met with SYBCI members and Elders on the SWEP site in August of 2019 and in person at the SYBCI Tribal Hall on October 2, 2019. The revised Tribal Resources analysis in the Final SEIR is based on these discussion and interactions with the SYBCI Elders.

6.3 Thank you for describing the importance of the Tranquillon Peak and Ridge to the Chumash. The County is aware of the sacred nature of these topographic features. Section 4.6.1 of the Draft SEIR describes that three Native American sacred sites have been identified near the Project area, which are Tranquillon Mountain, Swordfish Cave, and Window Cave. Please note the height of the tallest proposed wind turbine is 492 feet from the ground to the blade tip, not 520 feet.

6.4 Thank you for the information about federal Executive Order 13007. Please note that this Executive Order is a directive to federal land management agencies. The comment does not describe the relevance of this information to the SEIR, so it is not possible to formulate a specific response to this comment.

6.5 Thank you for stating your intention to have Tranquillon Peak and Tranquillon Ridge included on the Sacred Lands List. These features are described as sacred sites in the Draft SEIR.

6.6 Thank you for this information regarding government-to-government consultation pursuant to Section 106 of the National Historic Preservation Act and the U.S. Army Corps of Engineers' responsibilities relative to this consultation. The comment does not describe the relevance of this information to the SEIR, so it is not possible to formulate a specific response to this comment.

6.7 Thank you for this information. As indicated above, the Draft SEIR acknowledges that Tranquillon Mountain, Swordfish Cave, and Window Cave are sacred sites even though they are not currently included in the Sacred Lands List maintained by the California Native American Heritage Commission.

6.8 Thank you for this information. The County is aware of CEQA's requirements for analyzing impacts on archaeological and historic resources, and the requirement for reducing or avoiding significant impacts. The impact analysis in the Draft SEIR takes into the consideration the sacred nature of Tranquillon Mountain, Swordfish Cave, and Window Cave. Those sites are not located on the Project site; however, the Draft SEIR describes the Project's anticipated effects on the sites.

6.9 Thank you for this information on California Executive Order W-26-92. The comment does not describe the relevance of this information to the SEIR, so it is not possible to formulate a specific response to this comment.

6.10 Thank you for this information on CEQA and historic resources. The County is aware of these provisions of CEQA. As indicated above, Draft SEIR acknowledges that Tranquillon Mountain, Swordfish Cave, and Window Cave are sacred sites and treats them as such in the impact analysis.

6.11 Thank you for this information on cultural landscapes. The County understands that a Traditional Cultural Property (TCP) is a property that is eligible for inclusion in the National Register of Historic Places (NRHP) based on its associations with the cultural practices, traditions, beliefs, lifeways, arts,

crafts, or social institutions of a tribal community. TCP is a federal designation established under the National Historic Preservation Act. A cultural landscape can be an element of a TCP. The comment does not describe the relevance of this information to the SEIR, so it is not possible to formulate a specific response to this comment.

6.12 The County recognizes the importance of sacred sites to the Chumash. The County also acknowledges the potential impacts to historical resources that may be eligible for inclusion on the California Register of Historical Resources (CRHR). Many of the CRHR-eligible resources may also be eligible for inclusion in the federal government's NRHP as historic properties. Six have been identified already, including Swordfish and Window Caves. The latter two sites may be eligible as TCP per Section 106 in addition to the abundant other elements of each site that qualify them for NRHP eligibility. Further consideration may be given the known historic properties as TCPs should a federal permit process be required through a lead federal agency such as Vandenberg Air Force Base or the U.S. Army Corps of Engineers.

6.13 Thank you for this information regarding the United Nations Declaration on the Rights of Indigenous Peoples. The comment does not describe the relevance of this information to the SEIR, so it is not possible to formulate a specific response to this comment.

6.14 Since the publication of the Draft SEIR, the Phase 2 testing for the referenced cultural resource sites has been completed and the results of that testing program are presented in Final SEIR Section 4.6.

The commenter summarizes three CEQA cases with the apparent intent to support a contention that mitigation was improperly deferred. However, the facts associated with the cited cases are different from the facts of the proposed Project. In *Madera*, the deferral was related to making determinations as to whether the archaeological sites qualified as historic resources. In the case of the Draft SEIR, the County is making no contention that the affected sites are not historic resources; rather, the Draft SEIR assumed the sites are in fact historic resources and treats them as such in the impact analysis. The *Sundstrom* case cited by the commenter is also not applicable to the Draft SEIR because that case dealt with deferring impact assessment to a later date through mitigation, which is not the case for the Draft SEIR. The Draft SEIR defers no impact assessment, but rather clearly identifies and describes the Project's impacts and makes significance determinations for those impacts as required by CEQA. The *Gentry* case is not applicable because the SWEP Draft SEIR is not relying on any future study to determine what mitigation measures should be implemented. The cultural resource mitigation requirements for the Project are clearly articulated in the Draft SEIR.

6.15 Thank you for this information. The SEIR identifies nine archaeological resources that are preserved in place. All other resources within the Project site have undergone extensive avoidance measures to reduce potential impacts from ground disturbance. None of the three sacred sites identified will undergo impacts to their physical locations or future access to them. Please also see the response to Comment 6.14 above.

6.16 The SEIR has identified the significance of impacts to historic resources from the proposed Project and alternatives and, as noted, successful impact avoidance has been accomplished in many cases. The inability to avoid some resources is a matter of practicalities in design and the options to mitigate impacts to resources with implementing data recovery, reporting, and curation procedures.

6.17 Thank you. Your comment is acknowledged. The other comments received on the Draft SEIR are included in the Final SEIR.

8.4 Responses to Organizations

Comment Set 7: Sigrid Wright, Executive Director/CEO, Community Environmental Council

Community Environmental Council

26 West Anapamu St., 2nd Floor, Santa Barbara, CA 93101
tel: 805.963.0583 fax: 805.962.9080 • www.cecsb.org

Kathy Pfeifer
Project Planner
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

June 13th, 2019

Re: Strauss Wind DSEIR Comments

Dear Ms. Pfeifer,

The Community Environmental Council (CEC) has been working since 1970 to incubate and innovate real life solutions to the most pressing environmental issues on the Central Coast, including climate change. Our programs lead to clean vehicles, solar energy, resilient food systems, and reduction of single use plastic. The Strauss wind project is an opportunity for the County to take a huge step forward in renewable energy generation. With about 68 MW of utility scale solar currently online in the County (Cuyama and Vandenberg solar projects), the proposed 102 MW project would more than double the utility scale renewable energy production of the County.

The Strauss Wind Project DSEIR has identified two extremely important Class IV beneficial impacts:

- The project will help meet state and federal goals related to the use of renewable energy. Specifically, it will help California meet SB 100, which is legislation setting a target of 50% renewable energy by 2026, 60% by 2030, and 100% carbon-free energy by 2045.
- The project will result in GHG emission reductions in the power generation sector, resulting in significant reduced greenhouse gas emissions.

7.1

Santa Barbara County mostly relies on generating sources from outside the County. This project is currently designed to generate sufficient electricity to supply approximately 44,700 homes annually. It is important for our County to develop more renewable generating capacity and contribute our fair share of energy production, rather than rely on outside power plants. Due to Santa Barbara County being at the very end of both PG&E and SCE's power grids, we are extremely vulnerable to power outages. The recent Thomas Fire multi-day intermittent power outages were a recent example, and natural disasters such as fire, earthquakes or mudslides could damage transmission lines, leading to longer power outages. Utilities are also proactively turning off power grids due to wildfire risk; just this past weekend PG&E shut off power to 22,000 customers in five Northern California counties.[1]

The project's DSEIR identifies the environmental impacts, which, like any utility scale energy project, are not insignificant. The project should be designed to mitigate these impacts

[1] Bizjak, Tony. "More PG&E Power Blackouts Are Coming to California." *Sacramento Bee*, June 11, 2019. https://www.sacbee.com/news/state/california/fires/article231390783.html

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to the fullest extent possible, recognizing that there are no viable alternative sites for substantial wind development in the County.

7.2 *cont.*

CEC believes that sensitive habitat loss should be avoided when possible, and urges further development of alternatives such as the Modified Project Layout, Including Elimination of WTGs E-7 and E-8. While this alternative will reduce impacts to oaks by 63%, if there are other ways to mitigate impacts to oaks and other biological resources, they should be explored.

CEC recognizes that the project will likely have a negative impact on local bird and bat populations. CEC urges the County to explore all feasible measures to mitigate the impacts on bird and bat populations. While this project will likely cause some bird and bat mortality, renewable energy project development should also be considered in the context of wildlife impacts from fossil fuel power generating facilities as well as the devastating global scale habitat impacts of climate change.

7.3

For example, a recent study estimates that wind energy is responsible for .27 avian deaths per gigawatt-hour (GWh) of electricity, with nuclear power plants at .6 fatalities/GWh and fossil fuel plants at 9.4 fatalities/GWh.[2] While wind farms concentrate environmental impact at the site, and particularly on birds and bats, fossil fuel plants induce avian and other animal and human deaths at various points through the fuel cycle, upstream through habitat destruction during fossil fuel extraction, and downstream poisoning and death caused by acid rain, mercury pollution, and most significantly, climate change. We have visceral, current experience of this as Santa Barbara County has recently seen significant wildlife deaths from climate change exacerbated heat, drought, and wildfire. It should also be noted that wind energy uses no water, whereas other sources of power generation use significant amounts of water, both in fossil fuel extraction and power plant operation.

7.4

The careful and mitigated development of renewable energy projects within Santa Barbara County is critical to reducing our electricity related greenhouse gas emissions, supporting the local economy, and ensuring our energy resilience. We urge the County to develop appropriate mitigations for this project, and work with all stakeholders toward the best wind energy project possible.

Sincerely,

Sigrid Wright
Executive Director/CEO

[2] Benjamin K. Sovacool (2012) The avian and wildlife costs of fossil fuels and nuclear power, Journal of Integrative Environmental Sciences, 9:4, 255-278, DOI: 10.1080/1943815X.2012.746993

Response to Sigrid Wright

7.1 Thank you for expressing your opinion regarding the proposed Project. Your comments will be shared with the County's decision makers.

7.2 Thank you for expressing your preference for the Modified Project Layout alternative. Your comments will be shared with the County's decision makers.

7.3 Thank you for this information on avian deaths from other types of power-generation facilities. Impacts from bird mortality are described in the discussion of Impact BIO-10 in Section 4.5 of the Draft SEIR. This is considered a significant and unavoidable impact of the Project, although a detailed mitigation strategy is proposed in the SEIR to reduce this impact to the degree feasible.

7.4 Thank you for expressing your opinion regarding the proposed Project. Your comments will be shared with the County's decision makers.

Comment Set 8: Ana Citrin, Marc Chytilo, Law Office of Marc Chytilo, APC, Representing the Santa Audubon Society and La Purisima Audubon Society

LAW OFFICE OF MARC CHYTILO, APC

ENVIRONMENTAL LAW

June 14, 2019

Kathy Pfeifer
Santa Barbara County
Planning and Development Department
Energy, Minerals and Compliance Division
123 E. Anapamu Street
Santa Barbara, CA 93101

By email to: *Kathypm@countyofsb.org*

RE: Strauss Wind Energy Project Draft Supplemental Environmental Impact Report (DSEIR)

Dear Ms. Pfeifer,

This letter is submitted on behalf of the Santa Barbara Audubon Society and the La Purisima Audubon Society (collectively Audubon). Audubon also directly submitted technical comments on the DSEIR prepared by a team of local avian experts, which this legal letter references and incorporates. Audubon supports renewable energy and understands the Strauss Wind Energy Project (Project) promise in helping our County reduce its contribution to climate change. However, as the recent United Nations IPBES Global Assessment Report on Biodiversity and Ecosystem Services[i] makes clear, habitat and biodiversity loss is an equally pressing global catastrophe that governments must do everything in their power to address. We believe the Project has the potential to both help address climate change, *and* be designed in such a way that its impacts to biological resources are minimized. Unfortunately, the DSEIR fails to adequately identify, analyze, avoid, and mitigate significant impacts to a range of sensitive wildlife and plant species, including threatened and endangered bird and bat species. The DSEIR also fails to adequately identify, analyze, avoid, and mitigate other significant impacts, including impacts to public access and recreation, and land use. **8.1**

Due to the numerous fundamental flaws and inadequacies in the DSEIR discussed below, satisfying California Environmental Quality Act (CEQA)'s information disclosure and public participation requirements will require that the DSEIR be revised and recirculated. (*See* CEQA Guidelines § 15088.5 (a).) It is our hope, and expectation, that through this process more data can be collected and the Project can be refined in such a way that the basic objectives of the Project are met, but without the unacceptably severe impacts that the instant proposal entails. **8.2**

1. **The Project Description is Flawed and Incomplete**

"An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 193). "An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 730). The project description must describe the "whole of the action" that has the potential to impact the environment (*see* CEQA Guidelines § 15378 (a)). "A **8.3**

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curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance." (*County of Inyo,* 71 Cal. App. 3d at 192-193). The DSEIR's project description omits several key components of the Project and lacks the detail necessary to evaluate the Project's impacts on the environment. Several significant inaccuracies and omissions are described below.

a. Failure to Include a Finite Project Description

The DSEIR explains in the section "Post FEIR Project Changes" that the EIR is not based on final engineering data or construction-level plans which have not yet been prepared, and accordingly that some changes in Project details are expected after the SEIR is finalized and approvals are granted. (DSEIR p. 1-9.) As authority purportedly supporting this approach, DSEIR quotes CEQA Guidelines § 15124:

> Section 15124 of the State CEQA Guidelines states that an EIR should contain a "general description" of a project's characteristics and "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." Further, State CEQA Guidelines Section 15004(b) states that an EIR "should be prepared as early as feasible in the planning process to enable environmental considerations to influence project … design."

(Id.)

8.3 *cont.*

However, even the above quoted language in Guidelines § 15124 makes clear that an EIR must describe the Project with sufficient detail to enable an evaluation of the Project's environmental impacts. The question here, is whether the DSEIR describes the proposed wind energy project with sufficient detail in the first instance, not whether CEQA authorizes minor changes to a Project's design post-approval. Unfortunately, the DSEIR fails to describe the Project including the proposed transmission line and the proposed WTG locations with sufficient detail to enable this critical analysis. With respect to the proposed transmission line the DSEIR explains "[t]he exact number of poles and their sizes, types, and spacing would be determined as part of final design engineering." (DSEIR p. 2-21) This information is necessary however for an evaluation of the transmission line's impacts, for example as discussed in the Audubon letter (§ 7.3) transmission line spacing of at least 83 inches is necessary to accommodate the California Condor and minimize impacts to this special status species.

Discussed in section 2.b, below, detailed information regarding the biological resources surrounding the proposed WTGs location including features that attract birds and bats is needed to evaluate the Project's impacts to biological resources and to develop a Project site design that avoids or minimizes avian and bat impacts. Unfortunately the DSEIR does not describe the WTG locations with sufficient specificity to enable an analysis of their impacts. Discussed at length below, the

Strauss Wind Energy DSEIR Comments
June 14, 2019
Page 3

DSEIR's approach of designing the site layout to maximize energy generation, then relying on pre-construction surveys and limited micrositing to purportedly "mitigate" impacts after the general layout is approved, not only precludes an adequate impact analysis, but also precludes the development of a wind energy project that minimizes avian and bat impacts consistent with state and federal guidelines for wind energy projects (*see* section 2.b; *see* Audubon DSEIR comments for a detailed discussion of the state and federal guidelines). **8.3** *cont.*

b. Failure to Identify Proposed Access Limitations – closure of San Miguelito Rd

The Project Description leaves open the possibility that San Miguelito and Sudden Roads may be closed to public travel, either temporarily during construction and/or during the operational phase of the Project. Specifically, the DSEIR provides:

> During the construction, and possibly during the operational phase of the Project, the Project operator and landowners using San Miguelito Road and Sudden Road beyond their intersection may request the County to close these roads to public travel. Only the landowners involved in the Project and VAFB would use these roads. A turnaround area would be provided at the end of the public road near the entrance of the Project. This Project component would benefit Project safety and security. **8.4**

(DSEIR p. 2-34.) The potential closure of San Miguelito Road and Sudden Roads to public travel is not identified in the recreational impact analysis, which instead provides that "the physical use of the Project area would remain fully accessible to informal recreation (i.e., cycling, running, birding, sightseeing) during Project operation." (DSEIR p. 4.16-13.) CEQA requires a stable Project Description, and leaving the question of public access during the operational phase open ended has indeed precluded an adequate analysis of the Project's potential impacts to recreation (*see* section 3.b, below, regarding the defective recreational impact analysis.)

2. The EIR Fails to Adequately Describe the Environmental Setting

"An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective." (CEQA Guidelines § 15125 (a).) "The environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." (*Id.*) Additionally, the CEQA Guidelines provide: **8.5**

> Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed

> and it must permit the significant effects of the project to be considered in the full environmental context.

(CEQA Guidelines § 15125.) "Without a determination and description of the existing physical conditions on the property at the start of the environmental review process, the EIR cannot provide a meaningful assessment of the environmental impacts of the proposed project." (*Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 119 (citing Pub. Resources Code, §§ 21100, subd. (a), 21060.5).) "If the description of the environmental setting of the project site and surrounding area is inaccurate, incomplete or misleading, the EIR does not comply with CEQA." (*Cadiz Land Co., Inc. v. Rail Cycle, L.P.* (2000) 83 Cal.App.4th 74, 87.) **8.5** *cont.*

The DSEIR for the Project does not accurately describe the environmental setting, including with respect to resources that are rare or unique to the region and that would be affected by the Project. Because this environmental setting also constitutes the baseline for analysis, this renders the impact analysis inadequate with respect to several key impact areas. (*See Save Our Peninsula,* 87 Cal.App.4th at 119.)

a. Failure to Describe the Regional Environmental Setting

The Project site is situated in an extraordinary area, immediately inland from the Gaviota Coast, the largest remaining stretch of undeveloped coastal land in Southern California, and a biodiversity hotspot. "The Gaviota Coast is Southern California's largest continuous stretch of rural coastal land and contains its healthiest remaining coastal ecosystem." (Gaviota Coast Plan, p. 2-1.) Unfortunately the DSEIR does not adequately describe the environmental setting with respect to the Gaviota Coast's ecosystem, including its extraordinary biodiversity of plants and wildlife. The Project site also adjoins the newly established 24,000-acre Dangermond Preserve, which was not in existence at the time the LWEP EIR was prepared. The DSEIR does not acknowledge this significant new land use or evaluate the Project's potential land use conflicts with it. **8.6**

Without a thorough and accurate description of the region surrounding the Project site including the Gaviota Coast and Dangermond Preserve specifically, the DSEIR fails to convey the significance of the Project site, and the impact analysis systematically understates the significance of the Project's impacts.

b. Failure to Describe Biological Resources on and around the Project Site

The DSEIR is woefully inadequate in its description of the environmental setting for biological resources. This inadequacy is especially pronounced with respect to bird and bat usage of the site and movement through and within the site. Without this critical baseline information, the DSEIR cannot meaningfully analyze the Project's impacts to biological resources. (*See Save Our Peninsula*, 87 Cal.App.4th at 119.) Furthermore, without this critical baseline information, the WTGs cannot be sited in the manner that minimizes bird and bat strike impacts, as required by the **8.7**

Strauss Wind Energy DSEIR Comments
June 14, 2019
Page 5

California Energy Commission (CEC) Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Projects[ii], and CEQA (*see* CEQA Guidelines § 15021 (a)).

The DSEIR speculates that "the project site probably serves as a migratory corridor" based on number of avian migrants observed (DSEIR p. 4.5) but fails to adequately describe avian migration patterns, or site features which could attract birds and/or bats.

The CEC Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Projects describe the level of detail necessary to assess the impacts of turbine siting, and to determine the appropriate turbine placement to avoid or minimize impacts to birds and bats. (CEC Guidelines, p. 15.)

> Pre-permitting studies must be sufficiently detailed to provide maps of special-status species habitats (such as wetlands or riparian habitat, oak woodlands, large, contiguous tracts of undisturbed wildlife habitat, raptor nest sites) as well as bird and/or bat movement corridors that are used daily, seasonally, or year-round. Use maps that show the location of sensitive resources to establish the layout of roads, fences, and other infrastructure to minimize habitat fragmentation and disturbance.

(Id., p. 63.)

8.7 *cont.*

> Pre-permitting studies must be sufficiently detailed to establish normal movement patterns of birds and bats to inform micrositing decisions about turbine configuration. Turbine alignments that separate birds or bats from their daily roosting, feeding, or nesting sites or that are located in high bird use or bat use areas can pose a collision threat.
> Assessing the impacts of turbine siting and determining appropriate turbine placement requires a thorough understanding of the distribution and abundance of birds and bats at a proposed site as well as site-specific knowledge of how wildlife interacts with landscape features at the site.

(Id. p. 64.)

Unfortunately, the DSEIR does not include the requisite level of detail to inform the impact analysis, and to avoid and minimize impacts to birds and bats as called for in the CEC Guidelines, and as required by CEQA. Notably, the DSEIR lacks sufficient data to establish the normal movement patterns of birds and bats. Migration studies referred to in the DSEIR are not included in the materials, and the DSEIR includes no maps showing the normal movement pattern of birds or bats, and includes no discussion of how wildlife interacts with landscape features on the site. Discussed below, identification of site features that may serve to attract birds and bats is deferred to the pre-construction (post-approval) stage (*see* MM BIO-15a). Without this critical information, as the CEC Guidelines make abundantly clear, adequate impact analysis and turbine placement is not possible.

Additionally, the Biological Resources Technical Report (Sapphos Report) even acknowledges in the section "Study Limitations" that complete baseline surveys were not conducted. Specifically, Sapphos Report explains that inclement weather influenced previous and most current studies, that GPS data may be inaccurate, that Project impact areas have changed over the course of the Project history, and notably that ***access was not available to 25 of the 79 proposed transmission pole locations***. (Sapphos Report, p. 4-22.) These substantial gaps in the environmental baseline preclude an adequate and accurate evaluation of the Project's environmental impacts, and precludes the development of mitigation measures and alternatives that avoid or substantially lessen the Project's significant adverse environmental impacts. **8.7** *cont.*

The above significant omissions from the environmental setting render the DSEIR fundamentally inadequate as an informational document. These omissions in turn result in an inadequate and misleading baseline from which the DSEIR analyzed significance of the Project's impacts. Revision and recirculation is plainly required to address these baseline flaws. (*See e.g. Save Our Peninsula Committee,* 87 Cal. App. 4th at pp. 127-128 (holding that the environmental baseline must be determined at the beginning of the environmental review process for the EIR to fulfill its function with respect to analysis and public participation).)

3. **The DSEIR Fails to Adequately Analyze and Mitigate Project Impacts**

"A legally adequate EIR . . . 'must contain sufficient detail to help ensure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug.'" (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 733). "An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal. 3d 376, 404-405). CEQA requires that the EIR set forth the basis for its findings; a bare conclusion regarding an impact without an explanation of its factual and analytical basis is not sufficient. (*Sierra Club v. County of Fresno* (2018) 6 Cal. 5th, 522; *Laurel Heights I* (1988) 47 Cal.3d 376, 404.) "[A] sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact. (*Sierra Club v. County of Fresno*, 6 Cal. 5th at 519.) **8.8**

Agencies have a duty under CEQA to avoid or minimize environmental damage whenever feasible to do so, and must give major consideration to preventing environmental damage. (Guidelines § 15021 (a)). "Even when a project's benefits outweigh its unmitigated effects, agencies are still required to implement all mitigation measures unless those measures are truly infeasible." (*Sierra Club v. County of* Fresno, 6 Cal. 5th at 524-525.) Agencies must make information relevant to the significant effects of a project, alternatives, and mitigation measures that substantially reduce project impacts as soon as possible in the environmental review process (Pub. Resources Code §

Strauss Wind Energy DSEIR Comments
June 14, 2019
Page 7

21003.1 (b)) and should not defer the formulation of mitigation measures to some future time (Guidelines § 15126.4 (b)).

The DSEIR's impact analysis is inadequate pursuant to the above CEQA standards. The DSEIR lacks adequate information regarding the environmental baseline (discussed above) which precludes an adequate impact analysis, relies on unsupported conclusions regarding impact significance without factual support and analysis, and defers key aspects of the environmental review process to post-approval mitigation. These failures preclude the public from understanding and meaningfully commenting on the Project, its impacts, and feasible mitigation measures and alternatives to avoid and minimize impacts. **8.8** *cont.*

a. Impacts to Biological Resources

Discussed above, the DSEIR does not adequately characterize the environmental setting in and around the Project site with respect to its ecological importance. Nonetheless, the DSEIR does identify the large number of protected plant and wildlife species and their habitats that occur or potentially occur in the vicinity of the Project site including eighty-two (82) special-status plants (DSEIR p. 4.5-17) and seventy-nine (79) special-status wildlife species (*id.*, p. 4.5-19). Nine special-status bird species and three special-status bat species are newly documented in the Project Area since the LWEP EIR's certification (DSEIR p. 4.5-20), and the range of the federally and state-listed endangered California Condor (*Gymnogyps californianus*) has expanded considerably to within 20 miles of the Project site (4.5-22). In addition, since the LWEP EIR's certification the federally endangered El Segundo Blue Butterfly (*Euphilotes battoides allyni*) and its host plant coast buckwheat has been identified on the Project site (*Id.*)

Although the DSEIR lacks a comprehensive "constraints map" showing all the sensitive biological resources on the site overlaid with areas proposed for development, the maps provided do illustrate substantial overlap between the areas proposed for Project development and sensitive biological resources. For example, the mapped El Segundo Blue Butterfly habitat is concentrated along the southern portion of the site along ridgelines proposed for WTG development (DSEIR Figures 4.5-6a and 6b). Similarly, discussed at length in the Audubon DSEIR comments, these ridgelines are also especially important for raptors and other protected bird species. The entirety of the 791-acre Sudden Peak Unit of critical habitat for Gaviota Tarplant (*Deinandra increscens ssp. villosa*), a federally and state-listed endangered plant species, is located in the southern portion of the site (DSEIR Figure 4.5-2, p. 4.5-17). **8.9**

Unfortunately, the DSEIR does not adequately analyze or mitigate the Project's impacts to these sensitive biological resources, and importantly the DSEIR lacks a Project alternative that seeks to avoid these sensitive resources. Considerable changes in the environment including the newly identified presence or potential presence of at least seventeen (17) additional special status species and/or habitats (*see* DSEIR pp. 4.5-20 – 4.5-25), and considerable changes to the Project including new road widening, a new transmission line route, and considerably larger WTGs necessitates a new

thorough impact analysis. The DSEIR's reliance on the outdated LWEP EIR and inclusion of only a cursory impact analysis of the Project's biological resource impacts is contrary to CEQA and precludes informed public participation and decisionmaking. **8.9** *cont.*

i. Bird Strike Impacts

The DSEIR's analysis of Impact BIO-10, Avian and Bat Collisions with WTGs, is woefully inadequate and requires wholesale revision. Bird and bat mortality is one of the most, if not the most, significant adverse environmental impact of wind farms generally, and the SWEP in particular. The mitigation measures the DSEIR relies on are demonstrably ineffective. Rather, proper siting is the single most effective way to reduce avian and bat collisions, and yet the DSEIR incomprehensibly defers any studies that would elucidate which proposed WTG locations are most likely to result in bird and/or bat strikes, and enable the Project to be designed in such a way that those impacts are minimized as both CEQA and the CEC guidelines require. **8.10**

1. Inadequate Impact Analysis of Bird/Bat Strike Impacts

The DSEIR's approach is to determine that bird and bat strike impacts are Class I, without the explanation or factual support necessary to inform the public and decisionmakers about the severity of the impact, the effectiveness of mitigation measures, or the availability of other feasible means of reducing these impacts. The California Supreme Court recently confirmed that this approach violates CEQA. (*See Sierra Club v. County of Fresno*, 6 Cal. 5th 502.)

The DSEIR's discussion of Impact BIO-10 is devoid of any actual analysis of the Project's bird strike impacts. The first two paragraphs addressing this impact in the DSEIR, which essentially encompass the entirety of the "impact analysis", consists of a series of unsupported assertions, and an unconvincing explanation as to why no actual analysis was done. The Biological Resources Report (DSEIR Attachment C-1) is also lacking, as discussed below, and includes highly questionable conclusions about the ability to mitigate impacts that appears to be inconsistent with the DSEIR itself (*see e.g.* p. 5-98, concluding that impact to migratory birds would be less than significant).

The DSEIR acknowledges obvious differences between the two projects that affect bird and bat mortality, stating: **8.11**

> Although the SWEP would have fewer WTGs than the LWEP (30 compared with 65), the WTGs would be larger and taller (up to 492 feet tall compared with 397 feet tall), and therefore, may place the rotor-swept area into the flight paths of birds that would have flown over the LWEP.

(DSEIR p. 4.5-81.) However, the DSEIR does not disclose which birds may be placed into the rotor-swept area of the SWEP Project, or undertake an analysis of the impact of the height change. Without this information and analysis, the DSEIR has no evidentiary basis to conclude, as it

summarily does, that "the overall risk of the Project to birds and bats is considered similar to that presented by the LWEP" (DSEIR p. 4.5-81.) Reliance on the LWEP EIR's analysis, without actually analyzing how the differences between the projects will impact birds and bats, is patently inadequate and contrary to CEQA. (*See Laurel Heights I*, 47 Cal.3d at 404.) **8.11** *cont.*

2. Mitigation for Bird/Bat Strike Impacts Is Ineffective and Improperly Deferred

Discussed above in the context of the environmental baseline, the CEC Guidelines call for detailed studies upfront to inform the analysis and guide decisions about turbine placement. (*See Id.*, pp. 63-64.) Only through proper turbine placement, can bird and bat collisions be effectively minimized. Rather than conduct up front surveys and develop a site plan that seeks to minimize bird and bat strikes DSEIR relies on pre-construction surveys of the areas already selected for development, when it is too late to make major changes to the site layout to avoid and minimize impacts, and too late for the public to be meaningfully engaged in the process. This approach is fundamentally contrary to CEQA. (*See* Pub. Resources Code § 21003.1 (b); CEQA Guidelines § 15126.4 (b)).

For example, MM BIO-15a (Siting) calls for pre-construction surveys to identify critical biological resources that could serve to attract birds or bats, to ensure that each WTG and transmission tower is located at least 500 feet away from these resources. (DSEIR p. 4.5-82). However, as explained in the Audubon DSEIR comments, this mitigation measure omits consideration of the movement of birds and bats through the site that is required by the CEC guidelines and required to evaluate and mitigate the Project's bird and bat strike impacts. As the CEC Guidelines make clear, pre-construction surveys are not adequate to minimize bird and bat collisions. The mitigation approach taken in the DSEIR is ineffective, and precludes the required finding that the Project's significant adverse environmental effects are mitigated or avoided to the maximum extent feasible (*see* CEQA Guidelines § 15091). Moreover studies to identify biological resources that could serve to attract birds or bats, as well as the movement of birds and bats through the site, should have been prepared *before* the proposed site layout was developed, and released to the public and responsible agencies with the DSEIR. Additional pre-construction surveys are also clearly needed, however it is not permissible for the County to defer preparation of surveys that are themselves necessary for an adequate impact analysis, and informed public participation. (*See* Pub. Resources Code § 21003.1 (b); Guidelines § 15126.4 (b)). **8.12**

ii. Impacts to Trees, Woodlands, and Forests

The Project proposes the removal of 607 specimen oaks - 250 Coast Live Oaks and 355 Tanoaks. (DSEIR p. 4.5-50.) The DSEIR speculates that this may constitute 10 percent of the trees on the overall site. (*Id.*) The impacts associated with the large number of trees removed or damaged are extensive, ranging from habitat fragmentation, canopy disruption, disruption of animal movement, and spread of Sudden Oak Death (SOD) which is not currently documented in Santa **8.13**

Barbara County. (*Id.*, pp. 4.5-50 – 4.5-51.) By contrast, the LWEP's impacts to trees, woodlands, and forests were relatively minor. Unfortunately the DSEIR fails to adequately compare the LWEP and SWEP's impacts to trees, woodlands, and forests, and fails to adequately disclose, analyze, mitigate and avoid the SWEP's impacts to these critically important biological resources.

The DSEIR acknowledges that proposed mitigation including restoration will not reduce the Project's impact to less than significant levels, and that ecological functions may not be restored for decades or longer. (DSEIR p. 4.5-51.) The DSEIR also acknowledges the existence of a significant unmitigated cumulative impact to woodlands and forests (DSEIR p. 4.5-94). However, the DSEIR does not analyze the significance of this loss in ecological function, either on the Project site, in the Lompoc area, or more broadly. An evaluation of the direct and cumulative loss in ecological function is especially critical with increased forest fires and other climate-change induced threats to forests generally and oak woodlands specifically. These issues must be acknowledged in the EIR and included in the impact analysis. **8.13** *cont.*

The DSEIR lacks any meaningful discussion of means of substantially lessening or avoiding impacts to woodlands and forests. As with bird and bat strikes, the DSEIR's approach is to determine that the impacts are Class I, without an analysis of feasible means of actually reducing these impacts. Discussed above, this approach is contrary to CEQA. (*Sierra Club v. County of* Fresno, 6 Cal. 5th at 524-525.) The LWEP successfully avoided this Class I impact by utilizing smaller turbines that do not require road widening for transport. The DSEIR does not provide any rational explanation for why the use of smaller turbines is no longer feasible. The SWEP also changed the transmission line route without stating why and without comparing the impact of the new route to the LWEP. If a less impactful route was feasible in the context of the LWEP, it must be considered to reduce the SWEP's Class I impact to trees, woodlands, and forests.

b. Impacts to Public Access and Recreation

Pursuant to the environmental thresholds identified in the DSEIR, the proposed Project would have a significant recreation impact if it would "[c]ontribute to the long-term loss or degradation of a recreational use or facility." (DSEIR p. 4.16-1.) The DSEIR however only identifies *loss* of recreation as a potential impact, and fails to consider the significant degradation of recreation that the Project will cause. Moreover, the DSEIR only analyzes impacts to recreation in the context of construction-related activities, omitting any analysis of the operational impacts of the Project. The Project's degradation of the public recreational experience currently available along Project area roadways is explained in detail in Audubon's DSEIR comments. These two omissions, together with the inconsistent Project Description with respect to whether or not roadways in the Project area will be closed to the public during Project operations (*see* section 1.b, above) render the recreational impact analysis utterly inadequate and in need of wholesale revision. **8.14**

In addition to addressing the above general flaws and omissions, the revised recreational impact analysis should specifically address degradation of the recreational experience currently

Strauss Wind Energy DSEIR Comments
June 14, 2019
Page 11

available from Jalama Beach County Park (the DSEIR acknowledging that the Project will adversely affect "high quality" views from this publicly accessible beach that could not be mitigated to a less than significant level, see p. 4.13-7.) The revised recreational impact analysis should also identify mitigation measures to help reduce the Project's significant impacts associated with the degradation of recreation on the site and at nearby recreational facilities, including impact mitigation fees for use in improving and/or acquiring public trails and/or other recreational facilities in the Lompoc area and on the Gaviota Coast. **8.14** *cont.*

c. Land Use Impacts

The DSEIR is required to identify the Project's potential inconsistencies with applicable policies, and identify any potentially significant impacts arising from this inconsistency (see CEQA Guidelines Appendix G, § IV (e) ("Would the project . . . [c]onflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?"); *see also Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903 (policy conflicts may constitute potentially significant impacts). While the DSEIR identifies some conflicts and associated potentially significant impacts, the impact analysis is badly flawed and incomplete. **8.15**

Inadequacies in the DSEIR's evaluation of the Project's land use impacts from tree removal, and impacts to coastal resources, are addressed in turn below. Additionally, discussed in the context of the environmental setting, above, the DSEIR's land use impact analysis impermissibly fails to evaluate potential land use conflicts with the newly established Dangermond Preserve which borders a large portion of the Project site's southern border, and with adjacent Gaviota Coast more generally. This impact must be identified, analyzed, and mitigated or avoided in a revised DSEIR.

i. Impact LU-1b – Tree Removal

The DSEIR acknowledges that the Project as proposed would be inconsistent with County policies protecting oak trees, and that as a result the Project results in a potentially significant land use impact (Impact LU-1b). (DSEIR p. 4.13-9.) However, the impact analysis is flawed and incomplete, and both the Project *and* the Modified Project Layout Alternative are patently inconsistent with County policies protecting oaks. Specifically, the DSEIR claims that the Modified Project Layout Alternative avoids oak tree removal to the maximum extent feasible, and that therefore it can be found consistent with oak protection policies. However, discussed in section a.ii above and in the Audubon DSEIR comment letter, further avoidance of impacts to oaks is feasible, and accordingly a finding of consistency with County policy is not supportable. **8.16**

ii. Impact LU-6 – Coastal Resources

The DSEIR includes a cursory 1-paragraph discussion of Impact LU-6, identified as "Coastal Resources. Possible unpermitted encroachment into the Coastal Zone, impacting coastal resources." (*See* DSEIR p. 4.13-12.) The impact discussion is vague and confusing, but appears to be limited to **8.17**

the possibility that construction could occur accidentally within the Coastal Zone outside any area authorized by a CDP. This impact discussion and proposed MM LU-1 (Staking of Coastal Zone) may be appropriate, but is hardly sufficient. First, the analysis includes no discussion of what impacts to coastal resources may result from an unpermitted encroachment into the Coastal Zone. There are various sensitive coastal resources including riparian areas and Environmentally Sensitive Habitat Areas (ESHAs) in and near the Project area that must be identified in the analysis of Impact LU-6, and avoided to the maximum extent feasible through Project design modification before a CDP is sought. Second, the Project includes substantial development including WTG installation in the immediate vicinity of the Coastal Zone (*see* DSEIR Figures 2-3a and 2-3b), but the analysis of LU-6 is unclear with respect to whether the entire southern border of the Project has been considered for potential Coastal Zone encroachment and associated impacts to coastal resources. Additionally, MM LU-1 is unclear as to whether exclusionary fencing or staking is required along the entire Coastal Zone boundary (which forms the southern boundary of the western portion of the site, and then extends into the site in the eastern portion, *see* Figure 2-3b) or only in the area proposed for coastal development. A much more robust analysis and mitigation approach is required to adequately address the Project's potential impact to coastal zone resources from unauthorized encroachment.

8.17 *cont.*

In addition, the proposed location of the Project immediately adjacent to and within the Coastal Zone will cause a host of potentially significant impacts to coastal resources that need to be thoroughly disclosed, analyzed, and mitigated in the DSEIR. In particular, impacts to protected migratory water birds from Project construction and operation must be considered specifically in the context of the Project's impacts to coastal resources. While the migratory bird surveys relied on in the DSEIR are inadequate, as explained in section 2.b above, the surveys conducted did nonetheless identify migratory water birds on the Project site including greater yellowlegs (*Tringa melanoleuca*), solitary sandpiper (*Tringa solitaria*), great egret (*Ardea alba*), common loon (*Gavia immer*), Wilson's snipe (*Gallinago delicata*), and California brown pelican (*Pelecanus occidentalis)* a CDFW Fully Protected species. (DSEIR p. 4.5-9.)

In section 4.13.5.2 the DSEIR improperly constrained its analysis of the Project's consistency with the County's LCP to the Project components proposed within the Coastal Zone itself. (DSEIR p. 4.13-27). However, both potential unpermitted encroachment of all Project development, and the impacts of the WTGs themselves, must be taken into account in the land use impact and policy consistency analysis.

4. Defective Alternatives Analysis

"A major function of an EIR 'is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official.' (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal. App. 4th 1437, 1456). The alternatives analysis is the core of CEQA, and forms the foundation for CEQA's "substantive mandate" which prohibits approval of projects "if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the

8.18

Strauss Wind Energy DSEIR Comments
June 14, 2019
Page 13

significant environmental effects of such projects." (*Citizens for Goleta Valley*, 52 Cal. 3d at 564-565; Pub. Res. Code § 21002.)

Specifically, the CEQA Guidelines provide that "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (Guidelines § 15126.6 (a).) "The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." (Guidelines § 15126.6 (c).) "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment [citation], the discussion of alternatives shall focus on alternatives . . . which are capable of avoiding or substantially lessening any of the significant effects of the project, even if these alternatives would impede to some degree the attainment of the project alternatives, or would be more costly." (Guidelines § 15126.6 (b).) **8.18** *cont.*

Accordingly, it is critically important that the EIR identify and analyze all reasonable alternatives. Unfortunately, the DSEIR does not identify a reasonable range of alternatives and improperly rejects alternatives from consideration without adequate explanation.

a. Failure to Analyze a Reasonable Range of Alternatives

The DSEIR identifies a number of potentially feasible alternatives that were "considered and dismissed" without adequate justification. The result of improperly rejecting these alternatives is that the DSEIR analyzed unreasonably narrow range of alternatives, and that the public lacks adequate information about the dismissed alternatives to understand that reasons for their dismissal.

None of the alternatives analyzed in the DSEIR are true Project alternatives in the sense that they provide an alternative to *the Project,* not just to some individual Project component. An "EIR must discuss proposed alternatives to the project as a whole" as opposed to alternatives "to various facets of the project". (*A Local & Regional Monitor v. City of Los Angeles* (1993) 16 Cal.App.4th 630, 642 (fn. 8), citing *Big Rock Mesas Property Owners v. Board of Supervisors* (1977) 73 Cal.App.3d 218, 226-227.) Discussed below, the DSEIR improperly rejected the more comprehensive alternatives, resulting in an unreasonably narrow range of alternatives analyzed. **8.19**

In addition, the newly identified presence or potential presence of at least seventeen (17) special-status plant and wildlife species and habitats in the Project area since the LWEP EIR was prepared (*see* DSEIR pp. 4.5-20 – 4.5-25), along with the recent and significant comments from the Santa Ynez Tribe of Chumash Indians that the Project site and surroundings is a sacred place to the Chumash, and continuing opposition from affected County residents, demonstrates the need to consider other potential alternative *locations* for the Project.

Strauss Wind Energy DSEIR Comments
June 14, 2019
Page 14

b. Improper Rejection of Feasible Alternatives

The DSEIR rejects two alternatives that substantially reduce the Project's impacts, asserting they are infeasible, but without any substantial evidence to support their rejection. First, the DSEIR rejects the 82.5-MW Wind Energy Project that was identified as the environmentally superior alternative in the LWEP EIR. (*See* DSEIR p. 5-4.) Remarkably, the DSEIR rejects this alternative which was considered feasible and worthy of analysis in the LWEP EIR out of hand. The DSEIR provides: "Although this alternative was previously analyzed, there are reasons why this alternative either would not be feasible today, would not meet Project objectives, or would result in certain adverse impacts that would not occur with the proposed Project." (DSEIR p. 5-4.) None of the reasons listed however actually support the infeasibility of this alternative. First the DSEIR states the alternative "would not generate the 102 MW of power intended by the proposed Project, which would not allow the Project to meet the terms of its Power Purchase Agreement and would likely have an adverse effect on the financial viability of the Project." (*Id.*) However, CEQA does not require that an alternative satisfy every project objective or provide equivalent financial gains to the Project to be considered feasible. Instead "the discussion of alternatives shall focus on alternatives . . . which are capable of avoiding or substantially lessening any of the significant effects of the project, *even if these alternatives would impede to some degree the attainment of the project alternatives, or would be more costly*." (Guidelines § 15126.6 (b) (emphasis added).) That the alternative "would likely have an adverse effect on the financial viability of the Project" is entirely speculative, and does not constitute substantial evidence. The possibility that costly retaining walls may need to be constructed and were not analyzed in the LWEP is hardly a reason that this alternative is infeasible (by that rationale, the SWEP which includes extensive road widening that is costly and required new environmental analysis would also be infeasible). Alleged changes with respect to the transmission line are not defined, and their effects with respect to feasibility are "unknown". In sum, there is nothing in DSEIR section 5.4.1 or elsewhere in the DSEIR that supports the elimination of the 82.5-MW Wind Energy Project alternative from consideration. **8.20**

Second, during the scoping process Audubon proposed an alternative identified as "Siting WTGs Below Ridgelines" in the DSEIR. The DSEIR rejects this alternative from detailed evaluation without adequate explanation. The DSEIR reasons that WTGs must be sited close to the ridgelines "in order to best exploit the wind resource at the Project site" and that "[s]hifting WTGs any substantial distance away from the ridgetops would result in a failure to capture the maximum capacity of the wind resource." (DSEIR p. 5-6.) However, capturing the maximum capacity of the wind resource is not even an articulated Project Objective, and moreover as discussed above an alternative need not satisfy all of a project's identified objectives to be feasible (Guidelines § 15126.6 (b, c).) Clearly, given the sensitivity of the site and the Project's numerous Class I impacts, and the directive in the CEC Guidelines that WTGs should be sited where they avoid bird strikes, some tradeoffs in capturing the *maximum* amount of wind energy will be required in order to fulfill CEQA's requirement to *minimize* environmental damage wherever feasible to do so (Guidelines § 15021 (a)). Discussed below, Audubon has proposed a Low-Impact Project Design Alternative which incorporates elements of the Siting WTGs Below Ridgelines Alternative and substantially

Strauss Wind Energy DSEIR Comments
June 14, 2019
Page 15

reduces various impacts including impacts to biological resources and aesthetics. Rather than add the Siting WTGs Below Ridgelines Alternative to the alternatives considered in detail in a revised EIR, we request that the revised EIR instead analyze the Low-Impact Project Design Alternative which more comprehensively addresses and seeks to avoid and minimize the Project's various significant adverse environmental impacts. **8.20** *cont.*

c. Additional Alternatives for Consideration

The Audubon DSEIR comment letter identifies a facially feasible alternative that would substantially reduce the significant impacts of the proposed Project, the Low-Impact Project Design. We request that this alternative be specifically analyzed in a revised DSEIR.

In addition, the approved LWEP entails substantially reduced impacts in various impact areas, including avoiding the SWEP's Class I impacts associated with the road widening. Discussed above, the DSEIR does not adequately explain why the SWEP is being pursued in lieu of the LWEP. The approved LWEP should be expressly identified as a feasible alternative to the Project, or if it is no longer feasible, the reasons supporting that determination must be clearly identified in a revised DSEIR. **8.21**

5. The DSEIR Must Be Recirculated

"The requirement of public review has been called 'the strongest assurance of the adequacy of the EIR.'" (*Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal. App. 3d 1043, 1051 (quoting *Sutter Sensible Planning, Inc. v. Board of Supervisors* (1981) 122 Cal. App. 3d 813, 823).) To effectuate this public review requirement, the lead agency must prepare a legally adequate draft EIR that is circulated to the public and government agencies. (CEQA Guidelines §§ 15084, 15087.) Fundamental deficiencies in the draft EIR or the omission of significant information cannot be 'cleared up' in a final EIR that is not circulated to the public. (*Mountain Lion Coalition,* 214 Cal. App. 3d at 1052 (court refused to consider whether the final EIR "clears up some of the deficiencies of the draft" because "[i]f we were to allow the deficient analysis in the draft [EIR] to be bolstered by a document that was never circulated for public comment . . . we would be subverting the important public purposes of CEQA."); *see also Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal. App. 4th 74, 95.) Where fundamental deficiencies are corrected or significant new information is added to the EIR after public notice is given of the availability of the draft but before certification of the EIR, the public agency is required to recirculate the EIR for additional public comment. (CEQA Guidelines § 15088.5 (a).) Significant new information requiring recirculation includes, for example, a new significant environmental impact, a substantial increase in the severity of an environmental impact, a new significantly different and environmentally preferable feasible project alternative or mitigation measure, and information required to enable meaningful public review and comment on a fundamentally inadequate draft EIR. (CEQA Guidelines § 15088.5 (a) (1-4).) **8.22**

Strauss Wind Energy DSEIR Comments
June 14, 2019
Page 16

Discussed herein, at the public DSEIR hearing, and in other public comment letters, there are new significant impacts that the DSEIR failed to identify, and impacts that are substantially more severe than the DSEIR asserts. Accordingly, unless these impacts are mitigated or avoided, EIR recirculation is required. (Guidelines § 15088.5 (a, 1-2).) Moreover, public comments have identified additional feasible mitigation measures and alternatives that would substantially lessen the Project's significant effects. Should the Applicant decline to adopt them and include them in the final EIR, recirculation is required. (Guidelines § 15088.5 (a, 3).) Finally, correcting the fundamental deficiencies including baseline flaws identified herein is further grounds for requiring recirculation. (Guidelines § 15088.5 (a, 4).) **8.22** *cont.*

6. Conclusion

For reasons stated herein, the DSEIR for the Strauss Wind Energy Project is seriously and extensively flawed. It requires revision and recirculation for additional public and agency review. **8.23**

Respectfully submitted, LAW OFFICE OF MARC CHYTILO, APC

Ana Citrin
Marc Chytilo

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[i] https://www.un.org/sustainabledevelopment/blog/2019/05/nature-decline-unprecedented-report/; report available for download here: https://www.ipbes.net/assessment-reports
[ii] https://www.energy.ca.gov/2007publications/CEC-700-2007-008/CEC-700-2007-008-CTF-MINUS-APF.PDF; see also https://www.fws.gov/ecological-services/es-library/pdfs/WEG_final.pdf for federal guidelines (USFWS Land-Based Wind Energy Guidelines)

Response to Ana Citrin

8.1 Thank you for expressing your opinions regarding the proposed Project. Your comments will be shared with the County's decision makers. The opening paragraph of the commenter's letter claims the Draft SEIR fails to adequately analyze and mitigate significant impacts. Responses to more specific comments are provided throughout the responses to the comments that follow.

8.2 This comment asserts that due to flaws in the Draft SEIR the document should be revised and recirculated. Responses to more specific comments are provided throughout the responses to the comments that follow.

8.3 This comment claims the Draft SEIR's project description omits key information and lacks necessary detail. The County firmly believes that the Draft SEIR's project description provides the detail needed to identify and characterize the Project's significant impacts. Chapter 2, *Project Description*,

of the Draft SEIR is 58 pages in length and contains numerous maps and figures. All components of the construction and operation of the proposed Project are described in detail. The Project's transmission line alignments, proposed wind turbine generator locations, and all other components were mapped and analyzed using a highly accurate geographic information system (GIS). The Draft SEIR project description provides adequate detail for the assessment of impacts and determinations of the significance of those impacts. As evidenced from the extensive impact analysis in Chapter 4, the SEIR preparers had adequate information to identify impacts, characterize those impacts, determine their significance, and recommend measures to reduce or avoid significant impacts. When additional information about the Project was needed by the SEIR preparers, it was requested from and provided by the Applicant. As a result, the Draft SEIR project description provided fully adequate information for the impact analysis.

The commenter states that the proposed wind turbine locations are not described in sufficient detail, yet the SEIR preparers had precise GIS-based location information for each turbine and all other Project components. For example, see Table 4.5-3 (Impacts to Vegetation and Landforms), 4.5-4 (Impacts to Trees), Figure 4.5-1 (Vegetation), Figure 4.5-4 (Special-Status Plant Survey Results), Figure 4.5-6 (El Segundo Blue Butterfly Habitat), Figure 4.5-7 (Jurisdictional Waters), and the biological reports in Appendix C. More specific location information is not possible. The maps, figures, and analysis in the Draft SEIR are based on this detailed GIS location information.

The commenter makes the incorrect statement that the Draft SEIR "designed" the Project site layout. The Project site layout and all other components of the Project were planned and designed by the Applicant. See Appendix C-8 for a detailed description of how the Applicant utilized biological resources data, including avian studies on site, to develop the Project site plan. Note that Mitigation Measure BIO-15a requires Project features to be micro-sited (i.e., moved up to 100 feet from current proposed locations) to further avoid sensitive biological resources, as applicable. The analysis of impacts to biological resources presented in Section 4.5.4 represents a "worst-case scenario."

The commenter asserts that the Draft SEIR's proposed mitigation measures somehow preclude impact analysis and the development of a project that minimizes avian and bat impacts. The Draft SEIR's mitigation strategy is robust and extensive, and the commenter does not explain their reasoning for how a mitigation strategy could preclude impact analysis. The commenter also does not indicate how the proposed Project would be inconsistent with state and federal guidelines nor indicate what guidelines are being referred to, so it is not possible to formulate a specific response to this statement. Please see General Response GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities. Note that extensive surveys have been conducted across the Project site over the last 10 years, see Table 4.5-1 (Summary of Surveys Conducted at the Project Site) and Appendix C-8. The results of those surveys are contained in Appendix C and were utilized to develop the impact analysis and mitigation presented in Section 4.5 of the SEIR. Pre-construction surveys are intended to identify sensitive resource to be relocated or flagged for avoidance. Pre-construction surveys are not required to identify new resources; the surveys conducted to date have provided the required baseline information for CEQA.

8.4 Section 2.5.9 of the Draft SEIR mentions the possibility of closing San Miguelito Road and Sudden Road beyond their intersection during Project operation. While the possibility for these road closures was proposed by the Applicant, the County has decided not to consider these road closures as part of the proposed Project and the Applicant has agreed to this. Therefore, the text describing

the possibility of these road closures as part of the proposed Project has been deleted from Section 2.5.9 of the Final SEIR. These possible permanent road closures are no longer part of the proposed Project.

8.5 The commenter asserts that the descriptions of the environmental setting in the Draft SEIR are inadequate. Responses to more specific comments follow.

8.6 The commenter asserts that the regional environmental setting is not adequately described in the Draft SEIR, makes statements about the biodiversity of the Gaviota Coast, and mentions the nearby Dangermond Preserve. The County does not dispute the importance of the region from an ecological standpoint. The Draft SEIR provides a detailed description of the biological and ecological resources that exist in the area. This includes descriptions of vegetation (both common and sensitive); habitat; land cover; wildlife of all types; wildlife migration; endangered, threatened, rare, and other sensitive species; and wetlands and other sensitive aquatic features. This a comprehensive description of the biological and ecological resources in the area and provides an adequate basis for assessing the Project's impacts. However, additional text has been added to Section 4.5.1 to describe the regional setting. This information does not change the impact analysis in the SEIR.

The commenter asserts that the Project would present land use conflicts with the Dangermond Preserve but does not describe these conflicts, so it is not possible to respond to this assertion. Please see the response to Comment 8.15 below.

8.7 The commenter asserts that the SEIR is inadequate in its description of the environmental setting for biological resources, including bird and bat usage of the site. However, as stated in the response to Comments 8.3 and 8.6, the Draft SEIR provides extensive baseline information for the site. This information includes the results of surveys conducted over a 10-year period (see Table 4.5-1 for a summary of surveys conducted at the Project site).

The commenter also incorrectly asserts that implementing the *California Energy Commission Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Projects* is required; however, these are voluntary guidelines meant to assist project developers in siting turbines early in the project design process, well before a proposed project is submitted to the lead agency for the applicable authorization that is subject to CEQA. Multiple avian surveys dating back to 2008, as well as other site constraints, informed the Applicant's design; please see General Response GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities, and Appendix C-8.

Avian and bat site use and migration patterns are described in detail in Section 4.5.1.3 of the Draft SEIR and Section 3.5.3 of the LWEP EIR, and in 13 technical reports from 2007 to 2017 contained in Appendix A of the Biological Technical Report (Appendix C-2 of the Draft SEIR). Studies included diurnal raptor transect surveys in which biologists surveyed along each of five major ridgelines at the Project site once per week over 6 weeks during the migratory periods (e.g., see the Biological Technical Report Appendix A-17 [Memorandum for the Record No. 2, Autumn 2016 Avian Migration Survey, December 2016], in Appendix C of the Draft SEIR). Appendix C-8 summarizes all avian and bat surveys conducted to date, including studies that were completed after the Draft SEIR was published. Pre-construction surveys are intended to identify sensitive resource to be relocated or flagged for avoidance. Pre-construction surveys are not required to identify new resources; the surveys conducted to date have provided the required baseline information for CEQA.

Regarding the transmission pole survey areas, the Sapphos report that the commenter refers to described the results of surveys along an earlier iteration of the transmission line route. The final route as proposed in the Draft SEIR was fully surveyed and the results are contained in Draft SEIR Appendix C-2 (Biological Resources Technical Report, Addendum No. 1) and Appendix C-3 (Biological Resources Technical Report, Addendum No. 2).

The County believes that an appropriate level of data collection has occurred over the last decade, and enough information is available to draw CEQA significance conclusions regarding the Project's impacts to birds and bats and other biological resources. See the General Response GR-7 regarding recirculation of the Draft SEIR.

8.8 This comment makes several assertions regarding the adequacy of the Draft SEIR. The Draft SEIR contains an adequate baseline for assessing impacts and determining their significance. Please see the responses to Comments 8.4, 8.5, and 8.6. The conclusions regarding impact significance are supported by factual information presented throughout Chapter 4 of the Draft SEIR. The review of the Project's impacts has not been deferred in any way. Responses to more specific comments follow.

8.9 The commenter claims that the Draft SEIR does not adequately characterize the environmental setting for biological resources but acknowledges that a large number of special-status plants and wildlife are described in the SEIR as occurring or potentially occurring on site. The commenter also asserts that a "constraints map" is not included in the SEIR; however, Figure 4.5-1 shows all vegetation mapped in the Project area, Figure 4.5-4 shows special-status plants identified during surveys, Figure 4.5-6 shows El Segundo blue butterfly host plants mapped on the Project site, and Figure 4.5-7 shows jurisdictional waters on site. These figures show the turbine locations in relation to these biological resources. It is unclear what additional information the commenter is requesting be included in the SEIR. These sensitive resources are analyzed in detail with respect to the SWEP and mitigation is proposed for significant impacts. Section 4.5.4 of the SEIR analyzes impacts to biological resources over 57 pages and includes detailed consideration of the differences between the SWEP and LWEP. There is no requirement in CEQA for constraints mapping.

8.10 The commenter asserts that the Draft SEIR's analysis of impacts to birds and bats from collisions with WTGs is inadequate and that the mitigation proposed is "demonstrably ineffective." Responses to more specific comments follow. Regarding siting and the CEC guidelines, please see the response to Comment 8.7, General Response GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities, and Appendix C-8.

8.11 The commenter mischaracterizes the analysis under Impact BIO-10 (Avian and Bat Collisions with WTGs) as "devoid of any actual analysis of the Project's bird strike impacts." However, the SEIR is a supplement to the LWEP EIR and, as such, incorporates that document by reference (see Section 1.2.1, *Supplemental EIR*, and Section 4.1, *Introduction to the Environmental Impacts Analysis*). The first sentence of this impact analysis states "The LWEP EIR provides a detailed assessment of the impacts from birds and bats colliding with WTGs, and the proposed SWEP would result in similar types of impacts." Please see the LWEP for the detailed analysis of impacts from bird strikes and see Impact BIO-10 of the SEIR for the analysis of the differences between the two projects with regard to this issue. Please also refer to General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative, GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities, and GR-4: Use of More and Smaller Turbines. The County firmly believes that enough information is

provided to conclude that the Project's impacts to birds and bats would be significant and unavoidable (Class I).

8.12 Regarding siting and the CEC guidelines, please see the response to Comment 8.7, General Response GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities, and Appendix C-8. Regarding the pre-construction surveys identified in Mitigation Measure BIO-15a, this measure was originally proposed for the LWEP. That project had less information on actual WTG siting than the SWEP and instead identified development "corridors." This measure was intended to require the previous project proponent to consider sensitive biological resources during final WTG siting. However, the SWEP WTGs have already undergone a siting process during which the location of sensitive biological resources was considered (see Appendix C-8); therefore, this measure is not as relevant to the SWEP. MM BIO-15a has been revised to focus on raptor nest deterrents and buffers near WTGs, as well as sensitive terrestrial resources. Micro-siting has been defined in the measure as movement of turbines up to 100 feet from the current site plan design to maintain consistency with the Project's FAA approvals. See the response to Comment 8.7 regarding avian and bat site use and migration patterns, and the adequacy of baseline data.

8.13 The comment refers to the Draft SEIR assessment of the SWEP's impacts to oak trees, woodlands, and forests. It states that the LWEP's impacts were "relatively minor" and asserts that the Draft SEIR does not adequately compare the two projects' impacts to oak trees and woodlands. Further, the comment asserts that the Draft SEIR does not adequately disclose, analyze, or mitigate the SWEP's oak impacts, stating that the Draft SEIR does not analyze the impact in terms of ecological function on the site or cumulatively. Finally, the comment claims that the Draft SEIR does not meaningfully discuss lessening or avoiding oak impacts or explain why smaller turbines or an alternative transmission route are infeasible. It should be noted that, while smaller turbines or an alternative transmission route are not infeasible, the Project has been designed to minimize ground disturbance and oak removal associated with turbines and the transmission line alignment.

The comment is correct that the LWEP's oak impacts were relatively minor. Contrary to the comment, the SEIR compares the SWEP and LWEP impacts to oak trees and woodlands in Section 4.5.4.2 under Impact BIO-2a (Construction Impacts to Oak Woodland and Forest) and in Section 5.5, *Alternatives Analysis*, Table 5-1 (Comparison of Alternatives). The impacts analysis in Section 4.5.4.2 provides an inventory of the affected trees by species and describes the impacts in detail, in the context of the County's Environmental Thresholds and Guidelines Manual, including direct and indirect impacts. The analysis addresses multiple aspects of ecological function including wildlife habitat, disruption of wildlife movement, landscape patterns, fragmentation, canopy disruption, and pathogens. While the comment does not specify any aspect of "ecological function" that may be missing from the analysis, the County is confident that ecological function is properly analyzed in the SEIR. Additionally, the SEIR identifies three extensive mitigation measures (MMs BIO-4a, BIO-4b, and BIO-4c, totaling seven pages of text) to mitigate for oak tree, woodland, and forest impacts to the extent feasible. In addition to these three measures, Section 4.5.4.2 of the DSEIR identifies MMs BIO-1, BIO-2, BIO-8, and BIO-11b through BIO-11d that would minimize the proposed Project's impact as feasible. Cumulative effects to biological resources, including oak woodlands, are analyzed in SEIR Section 4.5.5. The commenter's concern regarding fires and climate change, while valid, are not past, present, or reasonably foreseeable projects required for CEQA analysis. Nonetheless, the language has been added to the analysis. As stated in the comment, the SEIR concludes that the proposed Project's impacts to oak trees and woodlands would remain significant with inclusion of feasible mitigation (Class I).

8.14 The discussion of recreation impacts is presented in Section 4.16 of the Draft SEIR. As mentioned in the comment, one of the two significance thresholds identified for the recreation analysis is whether the Project would "contribute to the long-term loss or degradation of a recreation use or facility." The analysis for Impact REC-1 explains that San Miguelito Road and Miguelito County Park would be fully accessible for recreation activities (e.g., cycling, running, birding, sightseeing) following Project construction. Recreation impacts associated with limited access to the Project area would occur during construction only and, therefore, would be short term in nature.

The changes to the characteristics of the Project site and surrounding area are discussed throughout the Draft SEIR, including changes related to aesthetic characteristics, noise, traffic, and wildlife. The Final SEIR Section 4.16.4, Impact REC-1, has been expanded to consider the Project's impact on the recreational experience.

As discussed in the response to Comment 8.4, the text describing the possibility of road closures as part of the proposed Project has been deleted from Section 2.5.9 of the Final SEIR. Road closures are no longer part of the proposed Project.

8.15 The commenter asserts that the Project would present land use conflicts with the Dangermond Preserve but does not describe these conflicts, so it is not possible to respond to this assertion. The Nature Conservancy is currently in the early stages of developing a long-term management and conservation plan (Nature Conservancy, 2019). As described in Section 4.13.3 of the Draft SEIR, there is currently no habitat conservation plan or natural community conservation plan that is applicable to the proposed Project site.

Responses to concerns regarding Project impacts from tree removal and impacts to coastal resources are provided in the responses to Comments 8.16 and 8.17, respectively.

8.16 Section 4.13.4 of the Draft SEIR identifies Project impacts to trees and woodlands as significant and unavoidable. The Draft SEIR further explains that the proposed Project would be inconsistent with plans and policies of the Oak Tree Protection Supplement of the Conservation Element, the Land Use Element, the Coastal Land Use Plan, and the Coastal Zoning Ordinance. For this reason, a feasible Project alternative was identified in Draft SEIR Section 5.5.2 that would result in substantially fewer oak tree losses (i.e., Modified Project Layout, Including Elimination of WTGs E-7 and E-8).

The comment asserts that further avoidance of impacts to oaks is feasible. See the response to Comment 8.13 regarding impacts to oaks and mitigation for those impacts. See also the General Response GR-5: Removal of Oak Trees.

8.17 The impact analysis presented for Impact LU-6 in Draft SEIR Section 4.13.4 is focused on potential conflicts within the coastal zone that are specific to permitting and zoning. Please note that the SEIR does not consider birds "coastal resources." The County believes that the analysis for Impact LU-6 clearly explains that the proposed Project would require grading, tree removal, and road improvements within the coastal zone, and that these activities would be subject to a County-issued CDP. The CDP would include site-specific permit conditions that all Project activities within the coastal zone must adhere to. The County has identified Mitigation Measure LU-1 (Staking of Coastal Zone) as sufficient mitigation to ensure that no activities occur within the coastal zone except where specifically permitted. The specific location of the proposed exclusion fencing or staking is provided in the summary of Mitigation Measure LU-1 (see Draft SEIR Section 4.13.4, Impact LU-6), which states that the Applicant shall install exclusion fencing or staking in areas where road work is

permitted under the CDP for modifications of access roads, and that the fencing/staking shall be installed prior to the start of construction activities within the WTG corridors adjacent to the coastal zone.

Potential impacts to wildlife habitat and sensitive biological resources within and outside of the coastal zone are addressed in Draft SEIR Section 4.5.4.2. This section includes a summary of specific mitigation measures that would reduce impacts to sensitive resources, which include MM BIO-1 (Worker Education and Awareness Program), MM BIO-11b (Fencing), and MM BIO-11c (Biological Monitoring). Impacts to migratory birds, including water birds, are addressed under Impacts BIO-10 (Avian and Bat Collisions with WTGs), BIO-11 (Avian and Bat Collisions with Power Lines and Meteorological Towers), and BIO-12 (Avian Displacement from WTGs). Project features would not impact mapped ESH areas, nor will they impact riparian areas within the Coastal Zone.

8.18 The County understands CEQA's requirements for the evaluation of alternatives. The commenter quotes text from the State CEQA Guidelines regarding alternatives but does not indicate how this text is relevant to the assertion that the Draft SEIR's alternatives analysis is flawed. Any future determination as to the adequacy of alternatives analyzed within the SEIR will be made by the County's decision-makers.

8.19 Regarding alternatives dismissed from full analysis in the Draft SEIR, it is important to note that the State CEQA Guidelines state that an EIR should "identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly (*emphasis added*) explain the reasons underlying the lead agency's determination." The Draft SEIR does this in Section 5.4 and complies with CEQA's requirements. Importantly, the alternatives carried forward for analysis would be capable of reducing one or more of the Project's significant environmental impacts as required by Section 15126(c) of the State CEQA Guidelines. It is incorrect to imply that the alternatives carried forward for analysis are not "true" alternatives. Each alternative addresses one or more of the Project's impacts as required by CEQA even if those alternatives modify only a portion of the proposed Project. The Modified Project Layout alternative results in a substantial reduction in the removal of oak trees and also reduces the Project's grading impacts. The Alternative Switchyard Location would modify the Project's visual impacts while also reducing grading. The Alternative Surface Transport Route would reduce transport-related impacts in the City of Lompoc, which is important consideration for the City. These are all legitimate reasons for analyzing these feasible alternatives in the Draft SEIR.

Alternative locations for a wind energy facility were addressed in the Lompoc Wind Energy Project EIR, which the SWEP EIR supplements. Because alternative project locations had already been considered and addressed, the Draft SEIR did not re-investigate such an alternative, particularly since no entity suggested a new feasible alternative location during the scoping process. A supplemental EIR is not required to re-evaluate information and analysis contained in the original EIR. In fact, the express purpose of a supplemental EIR is to present "only the information necessary to make the previous EIR adequate…" (State CEQA Guidelines § 15163(b)) It is also important to note that wind energy facilities can only feasibly be located in area with wind characteristics conducive to commercial wind energy production, which means that only locations that have been subject to extensive wind monitoring, such as the proposed Project site, can conceivably be considered as feasible alternative locations.

The County is fully aware of the special-status wildlife and plant species that are known to exist in the Project area as Section 4.5 of the Draft SEIR acknowledges the presence of these species,

identifies their rare and sensitive status, and describes their habitat and characteristics. Similarly, Section 4.6 of the Draft SEIR acknowledges the importance of the area to the Santa Ynez Band of Chumash Indians and describes their ceremonial sites as sacred even though they are not currently listed in the State's Sacred Lands List. The Draft SEIR recognizes these sensitive resources and analyzes the Project's effects on those resources.

The commenter implies that additional alternatives should have been considered in the Draft SEIR. Please note that an EIR is not required to analyze all feasible alternatives as that would be impractical. As stated in State CEQA Guidelines Section 15126.6(a), "An EIR need not consider every conceivable alternative to a project." There is no requirement to analyze all feasible alternatives, including all possible alternatives capable of reducing environmental impacts. The fact that the commenter believes that other alternatives should have been analyzed does not mean that a reasonable range of alternatives was not analyzed. Please see General Response GR-1: Range of Reasonable Alternatives.

8.20 Please see the response to Comment 8.19 above. An EIR is not required to evaluate every conceivable alternative to a proposed project. Rather, an EIR is required to evaluate a reasonable range of feasible alternatives that have the potential to reduce the significant impacts of a proposed project (State CEQA Guidelines §15126.6(c)). There is no requirement to analyze all feasible alternatives, including all possible alternatives capable of reducing environmental impacts. The fact that some alternatives were not analyzed does not mean that a reasonable range of alternatives was not analyzed. Please also see General Response GR-1: Range of Reasonable Alternatives.

The concept for the Siting WTGs Below Ridgelines alternative as proposed by the SBAS is overly vague and the entities that suggested this alternative have provided no evidence of its effectiveness in reducing impacts on birds. Please also refer to General Responses GR-2: Bird-Friendly Alternative/Low-Impact Project Design Alternative, GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities, GR-4: Use of More and Smaller Turbines, and the expanded discussion in the Final SEIR Section 5.4.5, *Siting WTGs Below Ridgelines*. The letter submitted by the Santa Barbara Audubon Society goes on to describe a "Low-Impact Project Design" alternative. Please see General Response GR-2: Bird-Friendly Alternative/Low-Impact Project Design Alternative, and GR-4: Use of More and Smaller Turbines.

The Audubon letter also suggests siting WTGs "to balance power output with bird mortality." The Applicant considered multiple siting constraints, including the results of avian studies on the Project site to develop the proposed site plan. Siting considerations, recommendations from biologists, and their effect on the SWEP siting process are summarized in General Response GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities.

The commenter suggests that designing the Project to take full advantage of the wind resource at the Project is not an explicit objective and, therefore, should not be a foremost consideration in formulating alternatives. However, not taking advantage of the wind energy production capacity of the site would be incongruent with the concept of developing a commercially viable wind energy facility. While this may not be explicitly stated as a Project objective, is clearly fundamental to the underlying Project purpose. The County agrees that a balance is needed between environmental impact and maximum wind generation capacity. The Draft SEIR appropriately considers feasible alternatives and focuses on reducing significant environmental impacts through mitigation. While taking full advantage of the wind energy generation potential of the site may not be an explicit Project objective, developing a facility capable of generating approximately 102 megawatts of

power is an express objective of the Project. Therefore, developing a project at least close to this capacity is a valid consideration in formulating alternatives.

8.21 Please see the responses to the comments from Dolores Pollock and Michael Taaffe of the Audubon Society (Comment Set 9), General Response GR-2: Bird-Friendly Alternative, and General Response GR-4: Use of More and Smaller Turbines. Please note that an EIR is not required to evaluate all feasible alternatives. Please see General Response GR-1: Range of Reasonable Alternatives. An EIR, or in this case a SEIR, does not need to examine an applicant's motivations for pursuing a project, such as why the Applicant prefers the proposed Project over the LWEP. Please see the expanded write-up in Section 5.4.1, which explains why the LWEP was not considered as an Alternative to SWEP.

8.22 The County understands CEQA's requirements for recirculation of a Draft EIR and does not believe those requirements have been triggered for the purposes stated by this commenter. The commenter presents information from the State CEQA Guidelines and CEQA court cases regarding recirculation but does not indicate how this text is relevant to the assertion that the Draft SEIR's needs to be recirculated. As indicated in the preceding responses to the commenter's comments, the County does not agree that evidence indicates that the Project would result in any significant impacts other than those identified in the Draft SEIR. As described in the responses to the preceding response to comments in this letter, the County firmly believes that the Draft SEIR appropriately characterizes the Project's significant impacts related to each of the topics raised in this letter. Just because the commenter would like the Draft SEIR to contain more information and characterize impacts differently does not mean the Draft SEIR is inadequate in fulfilling CEQA's requirements. The Draft SEIR adequately describes the proposed Project's impacts and provides significance conclusions for those impacts based on substantial evidence. While the comments contain several criticisms of the Draft SEIR, the commenter fails to provide substantial evidence that the impact analysis is deficient. As described the responses to comments 8.5 through 8.9, the Draft SEIR provides an adequate description of environmental baseline conditions.

8.23 For the reasons explained in the preceding responses to comments, the County does not agree that the Draft SEIR is flawed and does not agree that CEQA's requirements for recirculation have been triggered. The Draft SEIR meets all of CEQA's requirements for content and analysis, and the Draft SEIR has been processed in accordance with both the State CEQA Guidelines and the Santa Barbara County Environmental Thresholds and Guidelines Manual.

Comment Set 9: Dolores Pollock, President, Santa Barbara Audubon Society Michael Taaffe, President, La Purisima Audubon Society

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June 14, 2019

Ms. Kathy Pfeifer
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RE: Strauss Wind Energy Project – Comments on Draft Supplemental Environmental Impact Report

Dear Ms. Pfeifer:

Santa Barbara Audubon Society (SBAS), and La Purisima Audubon Society (LPAS) are pleased to offer these comments on the County's April 2019 Draft Supplemental Environmental Impact Report (DSEIR) for the Strauss Wind Energy Project (SWEP). These comments are submitted jointly by SBAS and LPAS, who are hereafter referred to as "Audubon."

SBAS and LPAS work to connect people with birds and nature through education, science-based projects, and advocacy. Audubon has over 1100 members in Santa Barbara County. SBAS and LPAS have also consulted with the National Audubon Society on the Strauss project and have gained considerable benefit from NAS's extensive experience with wind projects around the country.

While Audubon supports renewable energy production, wind energy that is not properly planned, sited, and operated can have a devastating effect on birds. Poor siting would also set a bad precedent for future wind energy projects in Santa Barbara County. Audubon is ready and willing to help Santa Barbara County minimize the potential negative effects of the Strauss project on birds.

This letter will address the following topics:

1. Introduction
2. Low-Impact Project Design Needed
3. Design of SWEP is Fundamentally Flawed
4. County Alternatives are Inadequate
5. Impacts on Vegetation
6. Transmission Line and Met Tower Issues
7. Impacts on Public Access
8. Impacts on Recreation
9. Transport of Turbine Blades by Air
10. Improvements Needed on MM BIO-16
11. Inconsistency with Agency Guidelines and Policies
12. Other issues
13. Summary

In this letter the major topics are designated by the titles above. Each major topic has detailed comments on the DSEIR.

1. Introduction

Audubon submitted extensive scoping comments on the SWEP to the County on August 1, 2018. Audubon submitted another letter to the County on December 18, 2018 that elaborated on some of the issues stated in our scoping letter. Since that time, we have 9.1

- 1 -

continued our research into the Strauss project and into the impact of wind energy on birds in general. Additionally, many of our members have made field observations of birds on the Strauss site. Audubon has reported many of those observations to the County via email.

Audubon has had discussions with the Strauss project applicant, BayWa, on three different occasions. We had a frank exchange of ideas during these discussions. Audubon benefited by gaining insight into BayWa's point of view.

We feel it is important that Audubon provide the County with information that will improve the design of the project and lower its environmental impact. We hope that these comments are helpful to the County as it prepares the Final Supplement to the Lompoc Wind Energy Project's (LWEP) Environmental Impact Report (FSEIR) for the SWEP. We intend our comments to be constructive and hope that they will result in project improvements that protect birds, other wildlife, and habitat while still allowing substantial production of renewable wind energy.

Santa Barbara County has done a commendable job of preparing the DSEIR, but . . .

Audubon would like to commend the County on the preparation of the DSEIR. This large document represents a tremendous amount of work. We appreciate that it takes many bird considerations into account and that it has been updated to address numerous bird issues. The updated sections on the California Condor are worthy of note. We also appreciate the updated bird surveys and the acknowledgment that the Strauss Project site is an eBird hotspot.

Being such a large document, over 3000 pages, and being a supplement to the LWEP EIR does make the document quite difficult for the public to interpret in many areas. **9.1** *cont.*

Audubon has done a thorough review of the portions of the DSEIR that are relevant to our mission. We have found many topics that are incomplete, inconsistent, or otherwise inadequate. We discuss those below with the expectation that the County will be able to produce a FSEIR that meets all the necessary requirements.

We also note that Audubon believes that the SWEP design that the applicant has chosen to submit to the County is fundamentally flawed. We discuss this issue in detail below.

Because the SWEP design is fundamentally flawed, Audubon cannot support the proposed project or any of the County's three alternatives. The reason is that the SWEP design, including alternatives, still results in unacceptable avian mortality and significant damage to habitat, especially mature oak trees. Instead, Audubon urges the County to develop a "Low-Impact Project Design" that would be more similar to the previous Lompoc Wind Energy Project (LWEP). We describe such a project design in Section 2 below.

The SWEP site is important for birds

The nearly 3000-acre proposed site for SWEP, the corridor proposed for the transmission line, and San Miguelito Road are very important to bird life in Santa Barbara County. The bird surveys conducted by biological consultants in preparation for the DSEIR noted a wide variety of common and rare bird species, both resident and migratory. The DSEIR states that "the project site probably serves as a migratory corridor" for birds (p. 4.5-9). The SWEP site is identified as a "hotspot" by eBird.[1] It is important that the SWEP project be designed in a way that minimizes its impact on the numerous birds that use the site.

2. Low-Impact Project Design Needed

SWEP has serious deficiencies due to its negative effects on the environment, as mentioned in the next section. As a result, Audubon strongly urges the County to require an environmentally superior alternative, the "Low-Impact Project Design". This design would be much closer to the original LWEP project design and would result in much less environmental damage, while still allowing the project to meet its renewable energy goals. This project design is feasible and much superior to the design proposed by the applicant. **9.2**.

The following are the major characteristics of Audubon's vision for a Low-Impact Project Design:

- **More and smaller turbines to meet power goals.**

[1] eBird is the world's largest biodiversity-related citizen science project, with more than 100 million bird sightings contributed each year by birdwatchers around the world. It is managed by the Cornell Lab of Ornithology. eBird data document bird distribution, abundance, habitat use, and trends through checklist data collected within a simple, scientific framework.

- 56 GE 1.79-MW WTGs, producing a total of 100.2 MW.[2,3] Blades of these turbines each weigh 21,000 pounds[4].

- **WTGs sited to balance power output with bird mortality.**
  - WTGs would be sited roughly using the layout of LWEP as shown in Figure 2-2 of the DSEIR. Importantly, the exact siting of each WTG would be based on a scientific analysis of wind resources and bird use, doing a tradeoff between power output and bird mortality.

- **No need to widen San Miguelito Road, reducing environmental destruction**
  - Turbine blades would be flown into the site, eliminating the need for destruction of the environment (including 158 mature oak trees) caused by widening San Miguelito Road. Flying the blades to the site would be feasible since the blades for the 1.79-MW WTGs are light enough to be transported by a heavy-lift helicopter, for example the Erickson Aircrane[5].

- **Incorporation of elements of the DSEIR's Modified Project Layout Alternative**
  - WTGs would not be sited at the location of currently proposed WTGs E-7 and E-8. This would save another 387 mature oak trees from destruction.

- **LWEP transmission line design**
  - Changing the design of the transmission line back to the LWEP design would save another 62 oaks.

9.2 *cont.*

The total number of oaks saved with the Low-Impact Project Design vs. the currently proposed SWEP design is 607. This would be a huge reduction in environmental destruction!

The Low-Impact Project Design described above satisfies the CEQA criteria for selection of alternatives:

It meets most or all of the Project objectives.

It is feasible.

It avoids and substantially lessens the significant detrimental effects of the proposed project.

The Low-Impact Project Design is clearly environmentally superior to any of the project designs described in the DSEIR, including the three alternatives. Under CEQA, the County is obligated to adopt the environmentally superior alternative.[6] The Low-Impact Project Design would result in significantly reduced avian mortality and a dramatic reduction in the destruction of mature oak trees.

Audubon urges the County to adopt the Low-Impact Project Design for SWEP, to re-analyze the project impacts, and re-circulate the DSEIR.

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[2] According to DSEIR BIO-10, "Although the SWEP would have fewer WTGs than the LWEP (30 compared with 65), the WTGs would be larger and taller (up to 492 feet tall compared with 397 feet tall), and therefore, may place the rotor-swept area into the flight paths of birds that would have flown over the LWEP. Therefore, the overall risk of the (SWEP) Project to birds and bats is considered similar to that presented by the LWEP." If this is true, then the LWEP risk would be no worse than SWEP. But Audubon's Low-Impact Project Design would precisely site the WTGs, considering the normal movement patterns of birds and avoiding sites that birds commonly use. This approach will result in much lower bird mortality.

[3] Please note that this design would be similar to the environmentally superior alternative on LWEP, the "82.5 Wind Energy Project", which proposed 55 1.5-MW WTGs. But Audubon's Low-Impact Project Design would use the 1.79-MW WTGs instead, enabling the applicant to substantially meet its energy production goal.

[4] The DSEIR, on p. 5-5, states only a range of weights for the turbine blades, "between 21,000 and 34,170 lbs". But since there are only two types of blades, it is evident that the smaller blades would weigh 21,000 lbs.

[5] This was confirmed in an email to Audubon from a GE representative, Mike Troutman, Renewable Energy Customer Support Specialist, June 7, 2019.

[6] Please note that CEQA's "substantive mandate" provides, generally, that if a proposed project has unmitigable environmental impacts (Class I), and there is a feasible alternative that substantially lessens those impacts, then the County may either a) approve the environmentally superior alternative, or b) reject the Project.

3. Design of SWEP is Fundamentally Flawed

The SWEP was not designed to reduce bird strikes, as required by State and Federal guidelines

The DSEIR is inadequate because it doesn't consider locations for Wind Turbine Generators (WTGs) that would reduce the number of bird strikes. The DSEIR shows no evidence whatsoever of having taken into account, much less given priority to, the avoidance or minimization of avian fatalities in WTG siting, as required by Federal[7] (hereafter, "USFWS Guidelines") and State[8] (hereafter, "CEC/CDFG Guidelines") wind energy project guidelines.[9] The siting only takes into account factors related to wind power optimization (Layout and Design section, pp. 2-16 to 2-17), while suggestions of potential siting that would reduce adverse avian impact have been rejected (section 5.4.5, p. 5-6).

More specifically, the USFWS Guidelines (p. 14) note the following:

> "If the results of the site assessment indicate that one or more species of concern are present, a developer should consider applicable regulatory or other agency processes for addressing them. For instance, if migratory birds and bats are likely to experience significant adverse impacts by a wind project at the proposed site, a developer should identify and document possible actions that will avoid or compensate for those impacts. Such actions might include, but not be limited to, altering locations of turbines or turbine arrays, operational changes, or compensatory mitigation."

The DSEIR is inadequate because, although it acknowledges that "migratory birds and bats are likely to experience significant adverse impacts", nowhere does it "identify and document possible actions that will avoid or compensate for those impacts." **This is a serious flaw of the DSEIR that must be corrected.**

The CEC/CDFG Guidelines provide further guidance regarding WTG siting for wind farm development in California:

> "While CEQA compliance will be the primary focus of the impact assessment for a wind energy project, focusing on CEQA significance alone may not address all of the species and issues that need evaluation and mitigation; **impacts prohibited by state and federal wildlife protection laws must be assessed and minimized throughout project construction and operation, whether or not such impacts rise to the level of CEQA significance.**" (CEC/CDFG Guidelines, p. 7; emphasis added)
> [under "Impact Avoidance and Minimization"] "Consider the following elements in site selection and turbine layout and in developing infrastructure for the facility:
>
> - Minimize fragmentation and habitat disturbance.
> - **Establish buffer zones to minimize collision hazards (for example, avoiding placement of turbines within 100 meters of a riparian area).**
> - **Reduce impacts with appropriate turbine design and layout.**
> - Reduce artificial habitat for prey at turbine base areas." (CEC/CDFG Guidelines, p. 12; emphasis added)
>
> "As discussed in previous chapters, **compliance with state and federal laws requires both avoidance and minimization of project impacts**. Avoidance is best applied during pre-permitting site selection (macrositing) and during site layout planning (micrositing). Good macrositing decisions are essential for choosing an acceptable site or portion of a site. Once a site is selected, micrositing efforts, such as appropriate placement of turbines, roads, power lines, and other infrastructure, can avoid or reduce potential impacts to birds, bats, and other biological resources. **However, micrositing may not help reduce fatalities if a wind farm is placed in a region with high levels of bird or bat use, such as an area used heavily by breeding and wintering raptors.**"[10] (CEC/CDFG Guidelines, pp. 62-63; emphasis added)
> **"Pre-permitting studies must be sufficiently detailed to establish normal movement patterns of birds and bats to inform micrositing decisions about turbine configuration.** Turbine alignments that separate birds or bats from their daily roosting, feeding, or nesting sites or that are located in high bird use or bat use areas can pose a collision threat. **Assessing**

9.3

[7] U.S. Fish and Wildlife Service. 2012. *Land-Based Wind Energy Guidelines.* Arlington, VA.
[8] California Energy Commission and California Department of Fish and Game. 2007. *California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development.* Commission Final Report. California Energy Commission, Renewables Committee, and Energy Facilities Siting Division, and California Department of Fish and Game, Resources Management and Policy Division. CEC-700-2007-008-CMF.
[9] The USFWS Guidelines are intended to "Mitigate, including avoid, minimize, and compensate for potential adverse effects on species of concern and their habitats" (p. 1). The CEC/CDFG Guidelines require projects to incorporate "adequate measures to avoid, minimize, and mitigate potential impacts to these [diverse bird and bat] populations" (p. 1).
[10] The bird surveys do indicate that the SWEP site is used by breeding and wintering raptors, including the Golden Eagle, Ferruginous Hawk, and Red-tailed Hawk.

- 4 -

> **the impacts of turbine siting and determining appropriate turbine placement requires a thorough understanding of the distribution and abundance of birds and bats at a proposed site as well as site-specific knowledge of how wildlife interacts with landscape features at the site**. Orloff and Flannery (1992 and 1996), Smallwood and Thelander (2004 and 2005), and Smallwood and Neher (2004) all estimated associations between bird fatalities and attributes of wind turbine locations relative to topography and other factors.
>
> They concluded that wind turbine siting contributes substantially to bird fatalities and that **careful siting of new wind turbines could substantially reduce fatalities**; these predicted associations, however, have not been field tested. Strickland et al. (2001) concluded that wind turbines located away from the edge of the ridge at Foote Creek Rim, Wyoming, would result in lower raptor fatality rates than turbines located immediately adjacent to the edge. Smallwood and Neher (2004) had similar findings in that they determined that raptors fly disproportionately more often on the prevailing windward aspects of slopes." (CEC/CDFG Guidelines, p. 64; emphasis added)

9.3 *cont.*

The above quotes illustrate the importance placed by Federal and State wind energy guidelines on the need to prioritize the avoidance and/or minimization of avian fatalities in project planning, design, and execution. They clearly state the requirement that substantial resources and research be devoted to this, particularly in the project pre-permitting and planning stages. Again, the DSEIR is seriously inadequate because the Strauss design does not "minimize collision hazards" or "Reduce impacts with appropriate turbine design and layout", In addition, there was no attempt by the applicant to develop a sufficiently "thorough understanding of the distribution and abundance of birds and bats at a proposed site as well as site-specific knowledge of how wildlife interacts with landscape features at the site."

On three different occasions[11] Audubon discussed with BayWa the need for placing the WTGs on locations that would reduce bird strikes. BayWa refused to consider any locations other than ridgetops that produce the maximum wind energy output. Of course, those are also the locations that usually have the maximum negative effects on birds, i.e., maximum bird strikes. Based on these conversations, Audubon believes that BayWa will not voluntarily choose WTG sites that do not produce that maximum WTG output.

For this reason, **the County must rigorously supervise any analysis of all factors in the micrositing of WTGs and ensure that there is a careful balance of WTG output and predicted bird strikes.**

<u>Mitigation Measure BIO-15 is inadequate in its treatment of WTG siting</u>

MM BIO-15a, Siting, states, "The turbines shall be micro-sited so that each WTG and transmission tower is located at least 500 feet away from critical biological resources identified in preconstruction surveys, specifically: active raptor nest sites, open water which would attract birds or bats (including stock-ponds), thicker riparian habitat in Canada Honda and San Miguelito creeks, eucalyptus tree groves, or vernal pools, if present. Preconstruction surveys (described in MM Bio-11a) shall identify existing raptor nest sites and other sensitive resources." This is good as far as it goes, but it does not address bird <u>movement</u> in and around the WTGs at all. This is inadequate. The WTG siting must be based on studies that are "sufficiently detailed to establish normal <u>movement</u> patterns of birds", as stated above.

9.4

MM-BIO-15b(b), Appropriate WTG and Project-Element Design, states, "WTGs shall be microsited and designed to minimize collision potential, consistent with USFWS Land-Based Wind Energy Guidelines (2012)." This has not been done on SWEP. There has been no attempt to site the WTGs using any criterion other than the location that will produce the maximum energy output. This mitigation measure does not require the applicant to consider the normal <u>movement</u> patterns of birds, and is therefore inadequate.

<u>Other wind farms in the US have been designed from the start or modified to reduce bird strikes. Why not SWEP?</u>

Many wind energy projects across the United States have prioritized avian fatality avoidance or minimization in their WTG siting, some voluntarily, some as a result of legal or enforcement actions. For example (bold emphases added):

9.5

- In November 2015 Altamont Winds Inc. (AWI) shut down its 828-turbine wind farm as part of a settlement agreement stemming from a lawsuit brought by local Audubon and Sierra Club chapters. AWI's turbines had been responsible for hundreds of raptor deaths. AWI stated that **"The reduction of avian impacts was a primary factor that influenced our decision to discontinue operating our Altamont wind farms."**[12]

[11] October 20,2108; December 7, 2018; and April 8, 2019.

[12] See https://www.nationalgeographic.com/environment/great-energy-challenge/2013/notorious-altamont-wind-area-becomes-safer-for-birds/ and https://goldengateaudubon.org/blog-posts/altamont-winds-inc-to-shut-down-its-bay-area-turbines/)

- 5 -

- At the urging of Montana Audubon, in 2012 **NaturEner**, the developer of Rim Rock Wind Farm in north central Montana, **voluntarily agreed to relocate 25 of the project's 126 wind turbines so as to provide a buffer of approximately ½ mile from historic and active nests of 10 raptor species. This commitment was made after the project design was finalized, financing completed, and actual construction had begun.** The relocation came at great expense to Rim Rock and included acknowledgement from Montana Audubon that NaturEner's actions in the matter were "unprecedented and extraordinary." The action also reflected **the developer's awareness that some of the area's nesting raptors are Federally protected and that voluntary compliance with the U.S. Fish and Wildlife Service's (USFWS) Land-Based Wind Energy Guidelines could mitigate potential future liability**.[13]

- In 2010 NextEra Energy Resources, the largest wind turbine operator in the Altamont Pass Wind Resource Area (APWRA) in Central California, reached an agreement with environmental groups and the State of California that required NextEra to upgrade all its older turbines to newer models that kill far fewer birds, as well as to place these new turbines in "environmentally friendly" locations. An earlier (2006) lawsuit by Audubon groups had resulted in a settlement that gave the wind companies until November 2009 to cut turbine-related bird deaths (conservatively estimated to be between 1,766 and 4,271per year) by 50 percent. **The companies tried shutting down turbines during the winter months, which did lead to substantial reduction in bird mortality rates**, but the 50 percent goal remained elusive.

  The later (2010) settlement required NextEra to upgrade all of its 2,400 turbines to newer models expected to further reduce bird deaths and, most significantly, **to employ newer research-driven methods of careful turbine micro-siting based on sophisticated collision hazard modeling** derived in part from large-sample telemetry data (see Attachment 1). **These methods** were also applied to two other projects in the APWRA—the Buena Vista Wind Energy Project and the Vasco Winds Energy Project, which subsequent before-after, control-impact (BACI) research **proved to reduce fatalities by an estimated 90% for golden eagles[14] and from 56% to 65% for all raptors combined**.[15,16]

  Significant conclusions from these research efforts were that "Our basis for micro-siting to minimize collision impacts is not the same in 2019 as it was in 2005 (Buena Vista) or 2010 (Vasco Winds). Instead, it is vastly improved. Any project planned to begin operations in 2023 should not rely on 'use' data collected in 2009, especially without appropriately analyzing those data to predict collision hazards posed by the turbine layout….**The micro-siting strategy** to which I refer **is the shifting of wind turbine locations to avoid terrain or environmental conditions…that are heavily trafficked by flying birds and bats and that will contribute to disproportionately greater numbers of collision fatalities. This micro-siting strategy has been used at other wind projects. No other mitigation method has proven effective for minimizing or reducing bird collision impacts at wind projects**" (Smallwood, 2019, pp. 36-37).[17]

- In November 2013, Duke Energy pleaded guilty in federal court to violating the federal Migratory Bird Treaty Act (MBTA) in connection with the deaths of 14 golden eagles and 149 other migratory birds at two Wyoming wind farms.[18] This represented the first-ever criminal enforcement of the Migratory Bird Treaty Act for unpermitted avian takings at wind projects in the U.S. Duke agreed to pay $1 million in fines, restitution, and community service and was placed on probation for five years. **As part of the settlement Duke also agreed to develop a plan, in cooperation with the USFWS, to prevent more bird deaths at its four Wyoming wind farms. That plan involved deployment of sophisticated IdentiFlight technology**, which blends artificial intelligence with

9.5 *cont.*

[13] See https://www.nationalgeographic.com/environment/great-energy-challenge/2012/montana-wind-turbines-give-way-to-raptors/)
[14] Brown, K., Smallwood, K.S., Szewczak, J., and Karas, B. 2016. *Final 2012-2015 Report Avian and Bat Monitoring Project Vasco Winds, LLC.* Prepared for NextEra Energy Resources, Livermore, California.
[15] Smallwood, K. S., and L. Neher. 2016. *Siting wind turbines to minimize raptor collisions at Summit Winds Repowering Project, Altamont Pass Wind Resource Area. Report to Salka, Inc.*, Washington, D.C.
[16] See https://www.sfgate.com/business/article/Altamont-Pass-turbines-kill-fewer-birds-4230640.php#photo-4099594 and http://earthtechling.com/2010/12/wind-turbine-deal-to-kill-less-birds/.
[17] Smallwood, K. S. Summit Ridge Wind Farm – Request for Amendment 4. Public comment letter submitted to the Oregon Energy Facility Siting Council, February 21, 2019. (https://www.oregon.gov/energy/facilities-safety/facilities/Council%20Meetings/2019-02-22%20SRWAMD4%20Agenda%20Item%20D%20Supplement%20DPO%20Comment%20Index%20and%20Comments%20as%20of%202019-02-22.pdf)
[18] See https://www.justice.gov/opa/pr/utility-company-sentenced-wyoming-killing-protected-birds-wind-projects and https://www.charlotteobserver.com/news/local/article196315179.html.

precision optics to detect approaching raptors and shut down turbines,[19] and made Duke the first wind operator to commercially deploy such units.

- In 2014 Portland-based PacifiCorp Energy pleaded guilty to violating the federal Migratory Bird Treaty Act (MBTA) in connection with the deaths of protected birds, including golden eagles, at two of the company's wind projects in Wyoming. Under a plea agreement with the government, the company was sentenced to pay fines, restitution and community service totaling $2.5 million and was placed on probation for five years, during which it was required to implement an environmental compliance plan aimed at preventing bird deaths at the company's four commercial wind projects in the state. The company was also required to apply for Eagle Take Permits that would provide a framework for minimizing and mitigating the deaths of golden eagles at the wind projects.[20] In documents presented in court, the government alleged that **PacifiCorp Energy failed to make all reasonable efforts to build the projects in a way that would avoid the risk of avian deaths by collision with turbine blades,[21] despite prior guidance from the U.S. Fish and Wildlife Service (FWS). However, the company cooperated with the FWS investigation and subsequently implemented measures aimed at minimizing avian deaths at the sites.**[22]

The above examples illustrate why it is not only important from an environmental standpoint, but highly advantageous from a compliance perspective, for wind energy project developers to prioritize avian mortality reduction when siting WTGs. Moreover, several of these cases provide strong evidence that research-based WTG siting has become both increasingly feasible and increasingly effective in terms of reducing avian fatalities. The DSEIR is inadequate because SWEP design makes no attempt whatsoever to site the WTGs in a way that would reduce bird and bat mortality. **9.5** *cont.*

The County must ensure that the WTG locations for the SWEP project are designed to reduce bird strikes. Experts who can do such a design are available.

The DSEIR's failure to take into account the goal of avian fatality avoidance or minimization in its project planning with regard to the siting of WTGs[23] points to the need for a different project design that accomplishes this. This requires careful analysis and design by experts. Smallwood's recent commentary[24] on the proposed Summit Ridge Wind Farm in Oregon provides many examples of the feasibility of such an approach (also see Attachments 1, 2, and 3), as well as the availability and effectiveness of experts who can carry it out:

> "[bird flight] Behavior data are needed to inform micro-siting to minimize collision fatalities.... Behaviors need to be mapped at frequent intervals along a flight path. This type of data can be used to develop collision hazard models useful for micro-siting, or they can be used as empirical support for expert micro-siting decision-making. Ample evidence suggests that this general approach can minimize avian collision mortality" (pp. 25-26).

Nothing of the sort has been done for the Strauss project. **The DSEIR is seriously deficient and inadequate in its consideration of WTG siting and the effects of WTG siting on avian collision-related mortality.**

Destruction of 607 mature oak trees is unacceptable.

DSEIR section LU-1b states, "Tree Protection. The proposed Project is inconsistent with County Plans, Policies, and Development Standards concerning tree removal. This impact is new with the SWEP. The EIR for the LWEP did not identify significant impacts to trees or inconsistencies with County tree protection policies or ordinances. The reason SWEP would have significant impacts to trees, whereas the LWEP would not, is due to differences in design and layout of the two projects" (p. 4.13-8). The applicant chose to make these design changes for its own purposes. **9.6**

Section LU-1b also states, "the proposed Project would be inconsistent with plans and policies of the Oak Tree Protection Supplement of the Conservation Element, the Land Use Element, the Coastal Land Use Plan, and the Coastal Zoning Ordinance. The rationale for finding the Project inconsistent with these policies and ordinances is that a feasible Project alternative exists that would

[19] See https://www.audubon.org/magazine/spring-2018/how-new-technology-making-wind-farms-safer-birds and http://www.earthisland.org/journal/index.php/articles/entry/sensors-reduce-wind-turbine-risks-to-birds?fbclid=IwAR2cfGEX-El_bIIhJv0Fzum2OeMXRIVw9SeMwr6-OMwQb81qwQYzpMLyHU0 .
[20] Note, however that the take of Golden Eagles is prohibited by California law and that California does not issue take permits.
[21] The SWEP applicant is following the same strategy, putting itself in legal jeopardy.
[22] See https://www.justice.gov/opa/pr/utility-company-sentenced-wyoming-killing-protected-birds-wind-projects-0
[23] See start of Section 3 above for a discussion of non-conformance of SWEP to State and Federal guidelines.
[24] K. S. Smallwood, 2/21/19, op. cit.

result in substantially fewer oak tree losses (see Section 5.5.2). Therefore, the Project as proposed would result in unnecessary[25] impacts to trees and woodlands, coast live oaks in particular, which is contrary to all these policies and ordinances. The impacts are considered significant and unavoidable (Class I)."

The SWEP design has severe detrimental effects on the environment of Santa Barbara County, especially since it requires the removal of 607 mature oak trees and causes severe bird and bat mortality. This is not in the public interest. Given this, it is unacceptable for the County to move forward with the proposed project as designed. 9.6 *cont.*

4. County Alternatives are Inadequate

The SEIR's analysis of project alternatives must be modified to include one or more alternatives (besides the No Project alternative) that avoid the impacts caused by widening San Miguelito Road

As discussed above, three out of the eight Class I (significant and unavoidable) impacts of the project are due in whole or in part to the widening of San Miguelito Road. Because of that, the SEIR should explore in detail ways to avoid those impacts, including by examining alternatives (besides the No Project alternative) that do not require road widening. 9.7

As mentioned above, Audubon believes that the Low-Impact Project Design is clearly environmentally superior to any of the project designs described in the DSEIR, including the three alternatives. The Low-Impact Project Design alternative would result in significantly reduced avian mortality and a dramatic reduction in the destruction of mature oak trees.

The County needs to revisit and clarify the reasoning on why it rejected the 82.5-MW Wind Energy Project

One of the alternatives that was initially considered was the "82.5-MW Wind Energy Project" alternative. This alternative is based on the environmentally superior alternative identified for the original LWEP EIR. That alternative did not require widening of San Miguelito Road.

Section 5.4.1 of the DSEIR (p. 5-4) discusses the decision-making process that led to that alternative being eliminated from consideration. That discussion is vague, however, leaving unclear what specific reason or reasons were the basis for eliminating the alternative from consideration. By treating the applicant's stated goal of a 102-MW facility[26] as representing the "the fundamental underlying purpose of the Project" (DSEIR, p. 5-2), and eliminating all alternatives that would produce less power, the DSEIR falls short of adequately presenting a "range of reasonable alternatives… which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project" (State CEQA Guidelines §15126.6(a), as quoted in the DSEIR p. 5-1).

The DSEIR presents three possibilities for why the reduced-power alternative might have been eliminated from detailed analysis (infeasibility, failure to meet Project objectives, or adverse impacts that would not occur with the proposed Project), but does not explain how those possible reasons actually factored into the decision. Given the substantial adverse impacts that result from eliminating the 82.5-MW alternative, the SEIR should explain more clearly how this decision was made. 9.8

The DSEIR raises the possibility, but does not specifically state, that an 82.5-MW project would be infeasible today. This conclusion is questionable. An 82.5-MW project was considered feasible at the time the County certified the LWEP EIR in 2009. What changes during the past 10 years make such a project infeasible today? The SEIR should discuss this in detail.

The DSEIR also raises the possibility, but does not specifically state, that an 82.5-MW project would "not meet project objectives." Under CEQA guidelines, though, an alternative does not need to meet all of a project's objectives, but only most of them. An 82.5-MW version of the project would produce 81% of the power of the proposed 102-MW version. Why would an alternative that produces 81% of the power of the proposed project not be able to meet most of the project's objectives? The SEIR should explain in detail.

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[25] Emphasis added.
[26] It should be noted that it was the applicant's choice to have a goal of a 102-MW facility and the applicant's choice to enter into a Power Purchase Agreement with PG&E. The DSEIR does not state how much power the applicant must deliver. But, in any case, it is not the County's responsibility to ensure that the agreement between two private companies is satisfied. Because of the applicant's choice for the power goal, the applicant designed a project with large WTGs with long blades that ultimately would need road modifications that would cause severe environmental damage in Santa Barbara County.

- 8 -

In addition, the DSEIR should include a discussion of the possibility of adding additional or larger WTGs to the 82.5-MW project in order that the project could come closer to the power goal that the applicant set for itself. Indeed, Audubon's Low-Impact Project Design, mentioned in Section 2 above, proposes using 56 of the same GE 1.79-MW WTGs that the applicant already proposes using on SWEP. This configuration would produce a total of 100.2 MW, substantially meeting the project's energy goals. **9.8** *cont.*

Finally, the DSEIR raises the possibility, but does not specifically state, that adverse impacts would be caused by the 82.5-MW alternative that would not be caused by the 102-MW project. What would those adverse impacts be? It seems likely that any such impacts would be outweighed be the avoidance of Class I impacts associated with road widening. The SEIR should explore this question in more detail.

Audubon could support the Modified Project Layout Alternative vs. the proposed project

Below is a brief discussion of the County alternatives contained in the DSEIR. **Audubon does not support any of the County alternatives in the DSEIR**. The DSEIR is inadequate because it does not contain the environmentally superior alternative, the Low-Impact Project Design.

Audubon could support the Modified Project Layout Alternative (DSEIR Section 5.5.2), which eliminates WTGs E-7, WTG E-8, and associated access roads, but only because it is less environmentally damaging than the proposed project. We would support Audubon's Low-Impact Project Design over the Modified Project Layout Alternative. **9.9**

Also, Audubon could support a combination of the three alternatives - Modified Project Layout, Alternative Switchyard Location, and Alternate Surface Transport Route - in preference to the proposed project. However, as stated above, Audubon strongly urges the County to instead implement another alternative, the Low-Impact Project Design, that is discussed above.

5. Impacts on Vegetation

Numerous sensitive plant species will be impacted by the proposed project. CEQA requires avoidance of impact as the best option. With the additional Dudek Addenda of Vegetative resources and impacts, the impacts appear to be well identified.
In general, Audubon urges that the SEIR requires that in final design, the presence of sensitive plant and wildlife taxa be taken into account to avoid sensitive resources wherever possible, given other site constraints.

Impact of Proposed SWEP on Vegetation is Significant

Impact to native trees is Class I, significant and unavoidable. As currently designed, the project will destroy 607 mature oak trees including 355 Tanoak and 250 Coast Live Oak (CLO) trees. (Table 4.5-4). According to Impact LU-1b, widening of San Miguelito Road would result in a loss of 158 trees, of which 150 are coast live oaks. Construction of the transmission line would result in a loss of 62 trees, all of them coast live oaks. With the adoption of Audubon's Low-Impact Project Design, this environmental damage would not occur. **9.10**

The Environmentally Superior Alternative in the DSEIR, the Modified Project Layout, would delete WTGs E7 and E-8 (substituting a new WGT and a larger turbine at another location). This alternative would significantly reduce the impact to tanoak and CLO trees, avoiding the removal 382 oak trees (327 tanoak and 63 CLOs). This will also avoid road-building impacts in the Coastal Zone (81 of the trees are in the Coastal Zone). The grading would also impact Critical Habitat for the Red-legged frog.

Audubon requests that the DSEIR be modified to add the Coastal Zone boundary on Figure 5-1, Elimination of WTGs E-7 and E-8. Given that avoiding impacts in the Coastal Zone is a central feature of this alternative, it would be helpful. The Coastal Zone is shown on other figures, such as Figure 2-3b, the Detailed Site Plan, but the changes proposed would be clearer and easier to evaluate. **9.11**

- 9 -

Mature oak beside San Miguelito Road – already marked for destruction (photo taken June 9, 2019)

Oak Restoration Discussion is Inadequate

The DSEIR is inadequate because it does not include an alternative that reduces the amount of tree removal to the level of LWEP. Please note that Audubon's Low-Impact Project Design alternative would reduce the amount of tree removal to the level of LWEP.

The Applicant's consultant has identified potential restoration sites for tanoak forest and coast live oak woodland within the Project area (Figure 5.3.s-1 [Potential Forest Restoration Sites] of Sapphos, 2018; see Appendix C-1)."
We didn't find any discussion of these proposed sites - how they were deemed appropriate for forest restoration. From the Vegetation Map Figure 4.5-1a these are largely non-native grassland, but is there any history of these sites having been forested in the past? Is water available for establishment? What is the available size? A Conservation Easement would be required so that the mitigation sites would be protected from future disturbance. **9.12**

While avoidance of native tree removal is the best option (e.g. Audubon's Low-Impact Project Design or the Modified Project Layout Alternative in the DSEIR), mitigation plantings are needed for any tree removal and must be successful. As the DSEIR says, "Although mitigation, such as replacement tree plantings, would be required for impacts to oaks and other native trees, woodland and forest habitats can take decades or more to regain the lost habitat values." Many of these trees are hundreds of years old. Most restorations of oaks are not successful. If the proposed project is approved, the mitigation requirements are quite stringent, although a bit confusing. 3:1 replacement ratio of woodland and forest habitat (Tree replacement plan, 3:1 all sensitive species impacts, 6:1

- 10 -

replacement (for individual trees?), and 10:1 (for mortality replacement of mitigation trees). The SEIR should clearly state the mitigation replacement values.

The DSEIR is inadequate because it does not enable the public to make a comparison of the effect on oak trees between LWEP and SWEP. This impact is huge and should not be obscured from the public. Audubon strongly recommends that the following parameters be added to Table 2-1, Comparison of Lompoc Wind Energy Project and SWEP:

9.12 *cont.*

Project Characteristics	LWEP[27]	SWEP
Number of mature oak trees destroyed on WTG project site	0	387
Number of mature oak trees destroyed for Transmission Line	0	62
Number of mature oak trees destroyed for San Miguelito Road Modifications	0	158
Total number of mature oak trees destroyed	0	607

If San Miguelito Road is widened, care should be taken to minimize damage

Widening of San Miguelito Road would also require trimming and removal of a large number of native trees - oaks and Arroyo willow, to allow the large turbine blades to be delivered to the site. Section 2.6.3 states that 158 oak trees will be removed. With the adoption of our suggested Low-Impact Project Design, this damage would not occur.

Figure 5.1.5-1E shows that about 50 Coast Live Oaks are found on a "failing slope" that will be evaluated and the trees may need to be removed to stabilize the slope. Audubon urges that the SEIR should require a conservative approach to managing the slope, to preserve the trees while maintaining a safe roadway. Removal or trimming of trees at the base of this unstable slope could trigger slope failure. Thus, the evaluation should include shifting more of the clearing for road widening to the outside of the curve, as feasible, for access. 9.13

In many areas, San Miguelito Road is near the top of the bank, and clearing will impact the riparian buffer. As final plans are determined, preservation of riparian vegetation, even at the expense of more clearing on the upland side, should be evaluated. This concept is referred to as "micrositing" in the DSEIR.

Consider Dangermond Preserve for Revegetation

The Biological Resource Section of the DSEIR provides Mitigation Measures BIO-3 for a Site Restoration and Revegetation Plan, with replacement, *preferably on site (emphasis added)*. If adequate space is not available, or the likelihood of success on the project site is low, Audubon suggests contacting The Nature Conservancy regarding mitigation plantings on the Dangermond Preserve, which is near the Project site. 9.14

Vegetation Plans Should Receive Public Comment

Several plans will be required after project approval, before construction begins. These include the Site Restoration and Revegetation Plan (MM BIO-1a &-3), Native Grassland Restoration (MM BIO_1a & -8) the Tree Protection Plan (MM BIO-4a), the Tree Replacement Plan (MM BIO-4b). They each have criteria of what needs to be included, and they must be approved by County staff before construction begins. Audubon requests that once prepared, these Plans be made available for public comment prior to staff's final approval. A system should be established for public notification. Audubon would like to request that we be on the notification list, by contacting Conservation@SantaBarbaraAudubon.org. When draft restoration plans and others are part of a DEIR, they can be reviewed and commented on by public members. But when they are prepared after project approval, a mechanism should be in place to provide for public comment. 9.15

[27] We could find no definitive numbers in the LWEP FEIR on the numbers of mature oak trees that would have been destroyed. However, it seems clear that the numbers on LWEP would have been much lower than the numbers proposed for SWEP. We urge the County to do an estimate on LWEP so that the public is informed about the relative impacts of the two projects.

- 11 -

Care should be taken in protecting and replanting certain plant species

Regarding some of the sensitive herbaceous and grass species, we recommend that the guidelines below be followed: Residual impacts to Purple Needlegrass is unfortunate, but there is extensive experience in establishing this species. The County should note that the needle grass species can easily be overgrown by non-native grasses, but are tolerant of nutrient-poor soil where the non-native grasses do less well. Thus, these are good species to install on cut slopes where subsoil is exposed. This fact should be included in the SEIR.

For the two sensitive subspecies of Horkelia, the situation is very complicated in that the common and two rare subspecies are found in mixed populations, and intergrade. No mention is made in the DSEIR whether anyone has experience in growing this species. One strategy that should be evaluated - relocate the populations to be disturbed, if at an appropriate season, or contract a native plant nursery to maintain the plants in pots or flats until outplanting is feasible. 9.16

Gaviota Tarplant - This is the only Federally-listed and State-listed Engendered plant on the Project area. In addition, the entire 791-acre Sudden Peak Unit Critical Habitat is within the Project site. Thus, the DSEIR impacts, estimated to be on 19.23 acres out of 92 acres in the Project area, is disturbing. Again, maximum avoidance of impacts in the final design and construction is urged in the FSEIR. Two other comments: 1) this annual is stated to be a poor competitor with non-native grasses, which suggests that revegetation on graded areas may aid establishment - information may be available as apparently this was a species planted on the oil pipeline through Gaviota. 2) Seed collection would be very time-consuming, and the technique used by the Cheadle Center CBER) at UCSB for propagating Southern Tarweed might be utilized: gather whole plants at end of the seed production, crush them in garbage cans, then compact. At the appropriate time for planting, spread the crushed plants including seeds.

Seacliff Buckwheat is the host plant for the El Segundo Blue Butterfly. Given that few butterflies are found on the SWEP site and adjacent Vandenberg AFB, maximum protection of the host plant is warranted. Seacliff Buckwheat has been easily propagated by Coal Oil Point Reserve, CCBER, and local native plant nurseries. Appendix C-2 (Dudek) states that 17.9 acres is present in the Project area.

Special attention should be paid to controlling Yellow star thistle

Invasive weeds are mentioned in the DSEIR as occurring on site. Special care should be taken to prevent on-site weed species from establishing in disturbed or mitigation sites. Much appreciated is the Project site Plant Compendium, as Appendix B to the Dudek Addendum No 2. Yellow star thistle is listed. No mention was noted of prevalence on the Project site. However, especially if this is a fairly uncommon species on the property, control before it sets seed is crucial. 9.17

6. Transmission Line and Met Tower Issues

DSEIR needs to clearly show the impact of the changed transmission line route on biological resources, SWEP vs. LWEP.

The applicant has chosen to submit to the County a siting of the transmission line that has been changed from LWEP. There is no substantive description of the changes and no justification stated. The DSEIR is inadequate because the lack of information makes it impossible for the public to evaluate the effects of the changes. The impact to biological resources appears to be much greater with the new proposed alignment, but no justification is given in the DSEIR for the additional impacts. According to the LWEP FEIR Impact BIO-2, most impacts in the power line corridor would be to grazed annual grasslands, and the power line construction would occur "close to wooded areas….where it would run along the margins of oak woodland….(L)ines would be strung over dense oak stand in order to minimize impacts to trees … However, some oak trees may need to be removed to allow power line installation." No numbers of tree removal estimates are provided. Again, this is inadequate to enable the public to determine the additional impact caused by SWEP. The SWEP DSEIR states in PL-14, Minimize habitat disturbance, "The power line design will minimize habitat disturbance by using existing access roads wherever possible and constructing new poles using helicopters if feasible where creation of new access roads would necessitate grading in steep terrain or removal of woodland vegetation." Table 4.5-4,[28] Impact to Trees, indicates that 62 Coast Live Oak trees would be removed for the Transmission line; the DSEIR does not demonstrate how this mitigation measure is adequately implemented in the design 9.18

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The DSEIR needs to be revised to clearly show the impacts of the changed transmission line route of SWEP vs. LWEP on vegetation and other biological resources.

[28] Table 4.5-4 should have subtotals for the Number of Trees removed for the Transmission Line and WTGs.

- 12 -

Description of transmission line poles and impacts is inadequate

Section 2.5.4 states, "The transmission line would be constructed primarily of double, steel H-frame structures with some triple poles at angle points." However, Figure 4.2-13B shows a transmission line pole setup with wooden poles and at least eleven guy wires.

The DSEIR is inadequate because there is no description of the designs for the transmission line poles. There is nothing that mentions guy wires on the poles in the DSEIR. The design descriptions for every pole must be included in the SEIR. In addition, Audubon urges the County to consider the transmission line pole design and use the double, steel H-frame structures exclusively, including at "angle points". This would eliminate the guy wires which are a collision hazard for birds.

The DSEIR is also inadequate because it does not analyze the effect of transmission line pole guy wires as a collision hazard for birds. This effect should be included in the DSEIR and, even better, should be eliminated by removing the guyed poles. We recommend that MM BIO-15b be modified to say, "All permanent meteorological towers and transmission line poles shall be unguyed."

Regarding the two figures, Project transmission Line Route in section 2. According to these figures, there are 32 pole locations shown on Figure 2-4a and 23 shown on 2.4b for a total of 55 pole locations. In the text, it states that the Project design assumes that up to 44 new poles would be required, and that "no currently existing power poles would be used" (page 2-21). It appears that the intent is to have 44 poles. However, also in the text, the structures holding the lines are described as double, steel H-frame structures with some triple poles at angle points. That means that there would be at least 2 and maybe 3 poles at each of the 55 locations, which is far more than 44. The numbers do not add up. Please clarify. **9.19**

Page 2-49 and 2-50. The text mentions an area of 100' diameter centered on each pole as temporary disturbance due to construction, and yet this number is not included in the table 2-10 Estimated Temporary and Permanent Land Disturbance. And, if there really are 2-3 poles at each of 55 locations instead of 1, this area would be greater, and needs to be included. Audubon requests that the County clarify this to ensure the public understands the precise nature and extent of the poles and the accompanying temporary and permanent land disturbance.

Also, on page 2-49, the text states, "Vegetation clearing would be kept to a minimum because the transmission line route could be shifted within the study corridor to avoid impacts to sensitive plant communities where feasible". It appears that the applicant plans to grade 0.91 miles of new access road. However, there is a sentence in this section that says the new transmission line corridor was planned to avoid grading new roads as much as possible. Audubon requests that the County clarify this inconsistency regarding grading new access roads

DSEIR must call out 83-inch transmission line spacing in all relevant sections

Audubon commends the County for recognizing that the California Condor's range is expanding and that the condor is likely to visit the project site in the future (p. 4.5-22, -71, -73). Audubon also appreciates that MM BIO-14i has been required to provide some protection to the condor and that MM BIO-15b requires a transmission line spacing of at least 83 inches to accommodate the condor. However, the DSEIR is inadequate because the description of the Project Transmission Line in section 2.5.4 does not mention that the conductor spacing shall be a minimum of 83 inches. Also section 2.5.5, PG&E Electrical System, does not mention that when the reconductoring is done that the conductor spacing shall be a minimum of 83 inches. This is necessary since the design of the PG&E part of the system is peripheral and the conductor spacing requirement could be lost. Specifically, statements requiring 83-inch conductor spacing should be added to PL-5, page 2-25, PL-11, page 2-26, and "Step 3- Stringing the Conductors", page 2-50. The same statement should be added to section 2.5.7. **9.20**

DSEIR must require markers on transmission lines in all relevant sections

Collisions with power lines are a major threat to California Condors, eagles, Turkey Vultures, and other soaring birds. The Edison Electric Institute estimates that 174 million birds are killed in the USA every year by power lines. The SWEP includes over 10 miles of power lines, much of which is along public roads. The probability of road kill along those roads is high. Road kill would attract condors and other scavenging birds, including Golden Eagles and Turkey Vultures, to the area. There is certainly a possibility that these birds could collide with power lines while coming in to land near road kills. Many studies of lines with high collision rates indicate that collision risk can be lowered by 50% to 80% when these lines are marked.[29] Among other protections for the condor and other large soaring birds, marker devices must be used to make power lines more visible. Power line markers are an easy, inexpensive, and effective means of making power lines more visible to birds, especially if attached when the power lines are installed. The County required markers on the transmission lines associated with the Cuyama Solar Project and should also require them on the SWEP. An example of a power line marker is shown below. **9.21**

[29] See Reducing Avian Collisions with Power Lines, Edison Electric Institute, 2012, page xiii.

Power line marker. Reduces bird collisions dramatically. Inexpensive and easy to install.

Audubon appreciates that the County included MM BIO-15b, which states, "All overhead collection lines and transmission lines shall be designed to minimize the potential for raptor electrocution and collision using the latest APLIC (2012) guidelines." However, the DSEIR is inadequate because it does not specifically require markers on transmission lines in the project and because it does not state the type and spacing of markers that would be required. The requirement for transmission line markers should be stated in all relevant sections on transmission line design, including the sections on the PG&E Electrical System. **9.21** *cont.*

Cumulative effects on avian collisions with power lines are understated.

Section 4.5.5, Cumulative Effects Avian and Bat Collisions with Power Lines and Meteorological Towers, states "No other wind development or power line projects are proposed within the Lompoc Valley. Therefore, the Project would not have the potential to combine with other projects to result in cumulative impacts from bird and bat collisions with power lines and meteorological towers." This begs the question, "What about power lines associated with other kinds of projects?" Table 3-1, Cumulative Projects Scenario, shows many in-process and proposed (not to mention already-built) projects that surely have power lines associated with them. The DSEIR should consider cumulative impacts of power line collisions with all projects, not just wind development or power line projects. **9.22**

Use of met tower vs. SODAR should be clarified.

The DSEIR project description states that there will be "One meteorological towers and two SODAR devices". During the preparation of this letter, Audubon asked the County, "Since these both do the same function, why couldn't there be three SODAR devices and no meteorological towers? Eliminating the met tower would eliminate a potential collision hazard for birds." The County's answer was, in part, ". . . the California Independent System Operator (CAISO) requires for every wind project in CA or "Eligible Intermittent Resource" at least one meteorological station must be installed at the average hub height of the wind turbines (see California Independent System Operator Corporation Fifth Replacement Tariff, Appendix Q Eligible Intermittent Resources Protocol (EIRP), Section 3.1.1.2). . . . For the SWEP project, the applicant has informed us that . . . . at least one permanent met tower is required per CAISO regulations." If this is true, this should be clarified in the SEIR. **9.23**

The fact that the met tower will be unguyed should be clarified

MM BIO-15b.c states, "All permanent meteorological towers shall be unguyed." However, Section 2.5.8 states, "The meteorological tower would be a guy-wired lattice structure . . . " This section should be corrected to state that the met tower will be unguyed. **9.24**

In addition, on page 2-6 the DSEIR states, "Up to three permanent meteorological towers would be installed during construction to measure the performance of the WTGs post installation. The towers are proposed to be guy-wired lattice structures . . . " This should be corrected to state that there will be only one permanent meteorological tower and that it would be unguyed.

- 14 -

7. Impacts on Public Access

The SEIR must definitively describe plans for restricting public access to San Miguelito Road beyond Sudden Road during the operational phase of the project.

The discussion of the closure of San Miguelito Road to public travel beyond Sudden Road (pp. 2-34, 4.8-16) is vague, contradictory, and fails to adequately describe potential impacts to public access and recreation.

The section of road in question is roughly two miles long. It descends to the north and follows the floor of an agricultural valley, passing a large stand of mature eucalyptus trees and ending at the Vandenberg AFB boundary next to the Honda Creek riparian corridor. This stretch of road is regularly used by birdwatchers and sightseers. The road's quiet, isolated, rural character; its proximity to habitat used by sensitive species; and the way it dead-ends at the extensive undeveloped land of Vandenberg AFB (which tends to minimize other uses of the road), all combine to create a **significant recreational resource**.

The DSEIR is inadequate in that it does not definitively state whether or not this section of road would be closed. On page 2-34 it states, "During the construction, and possibly during the operational phase of the Project, the Project operator and landowners using San Miguelito Road and Sudden Road beyond their intersection may request the County to close these roads to public travel." However, on p. 4.16-3 the DSEIR states that "the physical use of the Project area would remain fully accessible to informal recreation (i.e., cycling, running, birding, sightseeing) during Project operation." These statements are contradictory. The SEIR needs to state definitively whether or not San Miguelito Road will be closed to the public beyond Sudden Road. 9.25

Other than the brief reference to "project safety and security", the DSEIR does not discuss the circumstances that might lead to this part of the road being closed to the public during the operational phase of the project or the process by which a decision on road closure would be made. According to the DSEIR, either the project operator or the local landowners may request the closure. There is no discussion of the closure's likelihood. Who would make the decision? The County? The operator? One local landowner? A majority of landowners? What about the implied easement? The public has been using this road for decades. If the road is to be closed, the SEIR must state how the decision would be made and how the implied easement would be dealt with.

Audubon strongly recommends that no portion of San Miguelito Road be closed to the public during the operational phase of the project.

8. Impacts on Recreation

The closure of San Miguelito Road beyond Sudden Road would be a Class I impact to recreation.

The DSEIR is inadequate because it claims in the section on Open Space Element, p. 4.13-25, that "The Project would have minimal impacts on mineral or recreational resources." **Audubon objects strenuously to this assertion.** The closure of San Miguelito Road beyond Sudden Road would have a significant impact on recreation.

There is no discussion in the DSEIR of the adverse impact that such a road closure would have on recreation. The closure of San Miguelito Road beyond Sudden Road would "contribute to the long-term loss or degradation of a recreational use," thus reaching a stated impact significance threshold (DSEIR p. 4.16-1). This loss of public access concerns Audubon. This section of road harbors rare bird populations that the public, including birdwatchers, have had free access to for many years. That the project might cause that access to be lost is an adverse impact in the "Recreation" category. If the road is to be closed, it should be listed as an adverse impact, either as a Class I impact (significant and unavoidable), or as a Class II impact (if feasible mitigation measures can be identified to reduce the impact below the threshold of significance). 9.26

Mitigation measure REC-01 should be modified to require actual coordination with affected public groups, or at a minimum should be reworded to avoid the misleading impression that it requires such coordination. 9.27

Disruptions to recreational use during project construction are acknowledged by the DSEIR (p. 4.16-1), with Mitigation Measure REC-01 having been included to reduce those impacts. REC-01 is worded confusingly, however. According to the DSEIR the

- 15 -

measure is intended "to avoid conflicts with recreation activities that often occur within the Project area" (p. 4.16-3). REC-01 says the applicant shall "coordinate" with several affected groups — the Lompoc Valley Distance Club (LVDC), Lompoc Valley Bicycling Club (LVBC), and Santa Barbara Audubon Society (SBAS) — as to the project construction schedule and activities. The list of affected groups to be coordinated with should be expanded to include not only the Santa Barbara Audubon Society but also the La Purisima Audubon Society.

The words "coordinate" and "coordination" are used several times in the mitigation measure. A careful reading, though, shows that the only substantive requirement is that the applicant post notices of the construction schedule at Miguelito Canyon Park, and communicate that schedule to the affected groups. Calling this "coordination" with the affected groups implies a degree of back-and-forth, with the affected groups having input into the schedule. In reality that isn't the case; all the "coordination" is happening on the side of the outside groups, which would need to reschedule their activities to avoid conflicts with the applicant's construction activities. **9.27** *cont.*

Mitigation measure REC-01 should be expanded to require actual coordination with the affected groups, in which the applicant meets with the groups to discuss ways in which the schedule might be adjusted to reduce recreation impacts. If that isn't feasible, then at a minimum the mitigation measure should be reworded to avoid conveying the false impression that it requires such coordination. In that case the measure should simply say that the applicant will "communicate" the construction schedule to the affected groups, rather than saying it will "coordinate" with them.

The Final SEIR must include the adverse recreational impacts caused by the altered character of the site during the operational phase of the project.

A significant inadequacy in the DSEIR is the document's failure to address recreation impacts during the project's operational phase, after initial construction is complete. The DSEIR discusses those impacts in Section 4.16.4, "Environmental Impacts and Mitigation Measures," pp. 4.16-2 and 4.16-3.

This treatment of post-construction recreational impacts is inadequate. The project would produce significant ongoing recreation impacts, impacts that are not adequately described by the DSEIR's discussion of post-construction visual and biological impacts. Under CEQA, those recreation impacts must be included in the SEIR so that decision-makers have the information they need. The area near the intersection of San Miguelito Road and Sudden Road is a prime location for seeing birds of prey. The wide, grassy valley forms a natural amphitheater with a large population of ground squirrels, while the surrounding windy ridges are ideal for soaring. The quiet, rural character of the location, reached via a winding, one-lane country road with no outlet, means there is relatively little vehicle traffic. The site is one of the premier locations, arguably *the* premier location, in Santa Barbara County for seeing birds of prey that live in open country and avoid human presence, birds such as Golden Eagles, Prairie Falcons, and Ferruginous Hawks. One can also see many more common species there, including Red-tailed Hawks, American Kestrels, Turkey Vultures, and Common Ravens.

9.28

Besides birdwatching, the site is popular for sightseeing. When birdwatching near the intersection of San Miguelito Road and Sudden Road one often sees cars drive by to the south end of Sudden Road, where the occupants park to appreciate the quiet setting and the distant views of the ocean. On a weekend day in good weather a half dozen vehicles or more might visit the location over the course of an afternoon. While the number of visitors is low compared to the heavier use at Miguelito County Park, for those who seek solitude it's a unique place. These recreational uses will be heavily impacted by the proposed project, with impacts occurring not only during construction but also during the operational phase of the project.

During the operational phase the site would be dramatically altered, with the quiet, one-lane road wandering through a scenic valley turned into the site of intensive, large-scale energy production and transmission, with wind turbine generators, pad-mount transformers, a substation control building, switchyard, O&M facility building, meteorological towers, and transmission line poles. It is true that these changes would involve significant, unavoidable impacts in the areas of visual aesthetics and biological resources, and that those visual and biological impacts would play a role in the recreation impacts. Nevertheless, those recreation impacts would be distinct from and should be addressed in the SEIR separately from those other impacts. The DSEIR states that "the physical use of the Project area would remain fully accessible to informal recreation (i.e., cycling, running, birding, sightseeing) during Project operation" (p. 4.16-3). This characterization is disingenuous. The unique characteristics of the site described above are inextricably linked to its recreational value. The fact that birdwatchers and sightseers would still be able to physically visit the site during its operational phase is irrelevant. The alterations to the site by the project would have created a dramatic adverse impact on the recreational use, and that impact would be significant according to County guidelines. Accordingly, the impact should be listed in the

SEIR in the "Recreation" category, either as a Class I impact (significant and unavoidable), or as a Class II impact (if feasible mitigation measures can be identified to reduce the impact below the threshold of significance). **9.28** *cont.*

9. Transport of Turbine Blades by Air

The widening of San Miguelito Road to accommodate delivery of wind turbine blades is a major source of adverse impacts in all the analyzed project alternatives (except the No Project alternative). Of eight identified Class I (significant and unavoidable) project impacts, the widening of San Miguelito Road is a significant factor (in one case, the sole factor) in three of them:

- VIS-7, "San Miguelito Road Landscape"
- BIO-2a, "Construction Impacts to Woodland and Forest"
- LU-1b, "Tree Protection"

Because of this, **any approach that avoids the need to widen San Miguelito Road would dramatically reduce the project's adverse impacts.** Audubon's Low-Impact Project Design is such an approach.

Air transport of turbine blades must be more seriously considered.

A promising possibility is the use of a heavy-lift helicopter to transport the turbine blades. In response to a comment received during the scoping process, the DSEIR discusses this possibility in Section 5.4.3 (p. 5-5), but eliminates it from further evaluation. **9.29**

Transport of WTG blades by heavy-lift helicopter

- 17 -

Given the dramatic benefits of avoiding truck delivery of turbine blades, this possibility deserves a much more careful and detailed analysis. The DSEIR discussion does not appear to reflect such an analysis, however. Instead, there are indications that the research conducted was rushed and inadequate. For example:

- The name of the company that operates the largest-capacity commercial heavy-lift helicopters in the U.S. has been misspelled. It should be "Erickson", with a "c", rather than "Erikson".
- The name of the helicopter manufactured and operated by Erickson is "Aircrane". The DSEIR refers to "Skycrane", which is the name that was used for the helicopter's predecessor, the Sikorsky S-64, the rights to which were purchased by Erickson in 1992.
- The DSEIR gives a reference of "(Erikson, 2019)" as the source of the information provided (p. 5-5). That reference is not expanded anywhere in the document. Does it refer to some personal communication? Especially given the errors in the DSEIR's discussion, it is important that the Final SEIR provide detail about where the information was obtained.

Sourcing is especially important for the next part of this discussion, in which the DSEIR asserts that even though there is a possibility that the project's blades would weigh as little as 21,000 lbs., which falls within the helicopter's rated payload capacity, "the length and aerodynamic nature of the blades would reduce the available capacity of the Skycrane below the weight of the short blades, making this alternative infeasible" (p. 5-5). The DSEIR should provide more detail to support this assertion. The mistakes as to the company and helicopter name and the lack of sourcing information indicate a cursory approach, rather than the careful consideration the issue deserves. In addition, Audubon has found many examples around the world where helicopters have delivered blades to WTG sites (see photo in this section). This would challenge the assertion that the "aerodynamic nature of the blades" is an issue. It is important to note that the ability to transport the shorter, lighter turbine blades by air, combined with elimination of the need for the larger WTGs and their longer, heavier blades by using only the 1.79-MW WTGs, would enable the changeover to the Low-Impact Project Design mentioned above in Section 2. Audubon has been informed by GE that helicopter transport of the smaller blades would be feasible (see note in Section 2). This is a low altitude site and the transport distance would be short. These are both favorable factors for the payload capacity of the heavy-lift helicopter. Please note that **helicopter transport of the turbine blades would eliminate most of the severe environmental degradation that would be caused by the proposed SWEP design** and therefore should command the County's attention. **9.29** *cont.*

Other questions the SEIR must do a better job of answering include:

- What would the actual payload capacity for a heavy-lift helicopter be in the case of this project?
- How close would the smaller turbine blade weight be to the actual payload capacity at this site for a heavy-lift helicopter?
- Are there other alternatives available (besides the Erickson Aircrane) that would have greater payload? For example, in 2017 Lockheed Martin announced that they had developed a heavy-lift "hybrid airship" that was ready for construction, and that would have a payload capacity of more than 40,000 lbs. while using 10% of the fuel required by helicopter transport. What is the latest status of that project? Does it represent a viable alternative? Might it do so at some point in the near future?

Transport of WTG blades by heavy-lift airship will be feasible soon.

- 18 -

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The Low-Impact Project Design might allow ground transport of shorter turbine blades.

Audubon's proposed Low-Impact Project Design would use the smaller 1.79-MW WTGs which would have relatively shorter turbine blades, 159.8 feet, vs. 224.7 feet for the blades proposed for the larger 3.8-MW WTGs. This is a difference of 65 feet in length, or 29%. Transporting the shorter blades up San Miguelito Road would be considerably easier due to the shorter length and the road modifications would undoubtedly cause less damage. This is an option the County should consider. 9.30

10. Improvements Needed on MM BIO-16

MM BIO-16 County must maintain control of Monitoring and Adaptive Management Plan, etc.

The section on Monitoring and Adaptive Management Plan / Bird and Bat Conservation Strategy is inadequate because it potentially allows the applicant to control the preparation of the Plan, which is a conflict of interest and not in the public interest. Please change "The Plan shall be prepared by a County-approved biologist and be subject to County approval" to read "The Plan shall be prepared by a County-approved biologist who is paid by the County with funding from the applicant. This provision applies to all subsections of MM BIO-16. The plan shall be subject to County approval." 9.31

MM BIO-16 Operation of SWEP must not commence until the Adaptive Management Plan is implemented.

This section states, "A Monitoring and Adaptive Management Plan is required, due to the uncertainty of the Project's operational impacts on protected and special-status bird and bat species. The Plan shall be developed and implemented in an effort to provide maximum feasible mitigation for those impacts." Please add, "Operation of SWEP shall not commence until the Adaptive Management Plan is implemented." 9.32

MM BIO-16 Must acknowledge that take of Golden Eagles is prohibited under California law.

This section states, "Additionally, the Owner/Applicant will obtain golden eagle take authorization from USFWS under the federal Bald and Golden Eagle Protection Act." This section seems to imply that if the applicant gets a federal permit it is free to take Golden Eagles and ignores the fact that take of Golden Eagles is prohibited under California law. Please add a statement into this section acknowledging that take of Golden Eagles is prohibited under California law. 9.33

In addition, it should be acknowledged that the applicant has made no effort to locate the WTGs where avian mortality would be reduced. As a result, it is likely that the CDFW will impose severe sanctions on the operator if a Golden Eagle death occurs on the SWEP.

MM BIO-16a Improvements must be made to the Before-After/Control-impact (BACI) Study.

The BACI Study is inadequate due to insufficient control by the County. Please delete "insofar as feasible without causing delays to the Project construction schedule or start of operations." This incentivizes the applicant to delay or ignore the preparation of the BACI study and is not in the public interest. The BACI Study will be done in parallel with construction activities by biologists not involved in the construction. The preparation of the BACI Study, if properly managed, will not delay the construction schedule or start of operations, providing the applicant has the incentive to fund and prepare it on time. 9.34

MM BIO-16c Carrion must be removed from all WTG areas within the Project site.

The SDEIR is inadequate because it does not propose to implement a carrion removal program that will be as effective as it could be. There are two problems. First the program proposes to ". . remove carrion from livestock grazing areas in the Project site." This seems to assume that only carrion due to livestock deaths will be found on the site. In fact, many wild species could die, and undoubtably will die, near the wind turbines. These species could include coyotes, ground squirrels, badgers, etc. Carcasses of these animals will attract scavenging birds such as the Golden Eagle, Turkey Vulture, and California Condor where they will be in danger of striking the WTGs. The second problematic statement is, "The program shall begin during the construction phase and continue for the duration of Project operation while livestock grazing is occurring on site." Again, this statement ignores the fact that wildlife deaths will occur indefinitely on the Project site. 9.35

Audubon strongly recommends that the statements mentioned above be changed to:

". . remove carrion from all areas in the Project site within a 500-foot radius of every WTG."
"The program shall begin during the construction phase and continue for the duration of Project."

- 19 -

MM BIO-16d Active controls of WTGs are essential to reduce avian mortality

Level 2 – Response Options, paragraph 5. Installation of active control technology. The DSEIR is inadequate because it leaves out key details of the use of active control technology and does not even evaluate in any detail the use of active control technology on SWEP. The DSEIR mentions Identiflight, a commercially-available active control system. IdentiFlight has been validated,[30] both at Duke Energy's Top of the World Windpower Project where it was first tested and by American Wind & Wildlife Institute in 2016. As most of the development for the IdentiFlight system has been completed, the cost is expected to be reasonable. The DSEIR mentions that active control technology could be used as a "Level 2 response option" only. This would only be implemented after fatalities that triggered a Level 2 response and most likely after less expensive, but less effective, mitigation measures have been attempted.

Audubon asserts, and the DSEIR affirms, that SWEP constitutes a high risk of mortality to large soaring birds like the Golden Eagle and probably the California Condor in the near future. To reduce that risk, the use of active control technology should be implemented as part of the initial project design. Active control technology has been demonstrated to be feasible and therefore should be implemented as a feature of SWEP. 9.36

IdentiFlight is proven and should be used on SWEP in the initial project design

MM BIO-16d Mortality monitoring must continue for the life of the project.

The DSEIR is inadequate because it does not require sufficient mortality monitoring. On page 4.5-86 the DSEIR states that "Mortality monitoring shall conclude if fatalities remain below Level 2 thresholds for 2 consecutive years." It is highly likely that there will be significant variation in mortality levels from day to day, month to month, and year to year. If mortality monitoring ceases there will be no way to know whether this was due to a fluctuation in statistics or due to an actual drop in mortality. Audubon strongly recommends that mortality monitoring be required for the life of the project. 9.37

MM BIO-16d Language needs to be strengthened.

The DSEIR is inadequate because it contains language that is not strong enough and therefore subject to interpretation. Audubon recommends the following changes:

On "The determination must be based on substantial evidence", add "and made by a qualified biologist hired and paid by the County using funding from the operator." 9.38

Change "The following Level 2 response options should be considered . . ." to "The following Level 2 response options shall be considered . . ."

Add to the same paragraph, "Any cost associated with implementing these measures shall be borne by the operator."

[30] See https://awwi.org/wp-content/uploads/2018/12/Identiflight-Result-Summary.pdf .

- 20 -

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MM BIO-16d Level 2 response options 3 and 4 should be eliminated.

The DSEIR is inadequate because of weak Level 2 response options 3 (mitigation research) and 4 (contribution to recovery programs for special-status species). These two response options have several problems:

- They would have no direct effect on reducing avian (or bat) mortality, whereas the other response options have the potential to do so. 9.39
- They give the appearance of allowing the operator to buy its way out of having created serious environmental problems, i.e. excessive avian mortality.
- They dilute the effectiveness of the more substantive options 1, 2, 5, and 6. The operator could do option 3 and/or 4, then claim that it had met its responsibility, when in fact it had done nothing to reduce avian mortality at SWEP.

11. Inconsistency with Agency Guidelines and Policies

The DSEIR does not correctly call out State and Federal guidelines for wind energy development in some DSEIR sections.

The DSEIR is inadequate because it fails to fully and correctly call out the appropriate Federal (USFWS Guidelines) and State (CEC/CDFG Guidelines) wind energy project guidelines in all relevant report contexts, as listed below. It also fails to include the National Environmental Policy Act as a potentially project-relevant Federal authority (see 6th bullet below).

- In the 5th paragraph of section 2.5.4 (Project Transmission Line), both of these guidelines should be referenced in the context of the "recommended practices and procedures" and "avian protection measures" described on page 2-21.

- The CEC/CDFG Guidelines should be listed in the 2nd paragraph of the "Avian Migration" section on page 4.5-9 (along with the USFWS Guidelines, which is referenced) if the referenced surveys were in fact also consistent with these guidelines.

- Both of these guidelines should be listed in section 4.5.2.2 (New, Updated, and Revised Regulations). The USFWS Guidelines should be included in the list of project-relevant Federal regulation on page 4.5-32, and the CEC/CDFG Guidelines should be included in the list of project-relevant state regulations on pages 4.5-32 – 4.5-33. [We note that the latter were available at the time of the LWEP EIR but appear not to have been referenced in that document, according to the listing in section 4.5.2.1 (Regulatory Framework Identified in LWEP EIR).] 9.40

- The CEC/CDFG Guidelines should be referenced in the MM Bio-15b (b) section on page 4.5-83 (along with the USFWS Guidelines, which is referenced), just as both guidelines are cited in the MM Bio-16a section on page 4.5-84.

- The USFWS Guidelines should be referenced in the 2nd paragraph of the MM Bio-16b section on page 4.5-85 (along with the CEC/CDFG Guidelines, which are referenced), just as both guidelines are cited in the MM Bio-16a section on page 4.5-84.

- The National Environmental Policy Act should be included in the list of project-relevant Federal regulations on page 4.5-32 (in section 4.5.2.2, New, Updated, and Revised Regulations). We note that this (1970 law) was in effect at the time of the LWEP EIR but was not referenced in that document, according to the listing in section 4.5.2.1 (Regulatory Framework Identified in LWEP EIR).]

The SWEP is inconsistent with the County Conservation Element

The DSEIR is inadequate because it claims that the project is consistent with the Santa Barbara County Comprehensive Plan Conservation Element. It is not. The analysis (p. 4.13-15) states, "Impacts to avian and bat species resulting from collisions with WTGs are expected to be significant and unavoidable, but the implementation of mitigation measures identified in Section 4.5.4.2 would reduce these impacts to the maximum extent feasible." Audubon asserts that there are feasible alternatives to the proposed project design that would reduce the impacts below the proposed project with the proposed mitigation. Therefore, the mitigations proposed in the DSEIR would not reduce the project impacts to the "maximum extent feasible." As mentioned above, designing the locations of the WTGs to avoid or reduce bird strikes would be a superior design and is feasible. Such a design for the locations of the WTGs is part of Audubon's Low-Impact Project Design mentioned above. 9.41

Similarly, the claim in the DSEIR that "impacts to oak woodland and forest would be significant and unavoidable, but the impacts would be mitigated to the maximum extent feasible by implementation of several mitigation measures, including a Tree Protection

- 21 -

Plan and a Tree Replacement Plan" (p. 4.13-16) is not true. Reducing the impacts on oaks by implementing the Low-Impact Project Design stated by Audubon above is feasible and will reduce the impact more than what is proposed in the proposed project with mitigation measures. In addition, just reverting to the LWEP power transmission line design is feasible and will reduce the impact more than what is proposed in the proposed project with mitigation measures. Similarly, SWEP is inconsistent with Development Standard 1: Protection of all species of mature oak trees.

On page 4.13-17, Audubon agrees that the proposed project is inconsistent with Oak Tree Protection Policy 1 and states that the Modified Project Layout alternative is feasible and would substantially reduce impacts to oak trees. This is true. **But Audubon's Low-Impact Project Design mentioned above is also feasible and will reduce the impact more than the Modified Project Layout.** 9.41 *cont.*

12. Other Issues

DSEIR does not address mitigation measure required on LWEP

On February 9, 2009, the previous owner of LWEP, Pacific Renewable Energy Generation LLC (PREG), and the California Department of Fish and Game (now CDFW) entered into a Dispute Resolution Agreement. To reduce the level of collision-related impacts to birds and bats, PREG agreed to either acquire a conservation easement on real property approved by DFG with a value of up to $400,000 or make a one-time payment of $450,00 to the California Wildlife Foundation for off-site conservation, restoration and/or enhancement and/or management of raptor or bat habitat. This agreement represents an obligation of the project and should be carried forward to SWEP. 9.42

The DSEIR is inadequate because it doesn't explain precisely how this previously agreed upon mitigation measure obligation is being handled in the SWEP.

13. Summary

Audubon believes that the SWEP design that the applicant has chosen to submit to the County is fundamentally flawed. The applicant has chosen to ignore State and Federal guidelines for wind energy development that specify the process that should be used to site WTGs to avoid avian mortality. The applicant has chosen a transmission line route that results in an unnecessary destruction of oak trees, contrary to County policy. The applicant has designed SWEP to place WTGs in a way that will destroy hundreds more mature oak trees. 9.43

Because the SWEP design is fundamentally flawed, Audubon cannot support the proposed project or any of the County's three alternatives. The SWEP design, including alternatives, still results in unacceptable avian mortality and significant damage to habitat, especially mature oak trees. Instead, Audubon urges the County to develop a Low-Impact Project Design that would be similar to the previous Lompoc Wind Energy Project (LWEP). We have proposed in this letter such a design, which is feasible. We trust that the County will seriously consider it.

Sincerely,

Dolores Pollock

Dolores Pollock, President
Santa Barbara Audubon Society

Michael Taaffe

Michael Taaffe, President
La Purisima Audubon Society

- 22 -

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Attachment 1[31]

The figure shows that detailed data can be taken on the flight behavior of vulnerable species, such as the Golden Eagle. This data can be used to place WTGs in locations that will reduce avian mortality.

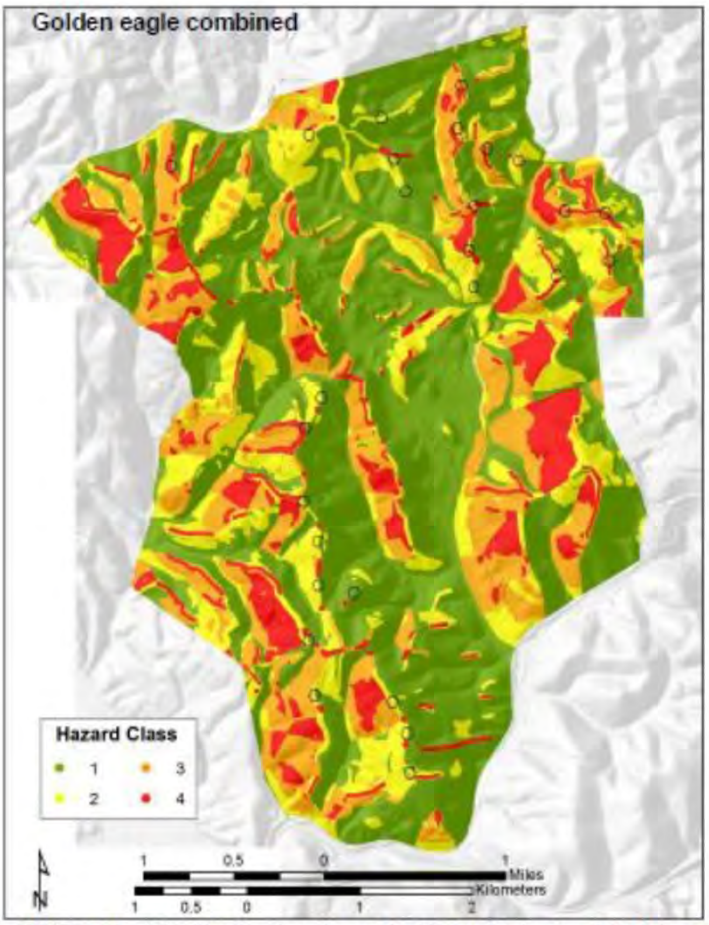

Figure 26. Fuzzy Logic likelihood surface classes of golden eagle telemetry, flight behavior a fatality locations across the Summit Winds project area, Altamont Pass Wind Resources Area, California, where red corresponds with the highest likelihood of golden eagle collision, orang corresponds with the second highest likelihood, yellow corresponds with the third highest likelihood, and dark green corresponds with the least likelihood.

Attachment 2[32]

Steps to identify saddles, notches, and benches. Because a large amount of evidence links disproportionate numbers of raptor fatalities to wind turbines located on aspects of the landscape that are lower than immediately surrounding terrain or that represent sudden changes in elevation (Figure 12), a special effort was directed toward identifying ridge saddles, notches in ridges, and benches

[31] from Smallwood and Neher (2016); op. cit., p. 44
[32] from Smallwood and Neher (2016), op cit., pp. 21, 23

of slopes. Benches of slopes are where ridge features emerge from hill slopes that extend above the emerging ridge. These types of locations are where winds often compress by the landscape to create stronger force, and where raptors typically cross hilly terrain or spend more time to forage for prey. Compared to surrounding terrain, these types of features are often relatively flatter or shallower in slope and sometimes include lower elevations (e.g., saddles). Geoprocessing steps were used to provide some objectively to the identification of these features, but judgment was also required because conditions varied widely in how such features were formed and situated (Figure 12).

Figure 12. We delineated polygons where ridge saddles present opportunities for flying birds to conserve energy by flying through the relatively lower portions of ridge structures (yellow arrows denote popular flight routes).

Attachment 3[33]

An emerging issue is the contribution of grading for turbine pad and access roads to subsequent wind turbine collision risk. Pads cut deeply into slopes can leave berms in the prevailing upwind aspect of turbine rotors, effectively reducing the space between the low-reach of the blades and the height above ground a bird needs to clear above the berm (Figure 14). This grading can also increase turbulence that birds or bats will experience as they fly from air above matrix slope conditions to air above a graded pad. Wind speeds over such pads can drop radically, and wind directions can change. In addition to micro-siting to minimize collision risk, micro-siting to minimize grading should be an objective.

[33] from Smallwood Summit Ridge Wind Farm comments letter, op. cit., p. 28

- 24 -

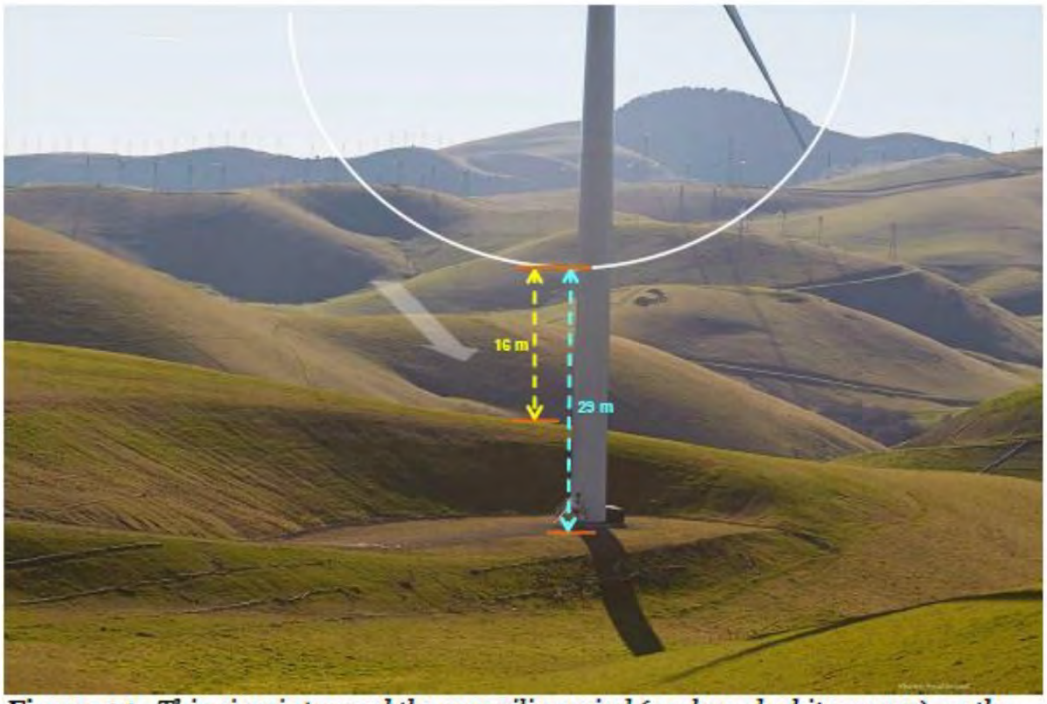

Figure 14. *This view is toward the prevailing wind (see broad white arrow), so the prevailing upwind slope, the crest of which is only 30 m from the wind turbine, forces any bird or bat passing over it into a vertical gap of only 16 m between the hill crest and the low reach of the blade. The wind turbine's dimension of 29 m height above ground of the low reach of the rotor has lost its meaning due to the effects of grading of a pocket into the slope. I have seen this type of grading across the western USA.*

Response to Dolores Pollock and Michael Taaffe

9.1 Thank you for your comments and your efforts to help reduce the Project's adverse impacts. Please see General Response GR-2: Bird-Friendly Alternative.

The Draft SEIR was organized in standard manner for such documents and is consistent with direction articulated in Sections 15120 through 15132 of the State CEQA Guidelines. Making references to other sections of the Draft SEIR and to sections of the LWEP EIR is appropriate in order to avoid unnecessary duplication of information and is consistent with CEQA's requirements. The County believes the environmental impacts of the proposed Project are clearly articulated in the Draft SEIR even if that means the reader must sometimes be referred to other sections of the Draft SEIR or to the LWEP EIR.

Thank you for expressing your opinion regarding the proposed Project. The County believes the Draft SEIR fully conforms to CEQA's requirements and is complete and adequate as explained in the responses to the remainder of comments in this letter.

Regarding a "Low-Impact Project Design", please see the response to Comment 9.2 below and General Response GR-2 (Bird-Friendly Alternative/Low-Impact Alternative).

As noted by the commenter, the Draft SEIR identifies and describes the various common and rare bird species that utilize the Project site. This information is utilized in the impact analysis conducted for the proposed Project in Section 4.5.4 of the Draft SEIR.

9.2 Thank you for expressing your preference regarding Project alternatives. Also, thank you for describing the concept for Audubon's proposed "Low-Impact Project Design". Please see General Response GR-2: Bird-Friendly Alternative/Low-Impact Project Design Alternative.

This comment indicates the commenter's preference for a Project design and describes the commenter's general concept for a Low-Impact Project Design, but the comment does not provide a basis for concluding that the Draft SEIR should be recirculated. Responses to more specific comments are provided throughout the responses to the comments that follow.

9.3 The State and federal guidelines for wind energy development projects cited by the commenter are *voluntary* guidelines for reducing avian and bat impacts and focus largely on the planning and design stage of a project that occurs well before a development application is submitted to a CEQA lead agency for review. The Draft SEIR notes in Section 4.5.1.3, *Wildlife – Avian Migration*, that "The Applicant has implemented avian surveys consistent with the *U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines* (USFWS, 2012), *Eagle Conservation Plan Guidance: Module 1 – Land-based Wind Energy Version 2* (USFWS, 2013); and surveys were conducted with the concurrence of the USFWS Migratory Bird Division staff." The Applicant states that "[a]ll of these avian studies provided valuable information regarding site and regional usage by avian species which directly informed layout design." See the General Response GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities, and Appendix C-8 for a discussion of how the avian studies conducted on site informed the Project design. In addition, mitigation measures identified in the Draft SEIR to reduce impacts to birds and bats require turbines to be microsited and designed to minimize collision potential consistent with the guidelines (MM BIO-15b) and the Before-After/Control-Impact Study (MM BIO-16a) and Bird/Bat Mortality Study (MM BIO-16b) are required to conform to the recommendations of the state and federal guidelines.

Please see General Response GR-1: Range of Reasonable Alternatives, General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative, and GR-3: Consistency with State and Federal Guidelines, which include discussions of Project design with respect to avian protection.

9.4 Mitigation Measure BIO-15a was originally proposed for the LWEP. That project had less information on actual WTG siting than the SWEP and instead identified development "corridors." This measure was intended to require the previous project proponent to consider sensitive biological resources during final WTG siting. Even though the SWEP WTGs have already undergone more refined turbine siting than the LWEP, during which the location of sensitive biological resources was considered; this measure still requires micro-siting up to 100 feet based on the results of pre-construction surveys to account for new resources that may be identified. See the responses to Comments 8.7 and 9.3 regarding avian and bat site use and migration patterns, and the adequacy of baseline data.

The commenter asserts that micro-siting has not considered the USFWS Land-Based Wind Energy Guidelines. As stated in the response to Comment 9.3, please see General Response GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities, and Appendix C-8 for a detailed explanation of how the avian data collected on site informed the site plan development.

Please note that no level of data collection and modeling can determine with certainty where to place turbines to avoid all risk now or in the future. Therefore, even with the implementation of the mitigation strategy, impacts from collision with turbines are considered significant and unavoidable (Class I).

9.5 The commenter provides examples of wind energy facilities in other areas of California (Altamont Pass) and in other states (Montana, Wyoming) that shut down or repowered with upgraded turbine technology in response to high numbers of avian fatalities at older, operating wind facilities and reiterates the comment that "The DSEIR is inadequate because SWEP design made no attempt whatsoever to site the WTGs in a way that would reduce bird and bat mortality." See the response to Comments 9.3 and 9.4, the General Response GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities, and Appendix C-8 regarding the micrositing process for the SWEP related to bird and bat use of the site.

9.6 The comment address impacts to oak trees, quoting from SEIR Section 4.3.13.5 *Land Use and Planning, Consistency with Plans and Policies* that the proposed Project would not be consistent with Santa Barbara County's *Oak Tree Protection Policy 1*. The comment indicates that this impact "is new" (i.e., the LWEP turbine layout would not cause this impact). The comment cites additional conclusions from SEIR Section 4.3.13.5 regarding significant and unavoidable (Class I) inconsistency with County land use and development policies impacts to oaks. The comment concludes that these impacts, as well as impacts to birds and bats, are not in the public interest and recommends that the County should not proceed with the proposed Project as designed. The SEIR analyzes the proposed Project as well as the Modified Project Layout Alternative that would reduce environmental impacts but without taking full advantage of the wind energy generation potential of the site. The County believes that a balance is needed between environmental impact and wind generation capacity. Electrical power generation is a valid consideration as the County reviews the proposed Project and its alternatives.

9.7 The proposed modifications to San Miguelito Road are to accommodate delivery of the long blades for the proposed WTGs. Aerial delivery of the WTG blades was explored as an alternative but does

not appear to be feasible. Please see the expanded discussion of the Helicopter Transport of Turbines Blades alternative in Section 5.4.2 of the Final SEIR. The 82.5-MW Wind Energy Project alternative utilizing shorter blades, which requires fewer modifications to San Miguelito Road, was analyzed and considered the Environmentally Superior Alternative (ESA) in the LWEP EIR. The Alternative was considered as an alternative for the proposed Project but was eliminated from further consideration for various reasons (please see Section 5.4.1 of the Final SEIR. Also, please see General Responses GR-1: Reasonable Range of Alternatives and GR-2: Bird-Friendly Alternative/Low-Impact Project Design Alternative.

9.8 As noted in the response to Comment 9.7, the 82.5-MW Wind Energy Project alternative was identified as the ESA in the LWEP EIR; because it was the LWEP EIR ESA, it was considered as an alternative to SWEP. Section 5.4.1 of the Final SEIR, has been expanded to describe why the alternative was eliminated from further review.

Please note that an EIR is not required to evaluate every conceivable alternative to a proposed project. Rather, an EIR is required to evaluate a reasonable range of feasible alternatives that have the potential to reduce the significant impacts of a proposed project (State CEQA Guidelines §15126.6(c)). There is no requirement to analyze all feasible alternatives, including all possible alternatives capable of reducing environmental impacts. The fact that some alternatives were not analyzed does not mean that a reasonable range of alternatives was not analyzed. Please General Response GR-1: Reasonable Range of Alternatives. Please also see the responses to Comments 8.19 and 8.20.

9.9 Thank you for expressing your opinions on Project alternatives. Please see General Response GR-2: Bird-Friendly Alternative/Low-Impact Project Design Alternative.

9.10 The comment recommends final site design consider and avoid sensitive plants and wildlife wherever possible. See the General Response GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities, and Appendix C-8 regarding how environmental constraints, including avian use and other sensitive biological resources, informed the site plan development. SEIR Mitigation Measure BIO-15a (Siting) requires micro-siting turbine locations to further avoid or minimize sensitive biological resources. The comment also notes several impacts of the SWEP and the Modified Project Layout alternative, as well as conclusions of the SEIR including the proposed Project's significant and unavoidable (Class I) impacts to oaks. The comment states that oak tree impacts of several Project components would not occur with the commenter's proposed "Low Impact Design." Please see General Response GR-2: Bird-Friendly Alternative/Low-Impact Project Design Alternative.

9.11 The coastal zone boundary has been added to the figure as suggested.

9.12 The comment compares the oak tree impacts of the proposed Project to the commenter's "Low Impact Project Design". The comment asks several questions about potential restoration sites, and states that a conservation easement would be needed to as protection from future disturbance. The applicant's potential oak restoration areas are identified based on proximity to existing oak forests and woodlands, and on topography (see page 5-113 and Figure 5.3.2-1 of Appendix C-1). Acreage of the sites has not been calculated and historical vegetation cover are not available. GoogleEarth imagery dating back to 1994 indicates similar vegetation cover in those areas to what is present today. Obtaining irrigation water for future restoration would be the applicant's responsibility. The comment states that "most restorations of oaks are unsuccessful," but provides

no substantiation; therefore, it is not possible to formulate a specific response to this claim. Mitigation Measures BIO-4a through BIO-4c specify extensive feasible tree protection and tree replacement performance standards, a conservation easement, and a performance security to ensure the greatest feasible likelihood for success. The commenter finds the mitigation requirements (i.e., ratios) for oaks and habitats confusing. Under Mitigation Measure BIO-4b oak forest and woodland replacement habitat would be protected at a ratio of three acres preserved for each acre removed (paragraph a. of MM BIO-4b). Additionally, oak trees would be replaced to result in six established self-sufficient trees for each tree removed (paragraph c. of MM BIO-4b). To achieve the specified six established trees for each tree impacted, the applicant must plant at least ten acorns or saplings, to allow for mortality before they become established (paragraph g. of MM BIO-4b). The commenter believes that the Draft SEIR "does not enable the public to make a comparison of the effect on oak trees between LWEP and SWEP" and recommends adding additional comparison information to Table 2-1. Contrary to the comment, the SEIR compares the SWEP and LWEP impacts to oak trees and woodlands in Section 4.5.4.2 (Proposed Project Impacts and Mitigation Measures) under Impact BIO-2a (Construction Impacts to Oak Woodland and Forest) and in the expanded write-up in Section 5.4.1, *82.5-MW Wind Energy Project*,. Table 2-1 (Comparison of Lompoc Wind Energy Project and SWEP) has been updated to incorporate summary information on oak impacts. In a footnote the comment recommends preparing an estimate of the LWEP oak tree impacts for comparison. The number of oaks that would be removed or pruned for LWEP cannot be determined because the actual turbine layout was not identified in that application. However, oak impacts of the LWEP were relatively minor by comparison with SWEP and mitigation would have reduced those impacts to a less-than-significant level (Class II). MM BIO-9 is proposed to minimize or avoid direct and indirect impacts to jurisdictional resources, including riparian habitat near areas proposed for road widening. This measure would require the preparation and implementation of a Wetland Avoidance and Riparian Habitat Restoration Plan.

9.13 MM BIO-9 is proposed to minimize or avoid direct and indirect impacts to jurisdictional resources, including riparian habitat near areas proposed for road widening. This measure would require the preparation and implementation of a Wetland Avoidance and Riparian Habitat Restoration Plan.

9.14 The commenter's suggestion of the Dangermond Preserve as a location for offsite mitigation is noted and will be shared with the Applicant. The County would be receptive to the Applicant working with the Nature Conservancy to provide restoration at the Preserve in order to satisfy some of the mitigation requirements identified in MM BIO-3.

9.15 The commenter requests that plans required under MMs BIO-1, BIO-3, BIO-8, BIO-4a, and BIO-4b be made available for public comment before being approved by County staff. Mitigation plans do not require a public review period. CEQA Guidelines Section 15126.4(a)(1)(B) states: "Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure." MMs BIO-1, BIO-3, BIO-8, BIO-4a, and BIO-4b require performance standards that support decisionmakers' needs, mitigate the potential impact, and disclose the planned mitigation to the public.

9.16 The comment recommends using native needlegrass seed on cut slopes. That recommendation has been incorporated into Mitigation Measure BIO-3 (Site Restoration and Revegetation Plan). The comment recommends salvaging and relocating Horkelia specimens from work sites; that recommendation has been incorporated into Mitigation Measure BIO-7 (Kellogg's and Mesa Horkelia Habitats). The comment recommends maximum avoidance of Gaviota tarplant, revegetation with this species on disturbed sites, and recommends a method for seed collection. Those recommendations have been added to Mitigation Measures BIO-6 (Gaviota Tarplant Disturbance) and BIO-15a (Siting). Finally, the comment recommends avoiding seacliff buckwheat (equivalent to coast buckwheat throughout the SEIR). The avoidance recommendation has been added to Mitigation Measure BIO-15a (Siting). Note that Mitigation Measure BIO-3 (Site Restoration and Revegetation Plan) includes coast buckwheat in the required seed mix where appropriate.

9.17 The comment regarding early control of yellow star thistle is noted. Yellow star thistle is rated high for negative ecological impact in the California Invasive Plant Inventory Database (Cal-IPC, 2018). For weed populations considered moderate or high potential, MM BIO-17 requires these populations to be mapped in the Project disturbance areas according to density and area covered, and areas of weed infestation are required to be treated prior to ground disturbance. In addition, this measure requires that the timing of the weed control treatment shall be determined for each plant species with the goal of controlling populations before they start producing seeds. Consultation with a County-approved, qualified wildlife biologist or botanist is required prior to weed control treatments to develop strategies to avoid any adverse impacts to plants and wildlife in the area.

9.18 The LWEP EIR did not identify how many oaks and other trees would be lost to construct that Project's transmission line. The SWEP Applicant has provided a greater level of detail for the currently proposed Project. The transmission line route for the SWEP is similar to that of the LWEP, with a notable difference being that the central portion of the SWEP transmission line is located just east of San Miguelito Road whereas that the portion of the LWEP transmission line would have been located adjacent to San Miguelito Road (see SWEP SEIR Figure 2-1 and LWEP EIR Figure 2-4).

The transmission line alignment for the SWEP was modified after the Project application was submitted to the County in order to reduce the number of oak trees that would need to be removed. The original alignment would have required the removal of an estimated 595 oak trees while the revised alignment would require the removal of 62 oak trees. Please note the Lompoc Wind Energy Project may also have required the removal of oak trees along San Miguelito Road although likely substantially fewer than the proposed Project. Section 2.4.3 of Lompoc Wind Energy Project Final EIR states that because the need for tree removal along San Miguelito Road "cannot be established with certainty until the specific characteristics of the transport vehicles have been determined, the analysis assumes that some road widening, grading, tree removal, and tree trimming would be needed." Please also see the response to Comment 9.19 below.

9.19 Like all elements of the proposed Project, the engineering design of the transmission line had not been finalized at the time the Draft SEIR was prepared. The design was preliminary, which is the usual situation at the time a Draft EIR is prepared. As described in Section 1.6 of the Draft SEIR, the description of the Project presented in the SEIR does not reflect final engineering because construction-level plans have not yet been prepared for the Project. Therefore, the impact analysis is based on preliminary project information rather than final design. CEQA recognizes that detailed project information, such as construction plans, is not required for preparation of an EIR. Section

15124 of the State CEQA Guidelines states that an EIR should contain a "general description" of a project's characteristics and "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." Further, State CEQA Guidelines Section 15004(b) states that an EIR "should be prepared as early as feasible in the planning process to enable environmental considerations to influence project … design." As a result, detailed designs for the transmission line were not available at the time the Draft SEIR was prepared and such designs will not be finalized until sometime after Project approval when the Project goes through the building and safety plan check process prior to the issuance of building permits.

The transmission line is currently proposed to be constructed with 44 poles as stated in SEIR Chapter 2, *Project Description*. The two referenced figures (Figures 2-4a and 2-4b) have overlap with 11 poles shown on both figures. The exact number of poles for the transmission line could change slightly between now and Project construction. Structural requirements for the transmission line will be determined during the detailed engineering design process. However, possible changes to the transmission line design are not expected to substantially alter the preliminary concept described in the Draft SEIR. The most likely locations for changes to poles would be at places where the transmission line turns and changes direction because these turn structures will experience structural loads not experienced at locations where poles are located along a straight line. Therefore, poles at turn locations will be stronger and will vary in design from other poles. For example, one possible design solution at a turn would be to place each of the circuit's three phases on separate poles, which mean three poles would be located at such turns. There are also design options for turns that utilize one or two poles, but each has design and construction tradeoffs. For instance, if a single pole were to be used at a turn, it would likely consist of a stouter design with a substantial foundation, whereas using multiple poles may avoid the use of heavier materials and substantial foundations. Again, please see Section 1.6 of the Draft SEIR.

The proposed Project intends to utilize existing roads to a large extent for access to transmission pole locations. Approximately 9.03 miles of existing access roads are proposed to be used for the transmission line; however, an estimated 0.91 miles of new access roads would be created for the proposed transmission line.

9.20 The Draft SEIR analyzes the Project as proposed to the County and requires mitigation where needed to avoid or reduce adverse environmental impacts. The 83-inch transmission line conductor spacing is required by MM BIO-15b to protect large birds including the condor and golden eagle. This requirement is a recommendation that will become a condition of approval if the decision-makers adopt it as part of the Project's Mitigation Monitoring and Reporting Program, should the Project be approved. Therefore, including this requirement in the Project Description of the SEIR is not needed.

9.21 The County concurs that the transmission line should be marked to minimize collision risk to birds, and MM BIO-15b has been revised to clarify this requirement. See the response to Comment 9.20 regarding the role of mitigation requirements.

9.22 The commenter states that many of the projects identified in Table 3-1 "surely" have power lines associated with them and therefore these lines should be analyzed under cumulative effects in Section 4.5.5. However, not enough information is known regarding whether any of these projects have overhead transmission lines and, if so, where they would be located with respect to the proposed SWEP. Section 4.5.5 analyses impacts from other cumulative projects that are reasonably assumed to combine with the effects of the proposed Project.

9.23 The Applicant stated to the County that the Project cannot use SODAR units alone. At least one permanent meteorological tower will also be needed to meet the reporting requirements of the California Independent System Operator (CAISO), which manages the electrical grid. Because wind is an intermittent resource, CAISO uses a strict data reporting protocol requiring meteorological towers in order to accurately forecast load and operate the grid. This information has been added to Section 2.5.8, *Meteorological Towers and SODAR*.

9.24 Section 2.5.8 of the SEIR describes that a single met tower would be guy-wired as part of the Applicant's proposal. The Applicant's description of the proposed Project did not specify that the met towers would not use guy wires. However, as the commenter points out, MM BIO-15c adds this requirement. It is not appropriate for the County or the SEIR preparers to change the description of the Applicant's proposed Project. Rather, the SEIR proposes modifications to the Project through mitigation measures. Therefore, the description of the Applicant's proposed Project in Chapter 2, *Project Description*, has not been changed in the Final SEIR. See the response to Comment 9.20 regarding the role of mitigation requirements.

9.25 As discussed in the response to Comment 8.4, the text describing the possibility of road closures as part of the proposed Project has been deleted from Section 2.5.9 of the Final SEIR. Road closures are no longer part of the proposed Project.

9.26 Please refer to the response to Comment 8.4. Road closures are no longer part of the proposed Project.

9.27 The text in Mitigation Measure REC-01 has been revised to include communication with La Purisima Audubon Society. Because the intent of this measure is to inform the local recreation groups who regularly use the site of the proposed 10-month construction schedule and anticipated construction activities, the use of the term "communicate" is more suitable than the term "coordinate." Mitigation Measure REC-01 has been modified accordingly to avoid confusion, and the revised text appears in Section 4.16.4 of the Final SEIR.

9.28 As discussed in the response to Comment 8.14, the changes to the characteristics of the Project site and surrounding area are analyzed throughout the Draft SEIR, including changes related to aesthetic characteristics, noise, traffic, and wildlife. These include significant and unavoidable (Class I) impacts to aesthetics and wildlife. The Draft SEIR also addresses whether Project construction and operation would temporarily or permanently impede an existing recreational use. The Final SEIR Section 4.16.4, Impact REC-1, has been expanded to consider the Project's impact on the recreational experience. In addition, the SEIR describes the physical changes associated with Project implementation and how those changes would affect the environment.

9.29 As indicated in the comment, the Draft SEIR identifies several significant impacts associated with the modifications of San Miguelito Road to facilitate the transport of wind turbine components, including blades. As indicated in Section 5.4.3 of the Draft SEIR, helicopter transport of the Project's turbine blades is not reasonably feasible at this time. The blades of the proposed wind turbine generators would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR. Airships capable of carrying payloads of this weight are not yet commercially available, including the Lockheed Martin airship referenced by the commenter. The minor errors in Section 5.4.3 regarding Erickson, Inc., have been corrected in the Final SEIR, including the cited information source.

9.30 Thank you for this suggestion. The County is aware that the exclusive use of shorter blades would reduce the degree of modifications required to San Miguelito Road. See also General Response GR-4: Use of More and Smaller Turbines.

9.31 The requested revisions to the language of MM BIO-16 regarding who pays the biologist that prepares the Adaptive Management Plan / Bird and Bat Conservation Strategy are unnecessary. The measure already requires "Approval of the entire Plan by the County, in consultation with CDFW and USFWS, is required prior to Zoning Clearance for the first and subsequent Project phases." Therefore, the commenter has not demonstrated that a conflict of interest exists regarding the preparation of the plans. The County will not approve the plans until they meet all of the objectives and requirements outlined in MMs BIO-16a through BIO-16d and have been reviewed by the CDFW and USFWS.

9.32 The requested language stating that operation of SWEP shall not commence until the Adaptive Management Plan is implemented has not been added to the Final SEIR. By definition, adaptive management is undertaken to address issues that arise during operation of a project, the specific details of which cannot be known prior to operation. The intent of this plan is to closely monitor the wind farm during operation to identify whether avian fatalities occur, whether special-status birds and bats are killed, and to detect issues such as particular WTGs or times of year that result in avian fatalities, and additional issue-specific measures to be undertaken to address the issues. Note that MM BIO-16 does require that the Plan be approved by the County, in consultation with the USFWS and CDFW, prior to Zoning Clearance.

9.33 The commenter requested a statement be added to MM BIO-16 acknowledging that take of golden eagles is prohibited under California law; this statement has been added.

9.34 The commenter's requested revision to MM BIO-16a has been included in the Final SEIR.

9.35 The commenter's requested revisions to MM BIO-16c have been included in the Final SEIR.

9.36 The County concurs with the commenter's request to add active control technology such as IdentiFlight as part of the initial Project design, and this requirement has been added to MM BIO-15b.

9.37 MM BIO-16d has been revised to require mortality monitoring for the life of the Project.

9.38 Most of the suggested revisions have been added to MM BIO-16d. See the response to Comment 9.31 regarding who pays the biologist.

9.39 The County concurs with the comment and has removed the requirements for mitigation research and contribution to a species recovery program.

9.40 As stated in the response to Comment 9.3, the General Response GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities, and Appendix C-8, the Applicant asserts that avian studies conducted on the site informed the current site layout design. The commenter requests that the voluntary state and federal wind energy guidelines be added to Section 4.5.2.2; however, that section describes adopted regulations and laws that are applicable to the Project. This section is not the appropriate place to discuss the guidelines in the SEIR, which already includes discussion of them in Sections 4.5.1.3 and 4.5.4.2. This revision has not been made. The requested revisions to MM BIO-15b and MM BIO-16b have been made. The National Environmental Policy Act has been added to Section 4.5.2.2.

9.41 The comment states the Draft SEIR is inadequate because the commenter believes the Project is not consistent with the County's Comprehensive Plan Conservation Element. Section 4.13.5 of the Draft SEIR presents a thorough analysis of the Project's consistency with applicable County plans and policies and provides reasoning for the conclusions that were reached.

Please see General Response GR-1: Reasonable Range of Alternatives. Regarding a bird-friendly alternative, please see General Response GR-2.

The comment suggests that the Draft SEIR's mitigation program is inadequate but does not indicate what is lacking in any of the mitigation measures and instead recommends a different project design. The Draft SEIR presents a robust mitigation program to address the Project's significant impacts, including substantial mitigation measures for reducing impacts related to avian mortality. Please note that there is a difference between the adequacy of the Draft SEIR's proposed mitigation measures and the adequacy of the analysis of alternatives. While mitigation and alternatives serve a similar purpose, they are not the same thing. An EIR is not required to consider every conceivable alternative to a project. Please refer to General Response GR-1: Reasonable Range of Alternatives. There is no requirement to analyze all feasible alternatives, including all possible alternatives capable of reducing environmental impacts. The fact that the commenter feels that other alternatives should have been analyzed does not mean that a reasonable range of alternatives was not analyzed.

9.42 The County was not part of the Dispute Resolution Agreement referred to by the commenter. Therefore, the County is not able to comment on the referenced agreement. That agreement apparently involved the owner of the LWEP who is not involved in the proposed SWEP. The referenced agreement and the terms it contained were not part of the LWEP EIR nor part of the conditions of approval for that project approved by the County. The SEIR for the proposed SWEP is under no obligation to explain that previous agreement since the County was not involved in the agreement and the agreement is not associated with the proposed Project. Please note that mitigations, conditions, and agreements associated with a previous project are not automatically made applicable to a new project, even if that project is located at the same site. Rather, the new project is reviewed and assessed anew based on the specific proposal for the new project.

9.43 Thank you for expressing your opinion regarding the proposed Project. Your concerns will be shared with the County's decision makers. Regarding state and federal guidelines for wind energy projects, please see GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities. The Project's impacts on oak trees in disclosed in Section 4.5, *Biological Resources*, of the Draft SEIR. Please see General Response GR-5: Removal of Oak Trees, and the responses to Comments 9.6, 9.10, 9.11, and 9.12 above.

Comment Set 10: Andrew J. Graf, Associate, Adams Broadwell Joseph & Cardozo, Representing Citizens for Responsible Wind Energy

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June 14, 2019

Via Email and Overnight Delivery

Kathy Pfeifer, Planner
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Re: **Comments on the Draft Supplement Environmental Impact Report (18EIR-00000-0001) for the Proposed Strauss Wind Energy Project (16CUP-00000-0031, and associated cases 18CDP-00000-00001 and 18VAR-00000-00002)**

Dear Ms. Pfeifer:

We write on behalf of Citizens for Responsible Wind Energy to provide comments on the Draft Supplemental Environmental Impact Report ("DSEIR") prepared by the County of Santa Barbara ("County"), pursuant to the California Environmental Quality Act,[1] for the Strauss Wind Energy Project (SCH No. 2018071002) ("Project") proposed by Strauss Wind, LLC, an affiliate of BayWa re: Wind, LLC ("Applicant").[2]

I. INTRODUCTION

The Applicant proposes to construct and operate a wind energy facility with an electrical generating capacity of 102 megawatts in an unincorporated area of the County.[3] The Project is comprised of the following components: up to 30 wind turbine generators ("WTGs"), new access roads and improvements to existing roads,

[1] Pub. Resources Code § 21000 *et seq.*
[2] County of Santa Barbara, Planning and Development Department, Draft Supplemental Environmental Impact Report Strauss Wind Energy Project (Apr. 2019) (*hereinafter* DSEIR).
[3] *Id.* at pp. S-1, 2-1.
4377-021acp

a communication system, one meteorological tower, two sonic detection and ranging devices, on-site electrical collection lines, an on-site substation and control building, and an on-site operations and maintenance facility, a new 115-kilovolt electrical transmission line up to 7.3 miles in length to interconnect with Pacific Gas and Electric ("PG&E") Company's electric grid via a new switching station, a new switchyard, and upgrades to existing PG&E facilities.[4]

The Project is located on rural, agriculturally zoned land in an unincorporated area of the County, south of the City of Lompoc.[5] The primary wind site occupies approximately 2,915.17 acres, while the transmission line and all work associated with PG&E activities will occur on approximately 2,646.6 acres.[6] The site is the same location as the previously proposed Lompoc Wind Energy Project ("LWEP"), which underwent its own environmental review process more than 10 years ago.[7] A final environmental impact report ("FEIR")[8] for the LWEP was published in August 2008 and subsequently certified in February 2009.[9] A conditional use permit was approved for LWEP in 2009, but that project was never constructed.[10]

The Applicant purchased the LWEP and proposes substantial changes to the previously approved project.[11] Most notably, the LWEP anticipated installation of 65 WTGs, which were approximately 400 feet tall.[12] The Applicant now proposes larger but fewer WTGs, with the 30 turbines standing between 427 and 492 feet tall.[13] The LWEP also anticipated that the transmission line and switchyard would have been built, owned and operated by PG&E.[14] Whereas, the Applicant now proposes to build, own and operate the Project's transmission line and switchyard, with PG&E only being responsible for upgrades to its own infrastructure.[15]

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[4] *Id.* at pp. S-1, 2-1 to 2-2.
[5] *Id.* at p. 2-1.
[6] *Id.* at pp. 2-7 to 2-8.
[7] *Id.* at p. 2-3 to 2-7.
[8] County of Santa Barbara, Planning and Development Department, Final Environmental Impact Report Lompoc Wind Energy Project (Aug. 2008) (*hereinafter* LWEP FEIR).
[9] DSEIR at pp. S-1 to S-2, 2-3.
[10] *Id.* at p. 2-3.
[11] *Id.* at p. 2-3 to 2-7.
[12] *Id.* at p. 2-3; *see also* LWEP FEIR at pp. 2-1 to 2-2.
[13] DSEIR at p. 2-3.
[14] *Id.* at p. 2-3; *see also* LWEP FEIR at pp. 2-1 to 2-2.
[15] DSEIR at p. 2-3.
4377-021acp

The DSEIR for this Project fails to comply with CEQA's basic requirement to act as an "informational document." It is devoid of meaningful details in key areas upon which the public and decisionmakers can adequately assess the Project's significant impacts to the environment. The DSEIR fails to (1) incorporate National Environmental Policy Act ("NEPA") review, (2) provide an accurate project description, (3) accurately describe the environmental setting, (4) accurately describe the significance thresholds, (5) adequately disclose and analyze the Project's significant impacts, and (6) incorporate all feasible mitigation measures necessary to reduce impacts to a level of insignificance. Because of these shortcomings, the DSEIR is deficient as a matter of law and lacks substantial evidence to properly identify and mitigate the Project's significant impacts, rendering the document inadequate for purposes of compliance with CEQA.

We reviewed the DSEIR, its technical appendices, and the reference documents with the assistance from technical consultants, Mr. Scott Cashen and Soil Water Air Protection Enterprise ("SWAPE"), whose comments and qualifications are attached as Attachment A[16] and Attachment B,[17] respectively. In addition to these comments, the County must respond to each of the consultants' comments separately and fully.

II. STATEMENT OF INTEREST

Citizens for Responsible Wind Energy is an unincorporated association of individuals and labor organizations with members who may be adversely affected by the potential public and worker health and safety hazards and environmental and public service impacts of the Project. The association includes County residents and California Unions for Reliable Energy ("CURE") and its members and families and other individuals that live, recreate and/or work in the County (collectively "Citizens").

Citizens supports the development of clean, renewable energy technology, including the use of wind power generation, where properly analyzed and carefully planned to minimize impacts on public health and the environment. Wind energy

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[16] Letter from Scott Cashen to Andrew Graf re: Comments on Draft Supplemental Impact Report for the Strauss Wind Energy Project (June 12, 2019) (*hereinafter* Cashen Comments).
[17] Letter from Matt Hagemann and Kaitlyn Heck to Andrew Graf re: Comments on the Strauss Wind Energy Project (EIR No. 18EIR-00000-0001) (June 3, 2019) (*hereinafter* SWAPE Comments).
4377-021acp

projects should avoid impacts to sensitive species and habitats, water resources, and public health, and should take all feasible steps to ensure unavoidable impacts are mitigated to the maximum extent feasible. Only by maintaining the highest standards can energy supply development truly be sustainable.

The individual members of Citizens and the members of the affiliated labor organizations live, work, recreate and raise their families in the County, including in and around the City of Lompoc. They would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work constructing the Project itself. They would be the first in line to be exposed to any health and safety hazards which may be present on the Project site. They each have a personal interest in protecting the Project area from unnecessary, adverse environmental and public health impacts.

The organizational members of Citizens and their members also have an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for the members they represent. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for industry to expand in the County, and by making it less desirable for businesses to locate and people to live and recreate in the County, including the Project vicinity. Continued degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduces future employment opportunities.

Finally, the organizational members of Citizens are concerned with projects that can result in serious environmental harm without providing countervailing economic benefits. CEQA provides a balancing process whereby economic benefits are weighed against significant impacts to the environment.[18] It is in this spirit we offer these comments.

III. THE PROJECT REQUIRES REVIEW PURSUANT TO THE NATIONAL ENVIRONMENTAL POLICY ACT

As a preliminary matter, the Project requires review under the NEPA before construction can legally commence.

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[18] Pub. Resources Code § 21081(a)(3); *Citizens for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.

4377-021ncp

> NEPA and CEQA are similar, both in intent and in the review process (the analyses, public engagement, and document preparation) that they dictate. Importantly, both statutes encourage a joint Federal and state review where a project requires both Federal and state approvals. Indeed, in such cases, a joint review process can avoid redundancy, improve efficiency and interagency cooperation, and be easier for applicants and citizens to navigate. Despite the similarities between NEPA and CEQA, there are several differences that require careful coordination between the Federal and state agencies responsible for complying with NEPA and CEQA. Conflict arising from these differences can create unnecessary delay, confusion, and legal vulnerability.[19]

Although the DSEIR initially claims multiple federal agency approvals *may* be necessary,[20] the DSEIR goes on to mandate that the Applicant obtain multiple federal approvals to mitigate impacts to biological resources. For example, the as part of mitigation for the Federal- and state-listed endangered Gaviota tarplant, the DSEIR requires that the Applicant "obtain an Incidental Take Permit [from the California Department of Fish and Wildlife] (CDFW) and Biological Opinion [from the United States Fish and Wildlife Service] (USFWS) for impacts to Gaviota Tarplant."[21] 10.1

Because federal approval of the Project is mandatory, the County has a duty under CEQA to cooperate with the USFWS, and any other Federal agencies whose approval is necessary for the Project to proceed, to the fullest extent possible to reduce duplication of the agency's time and resources.[22] In fact, if a state agency knows that its authorization will be needed for a project will require Federal environmental review, that agency "***shall*** consult as soon as possible with the Federal agency."[23] Similarly, NEPA regulations encourage cooperation with state and local agencies in an effort to reduce duplication in the NEPA process.[24]

If the County certifies the DSEIR without ensuring that the Applicant receives the necessary Federal approvals and permits, the County is approving an

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[19] White House Council on Env. Quality and Cal. Gov. Office of Planning and Research, NEPA and CEQA: Integrating Federal and State Environmental Reviews (Feb. 2014).
[20] DSEIR at p. 2-57.
[21] *Id.* at p. 4.5-64.
[22] 14 Cal. Code Regs. (*hereinafter* CEQA Guidelines) § 15226.
[23] CEQA Guidelines § 15223 (emphasis added).
[24] 40 C.F.R. § 1506.2.

4377-021acp

unlawful activity. By failing to coordinate with all applicable Federal agencies and prepare a joint NEPA and CEQA document, the County is dodging its duty under CEQA to reduce duplication of the agency's time and resources and its obligation to consult with Federal agencies as soon as it is aware that its authorization will be necessary for a project.[25] The County must ensure it is not approving an illegal activity and coordinate with the appropriate Federal agencies to prepare a joint environmental review document that complies with both NEPA and CEQA. **10.1** *cont.*

IV. THE DSEIR VIOLATES CEQA BY FAILING TO PROVIDE AN ACCURATE PROJECT DESCRIPTION

The DSEIR does not meet CEQA requirements because it fails to include a complete and accurate project description, rendering the entire impact analysis unreliable. An accurate and complete project description is necessary to perform an evaluation of the potential environmental effects of a proposed project.[26] Without a complete project description, the environmental analysis will be impermissibly narrow, thus minimizing the project's impacts and undercutting public review.[27] The courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document]."[28] "Only through an accurate view of the project may affected outsiders and public decision makers balance the proposal's benefit against its environmental costs."[29] **10.2**

CEQA Guidelines §15378 defines "project" to mean "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."[30] "The term 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term project does not mean each separate governmental approval."[31] Courts have explained that for a project description to be complete, it must address

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[25] CEQA Guidelines § 15223.
[26] *See, e.g., Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376.
[27] *See ibid.*
[28] *County of Inyo v. County of Los Angeles* (1977) 71 Cal.App.3d 185, 193.
[29] *Id.* at 192-193.
[30] CEQA Guidelines § 15378.
[31] *Id.* § 15378(c).

4377-021acp

not only the immediate environmental consequences of going forward with the project, but also all "*reasonably foreseeable* consequence[s] of the initial project."[32] Accordingly, CEQA requires that the project description contain a brief statement of the intended uses of an EIR, including a list of agencies which will use the EIR, along with the permits and approvals required for implementation of a proposed project.[33] **10.2** *cont.*

A. The DSEIR Fails to Describe the Construction Activities Which Are Necessary to Complete the Upgrades to PG&E's System

Although the DSEIR briefly describes the necessary upgrades to PG&E's electrical system for the Project to connect to the electrical grid,[34] it improperly piecemeals the Project by failing to describe the construction activities which are necessary to complete the upgrades to PG&E's electrical system. The DSEIR states that PG&E will need to (1) reconductor 0.6 miles of existing power lines, (2) install a temporary shoofly, and (3) raise two additional structures to accommodate the crossing of the SWEP gen-tie line and the existing power line.[35] But the DSEIR does not identify when construction will begin, how long construction will last, what equipment will be used, or how many workers will be traveling to the site.

10.3

The deficiencies with the description (or lack thereof) of the PG&E upgrades becomes even more apparent when contrasted with the description of the construction activities for the rest of the Project.[36] Without this critical information, the public cannot properly evaluate the potential environmental impacts of the required PG&E upgrades, including possible impacts to air quality, public health, noise, and biological resources. The DSEIR must be revised to include a description of the construction activities associated with the PG&E upgrades.

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[32] *Laurel Heights*, 47 Cal.3d at p. 396 (emphasis added); *see also Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-50.
[33] CEQA Guidelines § 15124(d).
[34] DSEIR at pp. 2-21 to 2-24.
[35] *Id.* at p. 2-24.
[36] *Compare* DSEIR at pp 2-21 *with* DSEIR at pp. 2-34 to 2-51.

4377-021acp

B. The DSEIR Fails to Describe Blasting Activities

A complete project description must include details as to the "later phases of the project, and any secondary, support, or off-site features necessary for its implementation."[37] However, the DSEIR fails to describe the blasting activities that could potentially occur. This activity is clearly a reasonably foreseeable consequence of the Project because the DSEIR acknowledges that foundation construction could require blasting and hole excavation.[38] Despite recognition that blasting activities could occur, the DSEIR does not address the public health or other environmental consequences of blasting activities, let alone analyze, quantify, or propose measures to mitigate those impacts. This deficiency must be remedied in a revised DSEIR and recirculated for public review and comment. 10.4

C. The DSEIR Fails to Adequately Describe the Project's Decommissioning Phase

The DSEIR fails to adequately describe the full scope of the Project being approved, and thus fails to disclose the full range and severity of the Project's environmental impacts. As previously discussed, a complete project description must include details as to the "later phases of the project, and any secondary, support, or off-site features necessary for its implementation."[39] The requirements of CEQA cannot be avoided by chopping the project into many small parts or by excluding reasonably foreseeable future activities that may become part of the project.[40] The DSEIR must supply enough information so that the decisionmakers and the public can fully understand the scope of the Project.[41] The DSEIR must fully analyze the whole of a project in a single environmental review document and may not piecemeal or split a project into pieces for purposes of analysis. 10.5

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[37] *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283-84.
[38] DSEIR at 2-46, 4.14-12 ("The Applicant shall include notes on the final plans requiring compliance with construction time limits for blasting or pile driving.")
[39] *Bozung*, 13 Cal.3d at p. 283-84.
[40] Pub. Resources Code § 21159.27 (prohibiting piecemealing); *see also Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 370.
[41] *Dry Creek Citizens Coalition v. County of Tulare* (1990) 70 Cal.App.4th 20, 26.

4377-021acp

The County's Comprehensive Plan goes a step further by explicitly mandating an analysis of a project's entire life-cycle.[42] Policy 5.1 of the Energy Element describes the County's policy for analyzing the environmental impacts associated with alternative energy resources.[43] This policy mandates that the County "consider the full-life cycle environmental effects and embedded energy requirements to provide such alternative energy."[44] The "full life-cycle environmental effects" is defined as "[t]he reasonably anticipated adverse and beneficial environmental, health, and safety effects of an energy source (including fuel-cycle and temporal aspects), beginning from its development and adaptation continuing through to its end."[45] Any "[r]eview by County decision-makers of projects in which the use of alternative energy is a significant component should include an analysis of the full life-cycle environmental effects and embedded energy requirements."[46] **10.5** *cont.*

The Project includes three distinct phases: construction, operation, and decommissioning.[47] Unlike the construction and operation phases, the decommissioning phase is not described with any detail.[48] Instead, the DSEIR generally states that "[a]t the end of its useful life, the Project could be 'repowered,' renovated or upgraded, or decommissioned. The decision to decommission or repower would rest with the operator and depend on energy economics at the time, technological options, and other considerations."[49] The DSEIR goes on to explain that "[w]hen the Project is decommissioned, all structures and equipment at the site would be dismantled, and the land surface would be restored to as close to the original condition as possible" with the goal of stabilizing disturbed areas as rapidly as possible to protect adjacent undisturbed sites from degradation.[50]

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[42] County of Santa Barbara, Planning and Development Dept., Energy Element of Comprehensive Plan (2015) (*hereinafter* Energy Element).
[43] *Id.* at p. 41.
[44] *Ibid.* ("Policy 5.1: Environmental Analysis – In consideration of the alternative energy, the County shall consider the full life-cycle environmental effects and embedded energy requirements to provide such alternative energy. The County shall encourage the use of those alternatives determined to present sufficient environmental benefits.")
[45] *Ibid.*
[46] *Ibid.*
[47] *See* DSEIR at pp. 2-34 to 2-51 (construction), 2-51 to 2-55 (operation); 2-55 (decommissioning).
[48] *Id.* at p. 2-55.
[49] *Ibid.*
[50] *Ibid.*

4377-021acp

June 14, 2019
Page 10

At the end of the Project, the DSEIR anticipates removal of the following components would occur if it is decommissioned: (1) WTGs, including foundations, to a 4 feet level below the existing grade, (2) overhead poles and electric lines within the Project area, (3) Project substation and switchyard, and (4) Project roads, unless the Project landowners wish to retain the improved roads for access throughout their property.[51] The DSEIR also explains that "[i]f the [WTGs] are sold for reuse, they would be dismantled at their bolted joints, removed by crane, and trucked off-site the same way they were delivered. This might require the roads to be widened to the original construction width for crane access. Units sold as scrap would most likely not require widening of the roads for removal."[52]

10.5 *cont.*

Despite acknowledging what activities may be necessary to fully decommission the Project, the DSEIR fails to undertake any analysis about what impacts the decommissioning activities will have on the environment. Instead, the DSEIR makes conclusory statements, with no supporting evidence, that the decommissioning impacts will be similar or less than those that occur during the construction phase.[53] The failure to provide a complete description of reasonably foreseeable Project decommissioning activities further frustrates an "accurate, stable, and finite description" which is an indispensable prerequisite to an informative and legally sufficient DSEIR and is inconsistent with the County's own policy that the "full life-cycle environmental effects" be analyzed.

Suspiciously, the DSEIR almost entirely adopts the description of decommissioning phase set forth in the LWEP FEIR except for the following paragraph:

> The impacts of decommissioning and repowering are not addressed in this EIR because it is speculative to project what might occur 30 years in the future given potential changes in technology, regulatory requirements, and the existing conditions in the Project area. The appropriate level of California Environmental Quality Act (CEQA) analysis would be required for actions to be taken at the end of the Project's 30-year lifespan. The environmental impacts that would occur would depend on the specific action taken, but likely would include temporary impacts to air quality, geology and soils (due to

[51] *Ibid.*
[52] DSEIR at p. 2-55.
[53] *See e.g.*, DSEIR at p. 4.4-15.

4377-021acp

June 14, 2019
Page 11

> ground disturbance and the potential for erosion), noise, transportation and circulation, fire protection, and risk of accidents. The potential impacts, as well as possible changes in baseline environmental setting, would be subject to new environmental review and permitting.[54]

By removing this paragraph, the DSEIR acknowledges that the environmental impacts for decommissioning activities are not speculative. Despite this, the DSEIR generally concludes, without any supporting analysis, that decommissioning activities could have a significant impact on aesthetics, agricultural resources, air quality, fire hazards and emergency services, greenhouse gas emissions, water quality, land use, and noise.[55] The DSEIR also fails to include any mitigation measures applicable to the decommissioning phase outside of the requirement that the Applicant prepare a Decommissioning and Reclamation Plan when it seeks a discretionary permit for facility decommissioning or abandonment.[56]

10.5 *cont.*

The woefully brief description regarding decommissioning does not comply with CEQA. Therefore, the DSEIR does not fulfill its purpose as a tool to inform the public. The DSEIR must analyze the whole of the Project in a single environmental review document and may not piecemeal or split the project into pieces for purposes

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[54] LWEP FEIR at p. 2-28.
[55] DSEIR at pp. 4.2-20 ("Impacts resulting from construction, operation, and *decommissioning* of the Project would result in cumulative effects on aesthetic resources..."), 4.3-4 ("SWEP is required to reclaim all disturbed areas following *decommissioning*..."), 4.4-15 ("At the end of the Project's useful life, it could be repowered, renovated, upgraded, or *decommissioned*. The air pollutant emission impacts of these activities would be similar to, although likely smaller than, Project construction."), 4.4-16 15 ("At the end of the Project's useful life, it could be repowered, renovated, upgraded, or *decommissioned*. The air pollutant emission impacts of these activities could be similar to the minor operations emissions estimated for the Project if the Project is renovated or repowered, or if he Project is *decommissioned* then there would be no ongoing operations emissions."), 4.8-17 ("The temporal scope for cumulative wildland fire impacts includes the duration of construction, operation, and *decommissioning* of the proposed Project."), 4.10-10 ("At the end of the Project's useful life, it could be repowered, renovated, upgraded, or *decommissioned*. The GHG emissions impacts of these activities would be similar to, although likely smaller than, Project construction."), 4.12-7 ("There is a potential for Project construction and *decommissioning* to disturb soils and thereby generate the potential for increased erosion and sedimentation from disturbed areas.") ("There is a potential for accidental releases of hazardous materials (oil, lubricants, fuel, trash, paint, etc.) during construction operation and *decommissioning* of the SWEP."), 4.13-12 ("As part of the County's review of the SWEP's permit application, the Applicant must submit a detailed plan for the Project's *decommissioning* and site reclamation...").
[56] *Id.* at pp. 4.13-12 to 4.13-13.

4377-021acp

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of analysis. The steps and environmental impacts of the decommissioning phase must be described and analyzed in a revised and recirculated DSEIR, with the fullest degree of detail available, to provide the public with sufficient information to permit "an intelligent evaluation of the potential environmental effects of [the] proposed activity."[57] **10.5** *cont.*

D. The DSEIR Fails to Include an Accurate List of Agency Approvals and Intended Uses

The DSEIR's project description fails to list all agencies who are expected to use the SEIR in their decisionmaking and all the permits and approvals required to implement the Project.[58] For example, the DSEIR states:

> "It is expected that PG&E would provide the California Public Utilities Commission (CPUC) with Notice of Construction through an advice letter filing, pursuant to General Order (GO) 131-D, Section XI, Subsection B.4 of the Construction of Facilities that are exempt from a Permit to Construct."[59]

However, the DSEIR does not list the Notice of Construction as a required approval.[60]

10.6

Nor does the document identify the CPUC as a responsible agency.[61] "Responsible agency" means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project.[62] The CPUC is a responsible agency because it must approve the required upgrades to PG&E's electrical system. The upgrades are an essential element of the Project because, without them, the energy generated from the wind turbines will not be exported to the electrical grid rendering the Project economically unviable. Failure identify the CPUC as a responsible agency and include the Notice of Construction approval violates CEQA and fails to inform the public regarding the extent of approvals required for the Project.

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[57] *San Joaquin Raptor vs. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.
[58] CEQA Guidelines § 15124.
[59] DSEIR at p. 2-24.
[60] *See id.* at pp. 2-56 to 2-57.
[61] *Ibid.*
[62] Pub. Resources Code § 21069.
4377-021acp

In addition, if the County believes an analysis of the environmental impacts associated with the PG&E upgrades is not required, then it must ensure that the DSEIR is not used as the basis for an exemption from a Permit to Construct. The DSEIR provides not explanation as to why the PG&E upgrades are exempt from a Permit to Construct. General Order 131 D, Section III, Subsection B.1(f), permits an exemption from a Permit to Construct when the proposed upgrades have "undergone environmental review pursuant to CEQA as part of a larger project, and for which the final CEQA document (Environmental Impact Report (EIR) or Negative Declaration) finds no significant unavoidable environmental impacts caused by the proposed line or substation."[63] Such a finding could not be made in this case because the DSEIR does not include any analysis of the environmental impacts associated with the proposed PG&E upgrades. **10.6** *cont.*

A complete explanation of the basis for PG&E's anticipated exemption is needed ensure the Project is not improperly piecemealing the PG&E upgrades to avoid environmental review. As proposed, the DSEIR improperly assumes that the environmental impacts of the PG&E upgrades are assessed during this review process, which they are not, and improperly piecemeals environmental review of the Project.

E. The DSEIR Provides Inconsistent Descriptions of the Project's Size and Impacts

The DSEIR does not provide a consistent description of the Project's size and the associated impacts to landscape. As explained in further detail by Mr. Cashen, the scope of the Project ranges between 2,971 acres and 5,561 acres throughout the DSEIR and its supporting documentation.[64] Likewise, the scope of the total impacts to the landscape range between 171.5 acres and 190.5 acres.[65] These discrepancies preclude the public from having an accurate understanding of the Project and the associated environmental impacts to the Project area and the surrounding area. To remedy this deficiency, the DSEIR must be amended to (1) clarify the size of the Project, (2) clarify the extent of the impacts associated with the Project, (3) provide a clear accounting of how the values were calculated, (4) explain the discrepancies **10.7**

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[63] Cal. Pub. Util. Comm'n, General Order 131-B, III, B.1(f) (Aug. 11, 1995), *available at* http://docs.cpuc.ca.gov/PUBLISHED/Graphics/589.PDF.
[64] Cashen Comments at p. 2.
[65] *Ibid.*
4377-021acp

between the DSEIR and any technical studies, and (5) provide GIS files or data to enable independent verification of the impact calculations provided in the DSEIR. **10.7** *cont.*

V. THE DSEIR FAILS TO DESCRIBE THE ENVIRONMENTAL SETTING IN SUFFICIENT DETAIL TO APPRISE THE PUBLIC OF THE ENVIRONMENTAL RESOURCES AFFECTED BY THE PROJECT

The existing environmental setting is the starting point from which the lead agency must measure whether a proposed Project may cause a significant environmental impact.[66] CEQA defines the environmental setting as the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, from both a local and regional perspective.[67]

Describing the environmental setting accurately and completely for each environmental condition in the vicinity of the Project is critical to an accurate and meaningful evaluation of environmental impacts. The importance of having a stable, finite and fixed environmental setting for purposes of an environmental analysis was recognized decades ago.[68] Today, the courts are clear that "[b]efore the impacts of a Project can be assessed, and mitigation measures considered, an [EIR] must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined."[69] **10.8**

An EIR must also describe the existing environmental setting in sufficient detail to enable a proper analysis of project impacts.[70] The CEQA Guidelines provide that "[k]nowledge of the regional setting is critical to the assessment of environmental impacts."[71] This level of detail is necessary to "permit the significant effects of the project to be considered in the full environmental context."[72]

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[66] *See, e.g., Communities for a Better Environment v. S. Coast Air Quality Mgmt. Dist.* (Mar 15, 2010) 48 Cal.4th 310, 316; *Fat v. City of Sacramento* (2002) 97 Cal.App.4th 1270, 1278 (citing Remy, et al.: Guide to the Calif. Environmental Quality Act (1999) p. 165).
[67] CEQA Guidelines §15125(a)(1); *Riverwatch v. City of San Diego* (1999) 76 Cal.App.4th 1428, 1453.
[68] *City of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185.
[69] *City of Amador v. El Dorado City Water Agency* (1999) 76 Cal.App.4th 931, 952.
[70] *Galante Vineyards v. Monterey Peninsula Water Mgmt. Dist.* (1997) 60 Cal.App.4th 1109, 1121-22.
[71] CEQA Guidelines § 15125(c).
[72] *Ibid.*
4377-021acp

June 14, 2019
Page 15

A. The DSEIR Fails to Describe the Neighboring Jack and Laura Dangermond Preserve

The DSEIR fails to accurately describe the existing environmental setting of the region surrounding the Project. Specifically, the DSEIR makes no mention of the Jack and Laura Dangermond Preserve ("Preserve") adjacent to the Project along its southeastern edge. The inadequate consideration and documentation of the existing environmental conditions renders it impossible for the DSEIR to accurately assess the Project's impacts to biological resources or implement feasible mitigation.

CEQA Guidelines § 15125 provides:

> An EIR must include a description of the environment in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description shall be no longer than necessary to an understanding of the significant effects of the proposed project and its alternatives. The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts.
>
> (1) Generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, *from both a local and regional perspective.*[73]

10.9

It goes on to explain the significance of adequately considering the regional setting of the project:

> Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant impacts of the proposed project were adequately investigated and discussed, and it must permit the significant effects of the project to be considered in the full environmental context.[74]

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[73] *Id.* § 151265(a)(1) (emphasis added).
[74] *Ibid.*
4377-021acp

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The DSEIR's description and consideration of the surrounding area is so incomplete and misleading that it fails to meet this standard.

The DSEIR never once mentions the Preserve, which is described as the "last perfect place" in California.[75] Owned and protected by The Nature Conservancy, a global environmental nonprofit whose mission is to "conserve the land and waters on which all life depends,"[76] this 24,000-acre property is "noted to be in tremendous ecological condition and features a confluence of ecological, historical, and cultural values across Native American, Spanish and American histories that have co-evolved for millennia. The area is also home to at least 39 species of threatened or special status."[77]

10.9 *cont.*

The DSEIR states that the Project is located primarily on rural, agricultural land.[78] It explains that the "Project site is bounded by Vandenberg Air Force Base (VAFB) on the south and west sides and private property on the north and east sides."[79] But it does not describe the Preserve, which shares property line with the Project along its southeastern border.[80] The lack of any discussion regarding the Preserve leads the public to conclude that the surrounding area is rather nondescript farmland, mostly for agricultural production. But this characterization is inaccurate and misleading.

Although portions of the Preserve have historically been used for agricultural purposes, the property has been designated a nature preserve since December 2017. Despite the environmental importance and sensitivity of biological resources, the

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[75] The Nature Conservancy, At Nature's Crossroads (last accessed June 14, 2019), *available at* https://storymaps.esri.com/stories/2018/dangermond-preserve/index.html.
[76] The Nature Conservancy, About US (last accessed June 14, 2019), *available at* https://www.nature.org/en-us/about-us/who-we-are/.
[77] The Nature Conservancy, The Nature Conservancy Preserves 24,000-acre Coastal Ranch at Point Conception with $165 Million Gift from Esri Founders (Dec. 21, 2017), *available at* https://www.nature.org/en-us/explore/newsroom/the-nature-conservancy-preserves-24000-acre-coastal-ranch-at-point-conceptio/.
[78] DSEIR at pp. 2-7 to 2-8.
[79] *Id.* at 2-7.
[80] The Nature Conservancy, Jack and Laura Dangermond Preserve (last accessed June 14, 2019), *available at* https://dangermond.maps.arcgis.com/apps/View/index.html?appid=d9295a4b1c1e4157af0628c13834bc43.

4377-021acp

DSEIR completely fails to mention, let alone consider, the nearby Preserve. In doing so, the DSEIR fails to address the cumulative effects the Project may have on the Preserve and any cumulative impact the Project or its mitigation measures may have on the biological resources in the surrounding area. By avoiding identification and discussion of the Preserve, the DSEIR precludes serious inquiry into or consideration of biological resources adjacent to the Project site.

As the DSEIR currently stands, it fails for the same reasons expressed in *San Joaquin Raptor vs. County of Stanislaus* (1994) 27 Cal.App.4th 713.[81] In that case, the court held that the "environmental setting" portion of an EIR for a residential development proposal was inadequate because the EIR's characterization of the environmental setting and surrounding area as farmland, mostly in agricultural production, was inaccurate and misleading.[82] It explained that the EIR failed to discuss a nearby wetland wildlife preserve and other wetland/riparian habitat immediately adjacent to the site.[83] The same is true of the DSEIR's treatment of the Preserve. "Without accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the [DSEIR] adequately investigated and discussed the environmental impacts of the development project."[84]

10.9 *cont.*

The failure to provide a clear and definite analysis of the location, extent and character of the properties adjacent to the Project, including the Preserve, precludes a conclusion that all the environmental impacts of the Project were identified and analyzed in the DSEIR. "Thus, the description of the environmental setting is not only inadequate as a matter of law, but it also renders the identification of environmental impacts legally inadequate and precludes a determination that substantial evidence would support ... [a] finding that the environmental impacts on wildlife and vegetation had been mitigated to insignificance.[85] "The misleading nature of the discussion and failure to include relevant evidence ... renders the EIR inadequate as an information document."[86] These deficiencies must be remedied and the DSEIR must be re-circulated for public review and comment.

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[81] *See San Joaquin Raptor vs. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722-29.
[82] *Id.* at 723-24.
[83] *Ibid.*
[84] *Id.* at 729.
[85] *Ibid.*
[86] *Ibid.* (citing *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718).

4377-021acp

June 14, 2019
Page 18

B. The DSEIR Fails to Describe the Physical Environmental Conditions Where the PG&E Upgrades Will Occur

Even though the DSEIR acknowledges that the PG&E upgrades is one of the three main portions of the Project,[87] it does not provide any description of the baseline environmental conditions where the PG&E upgrades will occur. This information is critical to proper assessment of the entire Project's impacts on air quality, noise, biological resources, and any other potential environmental and health impacts that may be associated with the upgrades. These deficiencies must be remedied and the DSEIR must be re-circulated for public review and comment. 10.10

C. The DSEIR Fails to Adequately Describe the Biological Resources in the Project Area and Surrounding Region

The DSEIR fails to accurately and adequately describe the area affected for numerous biological resources. Without an accurate description of the affected environment, the public cannot determine the extent of the Project's impacts to biological resources and, therefore, cannot determine whether the proposed mitigation measures would effectively reduce significant impacts. To comply with CEQA, the DSEIR must be revised to include accurate and complete descriptions of baseline conditions for all biological resources discussed below. 10.11

1. The DSEIR Fails to Adequately Describe Maternity Bat Roosts

The DSEIR states that "no maternity roosts have been documented in or near the proposed disturbance area."[88] However, the DSEIR relies on a single 11-year old report to reach this conclusion.[89] Not only is the report outdated, but it also does not provide any underlying data to verify whether the surveys that were conducted were adequate.[90] An updated and accurate assessment of current bat roosts within the Project area and surrounding region is required to properly evaluate whether the proposed Project will have a significant impact on bat species. 10.12

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[87] DSEIR at p. 4.5-1.
[88] *Id.* at p. 4.5-74.
[89] Cashen Comments at p. 3.
[90] *Id.* at pp. 3-4.

4377-021acp

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2. The DSEIR Fails to Adequately Describe Golden Eagle Activity

The DSEIR fails to provide enough information to accurately predict the Project's impacts on eagle populations in the Project area and surrounding region. "Site-specific studies are critical to evaluating potential impacts to all wildlife including eagles."[91] However, as identified by Mr. Cashen, none of the surveys relied upon by the DSEIR or LWEP FEIR adhere to the methods described in the USFWS' Eagle Conservation Plan Guidance ("ECPG").[92] Failure to conduct proper site-specific surveys prevents an accurate estimation of the eagle exposure rate (eagle-minutes flying within the project footprint per hour per kilometer) or whether important eagle use areas or migration concentration sites are within, or in close proximity, to the Project footprint.[93] Because the DSEIR relies on inadequate surveys, an accurate baseline for golden eagles cannot be established. 10.13

Although the DSEIR attempts to analyze the potentially significant impacts and formulate mitigation measures for the golden eagle, this analysis may bear little resemblance to the analysis and mitigation that will be required after considering survey results which follow the ECPG. As Mr. Cashen aptly states, "[c]omprehensive data on golden eagle use of the site are fundamental to understanding the Project's environmental setting, potential impacts, and relative severity of any eagle fatalities caused by the Project."[94] Therefore, the DSEIR must be amended to adequately describe golden eagle activity so the potential impacts to this species are adequately analyzed and mitigated.

3. The DSEIR Fails to Adequately Describe the El Segundo Blue Butterfly and its Habitat

10.14

The DSEIR fails to adequately describe the affected environment for the El Segundo Blue Butterfly ("ESBB"). The ESBB is a federally endangered species known to occur at the Project site.[95] Although a directed survey for this species was completed in 2008, the survey did not assess the abundance of the ESBB

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[91] U.S. Fish & Wildlife Service, Eagle Conservation Plan Guidance: Module 1 – Land-Based Wind Energy (Apr. 2013) (*hereinafter* ECPG) p. vii.
[92] Cashen Comments at pp. 4-6.
[93] ECPG at p. vii.
[94] Cashen Comments at p. 4.
[95] DSEIR at p. 4.5-20, 4.5-71.

4377-021acp

population.[96] Instead, it simply assessed whether the species was present or absent at a particular location within the Project site.[97] Without a complete understanding of the number of ESBB present in the Project area, the public cannot properly assess whether there will be significant impacts to this species.

In addition, the DSEIR provides inconsistent information regarding the ESBB's habitat. No critical habitat has been designated for ESBB; however, known occurrences of the species are closely associated with coast buckwheat.[98] As Mr. Cashen identifies, the DSEIR and its supporting documentation claim the Project area contains between 23 acres and 51.1 acres of coast buckwheat.[99] These significant discrepancies make it impossible for the public to assess the severity of the Project's impacts to the habitat of a federally protected species. 10.14

Because the DSEIR fails to assess the abundance of the ESBB and provides inconsistent information regarding the presence of coastal buckwheat, an accurate baseline for the ESBB cannot be established. The DSEIR must be amended to adequately describe the ESBB and its habitat in the Project area and surrounding region so the potential impacts to this species can be properly analyzed and mitigated.

VI. THE DSEIR FAILS TO ACCURATELY DESCRIBE THE APPROPRIATE SIGNIFICANCE THRESHOLDS FOR EVALUATING IMPACTS TO WATER QUALITY

The DSEIR inaccurately describes the significance thresholds for water quality set forth in the County's Environmental Thresholds and Guidelines Manual ("ETGM").[100] The DSEIR lists nine thresholds where a project is presumed to have a significant water quality impact.[101] However, the ETGM separates the ninth threshold listed in the DSEIR from the other eight thresholds because the ninth 10.15

[96] Cashen Comments at p. 6.
[97] *Ibid.*; *see also* Sapphos Environmental Inc., Memorandum for Record No. 1 (Appendix A-13), Attachment 5: Entomological Consulting Services, Ltd. Report (2008).
[98] DSEIR at p. 4.5-22.
[99] Cashen Comments at p. 7.
[100] County of Santa Barbara, Planning and Development Dept., Environmental Thresholds and Guidelines Manual (Mar. 2018) (*hereinafter* ETGM).
[101] DSEIR at pp. 4.12-3 to 4.12-4.

4377-021acp

threshold is specifically applicable to project-specific storm water quality impacts, whereas the other eight thresholds are applicable to project-specific and cumulative water quality impacts.[102]

With respect to the ninth threshold, the ETGM states:

> Projects that are not specifically identified on the list above or are located outside of the 'urbanized areas' may also have a project-specific storm water quality impact. Storm water quality impacts associate with these projects must be evaluated on a project by project basis for a determination of significance. The potential impacts of these projects should be determined in consultation with the county Water Agency, Flood Control Division, and RWQCB.[103]

The ETGM explains that if a project is determined to a have potentially significant storm water quality impact, then the project must prepare and implement a Storm Water Quality Management Plan (SWQMP) to reduce the impact to the maximum extent practicable.[104] The SWQMP must include: (1) identification of potential pollutant sources that may affect the quality of the discharges to storm water; (2) the proposed design and placement of structural and non-structural best management practices ("BMPs") to address identified pollutants; (3) a proposed inspection and maintenance program; and (4) a method of ensuring maintenance of all BMPs over the life of the project.[105] "Implementation of best management practices identified in the SWQMP will generally be considered to reduce the storm water quality impact to a less than significant level."[106] The implementation of the BMPs in a SWQMP will only reduce the storm water quality impact to less than significant, not any impacts associated with the other eight thresholds.

10.15 *cont.*

The ETGM also states that "new development ... projects that incorporate into project design construction BMPs for erosion, sediment and construction waste control and incorporate post-construction BMPs to protect sensitive riparian or

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[102] ETGM at pp. 133-34.
[103] *Id.* at p. 134.
[104] *Ibid.*
[105] *Ibid.*
[106] *Ibid.*

4377-021acp

wetland resources, reduce the quantity of runoff, and treat runoff generated by the project to pre-project levels" are "generally presumed to have a less than significant project-specific water quality impact."[107] The DSEIR fails to include any specific BMPs for the Project other than stating it will be addressed within a SWPPP, SWQMP, and other plans required by law. It also fails to analyze whether the BMPs which are incorporated into the project design would in fact protect sensitive riparian and wetland resources, reduce the quantity of runoff, or treat runoff generated by the project to pre-project levels. The DSEIR must be amended to accurately describe the significance thresholds applicable to water quality impacts and analyze this issue consistent with the requirements set forth in the ETGM. **10.15** *cont.*

VII. THE COUNTY FAILS TO ADEQUATELY DISCLOSE AND ANALYZE ALL SIGNIFICANT PROJECT IMPACTS

CEQA requires an analysis of the potential environmental impacts an agency's proposed actions may have in an EIR (except in certain limited circumstances).[108] The EIR is the very heart of CEQA.[109] "The foremost principle in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[110]

CEQA is designed to inform decisionmakers and the public about the potential, significant environmental effects of a project.[111] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'"[112] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[113] **10.16**

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[107] *Id.* at p. 135.
[108] *See, e.g.*, Pub. Resources Code § 21100.
[109] *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.
[110] *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal. App.4th 98, 109.
[111] CEQA Guidelines § 15002(a)(1).
[112] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.
[113] *Berkeley Keep Jets Over the Bay v. Bd. of Port Comrs.* (2001) 91 Cal. App. 4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

4377-021acp

While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. *A clearly inadequate or unsupported study is entitled to no judicial deference*."[114] As courts have explained, "a prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process."[115]

"An adequate description of adverse environmental effects is necessary to inform the critical discussion of mitigation measures and project alternatives at the core of the EIR." [116] "[T]he adequacy of an EIR's discussion of environmental impacts is an issue distinct from the extent to which the agency is correct in its determination whether the impacts are significant."[117] "An EIR's designation of a particular environmental effect as 'significant' does not excuse the EIR's failure to reasonably describe the nature and magnitude of the adverse effect."[118] In fact, "[a] conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence."[119] The ultimate inquiry is whether the EIR includes enough detail "to enable those who did not participate in its preparation to understand and consider meaningfully the issues raised by the proposed project."[120] **10.16** *cont.*

A. THE DSEIR Lacks Substantial Evidence to Support its Conclusions Regarding Impacts on Air Quality

SWAPE reviewed the DSEIR's analysis of impacts on air quality. They determined that the DSEIR fails to disclose and analyze all the Project's significant **10.17**

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[114] *Berkeley Jets*, 91 Cal. App. 4th at p. 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at pp. 391, 409, fn. 12).
[115] *Berkeley Jets*, 91 Cal.App.4th at 1355; *San Joaquin Raptor*, 27 Cal.App.4th at p. 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.
[116] *Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502, 514 (citing CEQA Guidelines § 15151).
[117] *Id.* (citing *Cleveland Nat. Forest Found. v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514-15).
[118] *Ibid.* (citations omitted).
[119] *Ibid.*
[120] *Id.* at 516 (citing *Laurel Heights*, 47 Cal.3d at pp. 391).

4377-021acp

June 14, 2019
Page 24

impacts to air quality impacts. Therefore, the County must revise its analysis of the Project's air quality impacts. **10.17** *cont.*

1. The DSEIR's Analysis of the Project's Construction Emissions Is Based on Unsubstantiated Modeling Assumptions

The DSEIR relies on emissions calculated from the California Emissions Estimator Model Version CalEEMod.2016.3.2 ("CalEEMod").[121] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type.[122] If more specific project information is known, the default values can be changed in favor of more project-specific values. CEQA requires that such changes be justified by substantial evidence.[123] Once all the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose the parameters which were utilized in calculating the Project's air pollutant emissions and make known which default values were changed as well as provide justification for the values selected. **10.18**

SWAPE identifies two major flaws with the modeling assumptions used for the Project. First, the Applicant incorrectly modeled the expected number and construction equipment types, resulting in underestimated construction emissions. SWAPE found that the air model emissions relied on completely different quantities and types of equipment during the phases of construction.[124] As an example, SWAPE noted that the modeling only includes 6 pieces of equipment during the access roads phase of construction despite the DSEIR's contention that this phase would require 10 pieces of equipment.[125] SWAPE emphasizes that this type of inconsistency is present in a number of construction phases for the Project.[126]

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[121] DSEIR at p. 4.4-12.
[122] Cal. Air Pollution Control Officers Assn., California Emissions Estimator Model: User Guide (Nov. 2017), *available at* http://www.caleemod.com/.
[123] *Ibid.* at pp. 1, 12.
[124] SWAPE Comments at p. 2.
[125] *Id.* at pp. 2-3.
[126] *Id.* at p. 3.

4377-021acp

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Second, the Applicant underestimated the number of water truck trips that would be required for the Project. SWAPE found that the Applicant failed to include all water truck trips traveling to the Project site.[127] Although the DSEIR acknowledges this data was missing from the modeling,[128] an evaluation without this data is not adequate. As SWAPE explains, "modeling emissions assuming any water truck trips will be part of the construction equipment is incorrect and will result in an underestimation of construction emissions."[129] Moreover, SWAPE could not discern whether the "construction equipment actually accounts for all missing water truck trips."[130] **10.18** *cont.*

These modeling errors must be corrected to ensure air emissions from construction are properly evaluated. If these errors are left unchecked, then the construction emissions may be underestimated and thus cannot be relied upon to support a finding that the Project's emissions are less than significant. The DSEIR must be amended following reevaluation of the modeling data and recirculated for public review.

2. *The DSEIR Fails to Assess Potential Air Quality Impacts from the PG&E Upgrades*

SWAPE found that the air quality modeling data did not analyze the emissions associated upgrades to the PG&E system.[131] While construction would be undertaken by PG&E, instead of the Applicant, the air quality emissions must be evaluated because these upgrades are critical to the operation of the Project. SWAPE explains that "it is likely that the PG&E upgrades would occur at the same time as Project construction, therefore, the emissions associated with both Project construction and PG&E upgrades are cumulative and should be evaluated together and compared to Santa Barbara Air Pollution Control District (SBAPCD) thresholds. The failure to do so leaves a large gap in the analysis that may result in a significant impact that was not previously identified."[132] The DSEIR's complete lack of analysis leaves the discussion of air quality impacts incomplete. A revised **10.19**

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[127] *Ibid.*
[128] DSEIR, Appendix B at p. B-1.
[129] SWAPE Comments at p. 3.
[130] *Ibid.*
[131] *Id.* at p. 4.
[132] *Id.* at p. 5.
4377-021acp

DSEIR must be prepared to properly evaluate air emissions associated with PG&E upgrades. **10.19** *cont.*

3. The DSEIR Fails to Evaluate Potential Air Quality Impacts from Decommissioning Activates

The DSEIR fails to analyze the potentially significant impacts that the decommissioning may have on air quality. As SWAPE explains:

> [D]ecommissioning of the proposed Project includes extensive activities. Emissions from the decommissioning activities ... can include truck and equipment traffic emissions, diesel emissions from generator equipment and fugitive dust emissions from land clearing, wind turbine generator and support structure removal, backfilling, dumping, and restoration of disturbed areas. The DSEIR, however, fails to disclose or evaluate the emissions associated with these extensive decommissioning activities. Additionally, the DSEIR fails to ensure that mitigation measures will be implemented to address the potential impact on regional air quality that may result from decommissioning activities. The DSEIR simply states that "similar [Mitigation Measures], if necessary for off-road and on-road engines for fugitive dust control, would be required during any type of major post-Project-life activity" (p. 4.4-15). The Applicant, however, fails to propose or commit to any binding mitigation measures to be enforced during post-Project activities. Finally, the Applicant fails to prepare a decommissioning and reclamation plan, which is required by both the County and leases with local landowners according to the DSEIR (p. 2-55). **10.20**
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> The Applicant assumes that decommissioning would include the dismantling and removal of all Project structures and equipment, as well as restoration and reclamation of all disturbed areas (p. 2-55). Therefore, the Applicant acknowledges that decommissioning will include hauling and grading activities, which will generate criteria air pollutants. Review of the DSEIR and associated appendices demonstrates that the emissions resulting from this activity were not evaluated.[133]

The DSEIR's complete lack of analysis air quality impacts from decommissioning activities leaves the DSEIR's discussion of air quality impacts incomplete. A revised DSEIR must be prepared to evaluate emissions associated with decommissioning activities.

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[133] *Id.* at pp. 5-6.

4377-021acp

B. The DSEIR Fails to Adequately Analyze the Project's Significant Impacts on Biological Resources

Mr. Cashen reviewed the DSEIR's analysis of impacts on biological resources. He determined that the DSEIR fails to disclose and analyze all the Project's significant impacts to biological resources and failed to identify feasible mitigation measures necessary to reduce those impacts. Therefore, the County must revise its analysis of the Project's impacts to biological resources. 10.21

1. *The DSEIR's Conclusion that Construction Impacts to Gaviota Tarplant Will Remain Less than Significant with Mitigation Is Not Supported by Substantial Evidence*

The DSEIR concludes that the mitigation measures which require that workers undergo environmental awareness training, minimize ground disturbance, site restoration following construction, implementation of Gaviota tarplant mitigation, and monitoring and reporting would ensure construction impacts to Gaviota tarplant remain less than significant.[134] But the DSEIR's conclusion is not supported by substantial evidence because the proposed measures do not mitigate (1) impacts caused by habitat fragmentation and (2) impacts to pollinators. 10.22

The DSEIR acknowledges that the Project's construction impacts would permanently fragment many of the Gaviota tarplant populations that occur in the Project area.[135] But neither the DSEIR, nor the LWEP FEIR, discloses or analyzes the implications of habitat fragmentation on the Gaviota tarplant.[136] Instead, the LWEP FEIR jumps to the conclusion that "[t]he Project also would not substantially reduce or eliminate species diversity or abundance on a regional level,"[137] which is adopted by the DSEIR without any further analysis.[138] This conclusion is not

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[134] DSEIR at p. 4.5-63.
[135] DSEIR at p. 4.5-63.
[136] *See id.* at pp. 4.5-62 to 4.5-63; *see also* LWEP FEIR at pp. 3.5-68 to 3.5-69.
[137] LWEP FEIR at pp. 3.5-68 to 3.5-69.
[138] DSEIR at p. 4.5-62 ("Construction impacts to Gaviota tarplant and its habitat would be of the same type as described in the LWEP EIR and would include direct removal and habitat fragmentation.").

4377-021acp

supported by substantial evidence because habitat fragmentation by the Project would jeopardize the viability of remaining plants.[139]

Because the DSEIR fails to analyze the impacts of habitat fragmentation on the Gaviota tarplant, it also fails to provide any evidence that the proposed mitigation measures would address habitat fragmentation and the corresponding long-term effects of construction on the species in the Project area. As Mr. Cashen notes, this issue is exacerbated by the DSEIR's failure to require a monitoring program which assesses the Project's long-term effects on the viability of the Gaviota tarplant at the Project site.[140] Therefore, the mitigation measures proposed by the DSEIR fail to ensure that significant impacts to the Gaviota tarplant are mitigated to less than significant levels.

The proposed mitigation measures also fail to address the Project's impacts to pollinators. Mr. Cashen explains that a thorough analysis of the Project's impacts on pollinators is critical because the Gaviota tarplant's ability to reproduce is entirely dependent upon insect pollinators that transfer pollen between plants.[141] The DSEIR provides no analysis of this impact, and instead defers to the LWEP FEIR, which is limited to an unsupported conclusion that "[t]he Project would not substantially eliminate access to food sources or habitat for pollinators of the tarplant because the undisturbed habitat that would surround the finished Project components would continue to support a mixture of grassland, shrubland, and woodland habitats, and would thus continue to provide habitat for pollinators."[142]

10.22 *cont.*

Mr. Cashen points out that the since the publication of the LWEP FEIR, "the scientific community has learned that wind turbines kill a substantial number of insects, and that the magnitude of insects kills at wind farms may affect insect population stability."[143] Since the WTGs are within or immediately adjacent to most of the Gaviota tarplant populations within the Project area, the pollinators are highly susceptible to collisions.[144] As a result, the Project has a significant indirect

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[139] Cashen Comments at p. 10.
[140] *Id.* at p. 11.
[141] *Ibid.*
[142] LWEP FEIR at p. 3.5-68.
[143] Cashen Comments at p. 11 (citation omitted).
[144] *Id.* at p. 12.

4377-021acp

impact on the Gaviota tarplant that remains unaddressed and the DSEIR lacks adequate mitigation measures reduce the impact to less than significant.[145]

10.22 *cont.*

The DSEIR must be revised to address these inadequacies. Mr. Cashen recommends that, at a minimum, the DSEIR should require a before and after control impact study to examine the Project's effects on pollinators.[146] The information from this study would inform adaptive management measures and any necessary supplemental mitigation.[147]

2. The DSEIR's Conclusion that the Construction Impacts to ESBB Will Remain Less than Significant with Mitigation Is Not Supported by Substantial Evidence

10.23

Like the Gaviota tarplant, coast buckwheat depends on pollinators for reproduction.[148] Since coast buckwheat is the habitat of the federally protected ESBB, any impacts to the survival of coast book would result in indirect impact to the species. As discussed above, this impact remains unaddressed and the DSEIR lacks adequate mitigation measures.[149] The DSEIR must address this issue and be recirculated for public review and comment.

3. The DSEIR Fails to Analyze Impacts to La Purisima Manzanita

10.24

The DSEIR provides conflicting information regarding the La Purisima manzanita. On the one hand, the DSEIR acknowledges that La Purisima manzanita plant is within the Project area.[150] But then the DSEIR also states that the species is outside the impact area.[151] Due to the inconsistencies throughout the DSEIR and its supporting materials, the public cannot determine whether the Project would have significant impacts on La Purisima manzanita.[152] As a result, the DSEIR fails to adequately analyze the Project's impacts to this species. The

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[145] *Ibid.*
[146] *Ibid.*
[147] *Ibid.*
[148] *Ibid.*
[149] DSEIR at p. 4.5-71 to 4.5-72; see also 3.5-71 to 3.5-72.
[150] DSEIR at p. 4.5-18.
[151] DSEIR at p. 4.5-66.
[152] Cashen Comments at p. 12.

4377-021acp

June 14, 2019
Page 30

DSEIR must be revised to specifically address the impacts of the Project on La Purisima manzanita. **10.24** *cont.*

4. The DSEIR Fails to Analyze Impacts to Black-flowered Figwort

Like the La Purisima manzanita, black-flowered figwort plants were detected along the transmission line and access road routes.[153] However, the DSEIR does not provide any specific analysis of this species.[154] Nor does the DSEIR identify how many plants would be directly or indirectly impacted by the Project.[155] Therefore, the public cannot determine whether the Project would have significant impacts on the black-flowered figwort. The DSEIR must be amended to specifically address the Project's impact on the black-flowered figwort.

5. The DSEIR's Analysis of Direct and Indirect Impacts to Special-Status Wildlife Species is Inadequate

As an initial matter, the DSEIR's analysis of the impacts to special-status wildlife is misleading. Mr. Cashen notes there are approximately 71 special status species that could be impacted by the Project, with 43 species confirmed to be present in the Project area;[156] however, the DSEIR implies that only 11 special status species could potentially be impacted by Project activities.[157] The DSEIR needs to clearly articulate the number of special-status species that could be affected by the Project so that the public can have an accurate understanding of the impacts on special-status species. **10.25**

In addition, the DSEIR fails to quantify Project impacts for most special-status species. Other than the ESBB and the California red-legged frog, the DSEIR primarily relies on cross-references to highly technical appendices and a single table.[158] Mr. Cashen emphasizes that this process is laborious and infeasible for most members of the public.[159] Moreover, the DSEIR fails to provide adequate

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[153] DSEIR at p. 4.5-66.
[154] Cashen Comments at p. 12-13.
[155] *Id.* at 13.
[156] *Ibid.*; *see also* DSEIR at p. 4.5-19.
[157] Cashen Comments at p. 13; *see also* DSEIR at p. 4.5-70.
[158] Cashen Comments at p. 13; *see also* DSEIR at p. 4.5-42 (Table 4.5-3).
[159] Cashen Comments at p. 13.

4377-021acp

information regarding the Project's impacts on the habitats of each special-status species.[160] The DSEIR must clearly quantify the Project's impacts for each special-status species and its habitat so the public can determine to what extent the Project will affect each species. **10.25** *cont.*

a. Invertebrates

The DSEIR inadequately analyzes the Project's direct and indirect impacts on the ESBB in three key respects. First, the DSEIR fails to address whether the Project's permanent impacts to coast buckwheat incorporate the County's Defensible Space requirements.[161] Coastal buckwheat is a flammable plant that can grow approximately three feet tall.[162] Consistent with the Defensible Space Program outlined in Public Resources Code § 4291, the County requires removal of (1) all flammable vegetation within 30 feet of a building or structure, (2) reduction of flammable vegetation within 30 to 100 feet from a building or structure, and (3) reduction of all flammable vegetation within 10 feet of a roadway to a height of less than 4 inches.[163] The DSEIR concludes that the Project will permanently impact 8 acres of coast buckwheat,[164] but there is no indication that the DSEIR's assessment considers applicable defensible space requirements. The DSEIR must clarify whether the analysis complies with the Defensible Space Program or revise the DSEIR to ensure the impacts to coast buckwheat, and other species, are adequately analyzed and mitigated. **10.26**

Second, the DSEIR fails to provide an estimate of the Project's temporary impacts to the ESBB. An analysis of the temporary impacts is critical because the ESBB is dependent upon buckwheat plants that are at least five years old.[165] Even if mitigation such as MM BIO-3 (Site Restoration and Revegetation Plan) is successfully implemented,[166] habitat for the ESBB would be eliminated for approximately five years and could have significant long-term impacts on this

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[160] *Ibid.*
[161] *Id.* at p. 14.
[162] *Ibid.*
[163] Santa Barbara County Fire Department, Defensible Space Program, https://www.sbcfire.com/vegetation-management/.
[164] DSEIR at p. 4.5-71.
[165] Cashen Comments at p. 14.
[166] DSEIR at pp. 4.5-45 to 4.5-47.

4377-021acp

endangered species.[167] The DSEIR must address the temporary impacts on coast buckwheat and the indirect effects that disruption of this important habitat will have on the ESBB.

Third, the DSEIR does not accurately characterize the severity of the Project's impacts on the ESBB because the impacts should be viewed in the context of island biogeography.[168] Mr. Cashen explains that the ESBB exhibits a metapopulation structure, and thus, require large patches of habitat to ensure long-term persistence of a species.[169] Mr. Cashen found that the Project contains two large patches of occupied habitat and two additional patches of potential habitat. From an island biogeography perspective, the Project would eliminate two of the four large patches of potential habitat and severely compromise a third habitat.[170] Moreover, the Project's elimination of 8 acres may be the only acres occupied by the ESBB.[171] Therefore, the impacts to the ESBB would be more severe than those described in the DSEIR and would not be adequately mitigated by the proposed measures. As such, the DSEIR must analyze the impacts in the context of island biogeography and specifically quantify the amount of occupied ESBB habitat is at the Project site. **10.26** *cont.*

b. Reptiles

The DSEIR incorrectly analyzes the impacts to the Northern California legless lizard and coast patch-nosed snake. Relying on the LWEP FEIR, the DSEIR describes the habitat for these species as grassland habitats.[172] However, as described by Mr. Cashen, these species primarily rely on widely spaced shrubby vegetation, a supply of native ants, and soils loose enough to bury themselves.[173] The DSEIR must accurately describe the habitats which these species rely upon for survival. **10.27**

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[167] Cashen Comments at p. 14.
[168] *Id.* at p. 15.
[169] *Ibid.*
[170] *Ibid.*
[171] *Ibid.*
[172] *Id.* at p. 16; *see also* DSEIR at p. 4.5-72; LWEP FEIR at p. 3.5-72.
[173] Cashen Comments at p. 16.

4377-021acp

The DSEIR goes on to conclude that implementation of certain mitigation measures would ensure that impacts to special status reptiles are less than significant.[174] This conclusion is not supported by substantial evidence, because none of the proposed measures address habitat fragmentation, which the LWEP FEIR specifically identifies as an impact that could substantially reduce local populations.[175] Moreover, this issue is exacerbated because the mitigation measures proposed in the DSEIR have minimal value in mitigating the significant impacts to special-status reptiles.[176] Therefore, the potentially significant impacts to special-status reptiles remain significant. The DSEIR must be revised to address these impacts and provide feasible mitigation measures to reduce the impacts to less than significant. **10.27** *cont.*

c. Raptors

The DSEIR fails to provide adequate context for evaluating the Project's impacts on raptors. The DSEIR's discussion relies mostly on the LWEP FEIR, which states, in pertinent part:

> Several special-status raptor species either were observed or have the potential to occur in the Project area, including white-tailed kite, golden eagle, peregrine falcon, Cooper's hawk, northern harrier, long-eared owl, and western burrowing owl. The loss of nests and disruption of nesting behavior are not likely, because these species are not known to nest in the Project area. Additionally, most golden eagle nests are built in large trees, rock outcrops, or overhanging ledges. There are few wooded or outcrop areas that would be disturbed from the construction and operation of this Project. Potential impacts to these species include direct loss of individuals due to strikes by vehicles and equipment, and the permanent and temporary losses of foraging habitat. Additionally, these birds may be displaced, and foraging behavior may be altered. Such impacts to these species would be significant, but mitigable (*Class II*).[177]

10.28

Mr. Cashen emphasizes that these conclusory statements fail to provide any information regarding (1) how the Project would displace raptors and alter their

[174] DSEIR at p. 4.5-72.
[175] LWEP FIER at p. 3.5-72.
[176] Cashen Comments at p. 17.
[177] LWEP FEIR at p. 3.5-72.

4377-021acp

foraging behavior and (2) whether mortalities due to strikes with vehicle and equipment create an ecological trap.[178] Moreover, the LWEP FEIR's statement that "[t]he loss of nests and disruption of nesting behavior are not likely, because these species are not known to nest in the Project area"[179] cannot be supported by substantial evidence because it is directly contradicted in the LWEP EIR's discussion of avian and bat collisions with WTGs: "Peregrine falcons, golden eagles, and Cooper's hawk *are expected to be present on the site regularly* but in low numbers, and rare during breeding season. *Nesting golden eagles have been reported in recent years in the vicinity of the Project.* Recent observations have included up to four pairs."[180] Additional analysis is necessary to determine the severity of the Project's impacts from construction and operation will have on raptors.

10.28 *cont.*

In addition to the DSEIR's failure to adequately describe the Project's impacts to raptors generally, it also contains no analysis specifically addressing the potential impacts to golden eagles.[181] In fact, the only discussion specifically directed at impacts to golden eagles is contained in the LWEP FEIR excerpted above.[182] The potential for the Project to have significant impacts on golden eagles extends beyond direct disturbance of nesting sites and collisions with WTGs. As Mr. Cashen explains, "even if the Applicant successfully protects golden eagle nest sites from construction actives, those nests are likely to fail if construction activities preclude the parents from accessing core foraging areas. The potential for this circumstance is real given the tendency of golden eagles to completely avoid habitats with human activity and disturbance."[183] The DSEIR must be revised to include analysis consistent with the ECPG because the guidance provides detailed information on the data and analysis required to demonstrate compliance with the Bald and Golden Eagle Protection Act.[184]

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[178] Cashen Comments at p. 17.
[179] LWEP FEIR at p. 3.5-72
[180] *Id.* at p.3.5-76 (emphasis added).
[181] Cashen Comments at p. 18.
[182] *See* LWEP FEIR at p. 3.5-72.
[183] Cashen Comments at p. 18.
[184] *See generally* ECPG.

4377-021ncp

d. Mammals

The DSEIR fails to adequately describe the impacts to the San Diego Desert Woodrat and the American Badger in two key respects. First, the DSEIR states that the impacts to woodrats and badgers would be the same as those described in the LWEP FEIR;[185] however, the DSEIR reaches a different conclusion as to the severity of the impact than the one reached in the LWEP FEIR. The DSEIR found that the impacts to woodrats and badgers would be significant but reduced to less than significant with mitigation.[186] Whereas, the LWEP FEIR concluded that the impacts to these species would be less than significant.[187] The DSEIR provides no explanation as to why the impacts remained the same between the two projects, but the conclusion regarding the impacts' significance changed in the DSEIR, which precludes the public from understanding why mitigation is now necessary to reduce the impacts.[188] The DSEIR must address why it reached a different conclusion, and why the applicable mitigation measures are now necessary to reduce impacts. 10.29

Second, the applicable mitigation measures fail to offset the Project's permanent impacts on these species' habitats.[189] Because permanent impacts to coastal scrub are not addressed by the mitigation measures, the construction and operation impacts to the woodrat and badgers remain significant.[190] The DSEIR must be revised to include mitigation measures which address the Project's permanent impacts to special-status mammals' habitats.

6. The DSEIR's Analysis of Avian and Bat Collisions with WTGs is Inadequate

Mr. Cashen found the DSEIR's analysis of avian and bat collisions to be inadequate because it (1) relies on outdated information, (2) fails to consider all WTG attributes, (3) fails to properly analyze the underlying bird and bat data, (4) fails to provide a proper risk assessment, and (5) is inconsistent with Federal 10.30

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185 DSEIR at p. 4.5-74.
186 *Ibid.*
187 LWEP FEIR at p. 3.5-73.
188 Cashen Comments at p. 19.
189 *Id.* at p. 20.
190 *Ibid.* at p. 20.

4377-021acp

June 14, 2019
Page 36

guidelines.[191] Each of these failures is discussed in further detail below, and must be remedied through a revised and recirculated DSEIR. **10.30** *cont.*

a. The DSEIR Relies on Outdated Information

The DSEIR improperly relies on the analysis conducted by the LWEP FEIR.[192] The LWEP FEIR was based upon scientific information available in 2008.[193] Since that time, the scientific community has a significantly better understanding between WTGs and avian/bat fatalities.[194] Therefore, the DSEIR should not rely on outdated information to reach its conclusions. **10.31**

In addition, the studies cited by the DSEIR concern projects with much smaller WTGs.[195] The DSEIR cannot rely on an apples-to-oranges comparison to support its conclusion. Nor can it use arbitrary numbers in an attempt to create a useful comparison.[196] By doing so, the DSEIR underestimates the severity of the impact.[197] The DSEIR must provide an analysis based on current scientific knowledge applicable to the scope and size of the current Project.

b. The DSEIR Fails to Consider All WTG Attributes

The DSEIR's analysis overlooks several WTG attributes that could increase the number of avian and bat fatalities, which in turn results in an underestimation of the severity of the Project's impact. Although the DSEIR acknowledges that the blades of the WTGs would extend higher,[198] it provides no analysis of how the larger WTGs will impact bats.[199] The DSEIR also fails to analyze how the lower ground clearance, wider roads, and larger pads would impact bird and bat fatalities.[200] Finally, the DSEIR contains no discussion regarding how the differences in **10.32**

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[191] *Id.* at pp. 20-24.
[192] DSEIR at p. 4.5-81.
[193] Cashen Comments at p. 20.
[194] *Id.* at pp. 20-21.
[195] *Ibid.*; *see also* DSEIR at p. 4.5-89.
[196] Cashen Comments at p. 21
[197] *Ibid.*
[198] DSEIR at p. 4.5-81.
[199] Cashen Comments at p. 21.
[200] *Id.* at pp. 21-22.

4377-021acp

operating time and wind conditions may affect bird and bat fatalities.[201] Without this information, the public cannot properly assess the Project's impacts to avian and birds or whether the mitigation measures in place are sufficient. The DSEIR must be revised to address these concerns. **10.32** *cont.*

c. The DSEIR Fails to Properly Analyze the Underlying Bird and Bat Data Used by LWEP FEIR

The LWEP FEIR analyzed data form bird and bat surveys conducted on the Project site to assess the risks to various species.[202] However, the analysis was constrained by the limited amount of survey data.[203] A considerable amount of survey data has subsequently been collected, but the DSEIR fails to provide any analysis about how the data acquired for the LWEP FEIR affected its decisions on the WTG models, the micro-siting of project features, and the overall risk these changes have on Project's impacts to special-status bird and bat species.[204] The DSEIR must clarify these deficiencies. **10.33**

d. The DSEIR Fails to Provide a Proper Risk Assessment

The DSEIR concludes that a pre-construction risk assessment is too complicated and may not accurately predict mortality during operation.[205] In support of this conclusion, the DSEIR relies on two studies: (Marques et al. 2014) and (Ferrer et al. 2012).[206] However, as discussed by Mr. Cashen, these publications do not stand for the proposition that the DSEIR claims.[207] Moreover, these publications only refer to bird mortalities.[208] The DSEIR must disclose and analyze the impacts to bats, and must perform an analysis consistent with the ECPG. **10.34**

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[201] *Id.* at 22.
[202] LWEP FEIR at p.
[203] Cashen Comments at p. 22.
[204] *Ibid.* (citation omitted).
[205] DSEIR at p. 4.5-81.
[206] *Ibid.*
[207] Cashen Comments at pp. 23-24.
[208] *Id.* at p. 23.

4377-021acp

e. The Proposed Project Site is Unsuitable

The USFWS's Land-Based Wind Energy Guidelines ("LBWEG") recommend that when a project has a high probability of causing significant impacts which cannot be adequately mitigated, it should be abandoned in favor of sites with less potential for environmental impact or delayed until plans can be developed that satisfactorily mitigate for significant adverse impacts.[209] Because the DSEIR concludes that impacts to bird and bat fatalities due to collisions with WTG is significant and unavoidable,[210] at a minimum, DSEIR must be delayed until additional surveys consistent with applicable federal guidelines are conducted and proper mitigation measures can be developed to mitigate the significant impacts. 10.35

7. The DSEIR Fails to Analyze the Potential Impacts of Decommissioning Activities on Biological Resources

Mr. Cashen explains that decommissioning of the Project has the potential to impact jurisdictional waters, sensitive natural communities, nesting birds, and various special-status species.[211] However, the DSEIR lacks any discussion or analysis of the impacts that could occur to biological resources before, after, and during decommissioning. Furthermore, none of the mitigation measures applicable during construction and operation phases are required during the decommissioning phase. In fact, the only mitigation measure applicable to the decommissioning phase is inadequate because it fails to incorporate any performance standards and does not assure that the plan will address impacts to biological resources.[212] 10.36

If there are any significant impacts to biological resources due to decommissioning activities, those impacts are not mitigated. The DSEIR must be revised to assess the potential impacts that the decommissioning phase will have on biological resources and analyze what mitigation measures should be implemented to ensure that the significant impacts are reduced to less than significant.

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[209] U.S. Fish & Wildlife Service, Land-Based Wind Energy Guidelines (Mar. 2012) at pp. 33.
[210] DSEIR at p. 4.5-82.
[211] Cashen Comments at p. 26.
[212] *Ibid.*

4377-021acp

8. The DSEIR Fails to Analyze the Cumulative Impacts to Biological Resources

The DSEIR's analysis of cumulative impacts is limited to the Lompoc Valley.[213] CEQA Guidelines require that the agency "provide a reasonable explanation for the geographic limitation used" when assessing the cumulative effects of a project.[214] Here, the DSEIR does not provide any justification for limiting the geographic scope to this area. The DSEIR must include a discussion as to why the cumulative analysis was limited to the Lompoc Valley.

10.37

Even if the DSEIR or final SEIR were to include reasons why the cumulative impacts analysis is restricted to the Lompoc Valley, substantial evidence does not support such a limited scope. As Mr. Cashen explains, a recent study on bird and bat collision rates "emphasize[s] the need to consider cumulative impacts of wind farms on [bird and bat] populations, particularly for migrants and wide-ranging species."[215] The DSEIR fails to conduct such an analysis because it only considers other wind farms in the Lompoc Valley, of which there are none.[216] The DSEIR must be amended to assess how the Project, in combination with other wind development projects along the migration routes, could affect the collision risk and how that impact could in turn affect population levels.[217] At a minimum, the DSEIR's analysis should consider species known to be threatened by additional wind energy development (e.g., golden eagles, California Condors and migratory bats).[218]

9. The DSEIR Fails to Analyze the Impacts of Soil Stabilizers on Biological Resources

10.38

The DSEIR suggests dust palliatives (also known as soil stabilizers) may be used at the Project site.[219] However, the DSEIR does not include any analysis of

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[213] DSEIR at p. 4.5-93.
[214] CEQA Guidelines § 15130(b)(3).
[215] Cashen Comments at p. 26 (citing Thaxter, et. al., Bird and Bat Species' Global Vulnerability to Collision Mortality at Wind Farms Revealed Through Trait-Based Assessment (2017)).
[216] DSEIR at p. 4.5-93 to 4.5-95.
[217] Cashen Comments at p. 27.
[218] *Ibid.*
[219] DSEIR at p. 4.4-14.

4377-021acp

how the use of soil stabilizers may impact biological resources. Mr. Cashen explains that many soil stabilizers contain chemicals that are toxic to plants and animals.[220] Because soil stabilizers are a reasonably foreseeable project activity, the DSEIR must be amended to analyze the impacts that soil stabilizers will have on biological resources and provide feasible mitigation measures to reduce any significant impacts to less than significant. **10.38** *cont.*

C. The DSEIR Fails to Analyze the Least Environmentally Damaging Practicable Alternative Required by the Clean Water Act

Congress enacted the Clean Water Act ("CWA") "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."[221] Section 301 of the CWA makes the discharge of pollutants into navigable waters unlawful, unless such discharge is authorized by permit. The term "pollutants" is defined broadly and includes dredged or fill material.[222] The term "navigable waters" are similarly all encompassing, covering all "waters of the United States."[223] Wetlands, along with streams, culverts, and ponds, are included in the definition of "waters of the United States."[224] **10.39**

Section 404 of the CWA authorizes the Corps to issue or deny permits for the discharge of dredged or fill material.[225] In considering permit applications, the Corps is required to apply the CWA regulations and EPA Guidelines for 404 permits set forth in Titles 33 and 40 of the Code of Federal Regulations.[226] The EPA "Guidelines" are, in fact, binding regulations that impose substantive standards for evaluating permit applications. The Corps' own regulations recognize that the Corps must deny a Section 404 permit if the discharge for which a permit is sought would violate the Guidelines.[227]

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[220] Cashen Comments at p. 29 (citation omitted).
[221] 33 U.S.C. § 1251(a); 40 C.F.R. § 230.1.
[222] 33 U.S.C. § 1362(6).
[223] *Id.* § 1362(7).
[224] 40 C.F.R. § 230.3(s)(7); *see also United States v. Riverside Bayview Homes, Inc.* (1985) 474 U.S. 121 (Corps acted reasonably in interpreting Clean Water Act to require permits for discharge of material into wetland).
[225] 33 U.S.C. § 1344(a).
[226] 33 C.F.R. § 320; 40 C.F.R. Part 230; *Town of Norfolk v. U.S. Army Corps of Engineers* (1st Cir. 1992) 968 F.2d 1438, 1445.
[227] 33 C.F.R. § 320.4(a)(1).

4377-021acp

A Section 404 permit will not be issued "if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences."[228] An alternative "is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose."[229] For non-water dependent projects, such as this Project, it is presumed that a practicable alternative exists and the burden to clearly demonstrate otherwise is on the applicant.[230] Because there is a presumption that a less damaging practicable alternative than the Project as proposed exists and should be implemented, the County must identify the least environmentally damaging practicable alternative ("LEDPA"). **10.39** *cont.*

The DSEIR analyzes several alternatives, including a modified project layout, alternative switchyard location, an alternate surface transport route, and a "no project" alternative.[231] However, none of these alternatives offers plans to avoid jurisdictional waters even though the Project proposes to disturb and fill approximately 0.53 acres of jurisdictional waters.[232] By omitting any LEDPA analysis, the DSEIR fails to address the water quality and biological resource impacts per the requirements of the CWA. Accordingly, a DSEIR containing a LEDPA analysis and design must be recirculated so that the public and decisionmakers can fully understand the water quality impacts that will result from the Project.

D. The DSEIR is Inconsistent with the Energy Element of the County's Comprehensive Plan

The Energy Element of the Santa Barbara County Comprehensive Plan describes long-range planning guidelines and mechanisms to encourage the use of alternative energy for environmental and economic benefits in Santa Barbara County.[233] "Alternative energy" is defined in the Energy Element as "fuels or **10.40**

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[228] 40 C.F.R. § 230.10(a).
[229] *Id.* § 230.10(a)(2).
[230] *Utahns for Better Transportation v. U.S. Dept. of Trans.* (10th Cir. 2002) 305 F.3d 1152, 1163 (citing 40 C.F.R. § 230.10(a)(3)).
[231] DSEIR at pp. 5-1 to 5-38.
[232] DSEIR at p. 4.5-60.
[233] Energy Element at p. 41.

4377-021acp

energy sources that are not based on petroleum or coal, or that are not commonly employed in a given application,"[234] which includes energy generated by wind turbines.[235]

Policy 5.1 of the Energy Element describes the County's policy for analyzing the environmental impacts associated with alternative energy resources. This policy mandates that the County "consider the full-life cycle environmental effects and embedded energy requirements to provide such alternative energy."[236] The "full life-cycle environmental effects" is defined as "[t]he reasonably anticipated adverse and beneficial environmental, health, and safety effects of an energy source (including fuel-cycle and temporal aspects), beginning from its development and adaptation continuing through to its end."[237] Any "[r]eview by County decision-makers of projects in which the use of alternative energy is a significant component should include an analysis of the full life-cycle environmental effects and embedded energy requirements."[238]

10.40 *cont.*

The County concludes that the DSEIR is consistent with Policy 5.1,[239] but this conclusion is not based upon substantial evidence. In fact, the County cannot reach this conclusion when it confesses it has not completed the required analysis to make such a determination. The DSEIR states: "***Although a full life-cycle analysis has not been done for this specific project***, studies for other wind energy projects show that wind projects have a high net energy payback and low greenhouse gas emissions compared to other energy sources." [240] The DSEIR is clearly inconsistent with Policy 5.1 because it fails to include any analysis of the environmental impacts associated with the decommissioning phase of the Project.

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[234] *Id.* at p. 18.
[235] County of Santa Barbara, Planning and Development Dept., Implementation Plan and Technical Appendices to the Energy Element (1994) at p. C-31 to C-32.
[236] Energy Element at p. 41 ("Policy 5.1: Environmental Analysis – In consideration of the alternative energy, the County shall consider the full life-cycle environmental effects and embedded energy requirements to provide such alternative energy. The County shall encourage the use of those alternatives determined to present sufficient environmental benefits.")
[237] *Ibid.*
[238] *Ibid.*
[239] DSEIR at p. 4.13-18.
[240] *Ibid.* (emphasis added).

4377-021acp

June 14, 2019
Page 43

CEQA requires an adequate description of the environmental setting and an assessment of any inconsistencies between the Project and applicable general plans and regional plans.[241] A significant impact on land use and planning would occur if the Project would "[c]onflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect."[242] "Environmental effects" include direct and indirect impacts to aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems. Thus, under CEQA, a project results in a significant effect on the environment if the project is inconsistent with an applicable land use plan, policy or regulation adopted to avoid or mitigate one or more of these environmental effects.

10.40 *cont.*

The DSEIR fails to analyze potentially significant impacts due to the Project's inconsistencies with the Energy Element policies and implementation programs set forth in the County's Comprehensive Plan. Substantial evidence in the record shows that these policies were adopted to mitigate environmental impacts. Specifically, Policy 5.1 requires that the County "consider the full-life cycle environmental effects and embedded energy requirements to provide such alternative energy."[243] This policy was adopted to avoid or mitigate significant environmental impacts associated with water resources and flooding, air quality, noise, energy and hazardous materials.[244]

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[241] CEQA Guidelines § 1512(a), (d).
[242] *Id.*, Appendix G § IX(b).
[243] Energy Element at p. 41 ("Policy 5.1: Environmental Analysis – In consideration of the alternative energy, the County shall consider the full life-cycle environmental effects and embedded energy requirements to provide such alternative energy. The County shall encourage the use of those alternatives determined to present sufficient environmental benefits.")
[244] County of Santa Barbara, Planning and Development Dept., Implementation Plan and Technical Appendices to the Energy Element (1994), Appendix F (County of Santa Barbara, Planning and Development Dep't, Final Initial Study/Negative Declaration (Oct. 28, 1994) at pp. 9-10, 12, 18, 20-21, 24).

4377-021acp

In this case, the DSEIR contains no discussion of the decommissioning phase even though the County acknowledges that decommissioning could have a significant impact on aesthetics, agricultural resources, air quality, fire hazards and emergency services, greenhouse gas emissions, water quality, land use, and noise.[245] Instead, the DSEIR improperly defers that analysis to a later date.[246] Thus, the DSEIR is legally deficient for lacking analysis of consistency with the applicable policies and failing to recognize that numerous policy conflicts result in significant environmental impacts. The County must study the impacts that reasonably foreseeable decommissioning activities may have on the environment and include a full analysis of consistency with Policy 5.1 in a revised DSEIR. **10.40** *cont.*

E. The DSEIR Fails to Analyze the Environmental Impacts Associated with Blasting Activities

Despite recognition that blasting activities could occur, the County does not address the public health or other environmental consequences of blasting activities, let alone analyze, quantify, or propose measures to mitigate those impacts. Blasting has the potential to cause adverse impacts to sensitive environmental resources, including biological and cultural resources, noise disturbances, and air quality.[247] The DSEIR must be revised to address the environmental impacts associated with blasting activities. **10.41**.

VIII. THE DSEIR'S MITIGATION MEASURES ARE INADEQUATE

CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures.[248] The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to **10.42**

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[245] DSEIR at pp. 4.2-20, 4.3-4, 4.4-15, 4.4-16, 4.8-17, 4.10-10, 4.12-7, 4.13-12; see also LWEP FEIR at p. 2-28 ("The environmental impacts that would occur would depend on the specific action taken, but likely would include temporary impacts to air quality, geology and soils (due to ground disturbance and the potential for erosion), noise, transportation and circulation, fire protection, and risk of accidents.").
[246] *Id.* at p 2-55.
[247] Cashen Comments at p. 25-26.
[248] CEQA Guidelines § 15002(a)(2) and (3); *see also Berkeley Jets*, 91 Cal.App.4th at p. 1354; *Citizens of Goleta Valley*, 52 Cal.3d at p. 564.

4377-021acp

"identify ways that environmental damage can be avoided or significantly reduced."[249] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[250] **10.42** *cont.*

A. The DSEIR Fails to Analyze Whether the Avoidance and Protection Measures Applicable to the PG&E Upgrades Will Reduce Potential Environmental Impacts to Less Than Significant

The DSEIR includes a list of Avoidance and Protection Measures "[i]n order to avoid any significant impacts on the environment" from activities associated with the PG&E upgrades.[251] However, the DSEIR fails provide any analysis of exactly how these measures will "avoid significant impacts to the environment." The proposed list of mitigation measures is inadequate because these measures (1) improperly defer formulation of success criteria, (2) contain inadequate or no performance standards, and (3) are so vague that they preclude any meaningful evaluation of their effectiveness. The DSEIR must contain an analysis of all the mitigation measures it proposes are applicable to the PG&E upgrades to determine whether the significant environmental impacts associated with this portion of the Project are mitigated to a less than significant level. **10.43**

B. The DSEIR Lacks Adequate Mitigation Measures for Biological Resources

1. The DSEIR Fails to Incorporate Mitigation Measures Recommended in California Department of Fish and Wildlife's Scoping Letter

The California Department of Fish and Wildlife ("CDFW") submitted a comment letter in response to the Notice of Preparation of the DSEIR.[252] In its letter, CDFW identified several mitigation measures that should be incorporated into the DSEIR.[253] However, the DSEIR fails to incorporate many of the **10.44**

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[249] CEQA Guidelines §15002(a)(2).
[250] Pub. Resources Code § 21081; CEQA Guidelines § 15092(b)(2)(A)-(B).
[251] DSEIR at pp. 2-24 to 2-28.
[252] DSEIR, Appendix A, p. 26-39.
[253] *Ibid.*
4377-021acp

recommend mitigations measures, nor does it include any discussion of why it would be infeasible to incorporate the measures that were not included. The DSEIR must clarify why the mitigation measures recommended by CDFW are not feasible. **10.44** *cont.*

2. The DSEIR Improperly Defers Several Mitigation Measures Required to Ensure Impacts to Biological Resources Are Mitigated to Less than Significant Levels

It is generally improper to defer the formulation of mitigation measures.[254] An exception to this general rule applies when the agency has committed itself to specific performance criteria for evaluating the efficacy of the measures to be implemented in the future, and the future mitigation measures are formulated and operational before the project activity that they regulate begins.[255] As the courts have explained, deferral of mitigation may be permitted only where the lead agency: (1) undertakes a complete analysis of the significance of the environmental impact; (2) proposes potential mitigation measures early in the planning process; and (3) articulates specific performance criteria that would ensure that adequate mitigation measures were eventually implemented.[256] Mr. Cashen identifies nine mitigation measures in the DSEIR that defer critical aspects of the mitigation strategy.[257] Because the DSEIR defers critical aspects of mitigation measures, it is impossible to evaluate whether the mitigation measures reduce the Project's impacts on biological resources to less than significant. Therefore, the DSEIR must revise the measures identified by Mr. Cashen to ensure that significant impacts are mitigated. **10.45**

3. The Site Restoration and Revegetation Plan Is Inadequate

MM BIO-3 (Site Restoration and Vegetation Plan) requires that the Applicant retain a County-approved botanist to implement site restoration and revegetation plan for all native plant communities subject to temporary impacts during construction and ground-disturbing operation and maintenance activities.[258] **10.46**

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[254] CEQA Guidelines § 15126.4(a)(1)(B); *POET, LLC v. Cal. Air Resources Bd.* (2013) 218 Cal.App.4th 681, 735.
[255] *POET*, 218 Cal.App.4th at p. 738.
[256] *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 95; *Cal. Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 621.
[257] Cashen Comments at p. 29-30.
[258] DSEIR at pp. 4.5-45 to 4.5-47.

4377-021acp

MM BIO-3 suffers from several critical failures. First, MM BIO-3 fails to distinguish between areas that will be restored and areas that will be revegetated.[259] Because of this failure, MM BIO-3 provides no assurances that restoration or revegetation will be achieved.[260]

Second, MM BIO-3 needs to clarify that restoration and revegetation of coast buckwheat, the host plant for ESBB, should not include *E. Latifolium* in the seed mix due to the adverse effects it may have on the ESBB.[261] Third, MM BIO-3 needs to clarify the mitigation requirements for (1) native vegetation communities, (2) non-native vegetation communities, (3) temporary impacts, and (4) permanent impacts. Fourth, MM BIO-3 must be revised to set a time limit for "additional restoration" because, as it is currently written, the measure permits an indefinite lag time between habitat functions lost and habitat functions restored.[262] Fifth, MM BIO-3 does not identify the amount of performance security or establish the method for how it is calculated.[263] Lastly, MM BIO-3 only includes a single, vague, unenforceable performance standard, which must be revised to include more detailed performance standards.[264] The DSEIR must be revised to address these deficiencies to ensure that the impacts to special-status species are mitigated to less than significant. **10.46** *cont.*

4. The Gaviota Tarplant Disturbance Mitigation Measure is Inadequate

MM BIO-6 (Gaviota Tarplant Disturbance) impermissibly defers mitigation. MM BIO-6 requires that the Applicant obtain an incidental take permit and biological opinion for impacts to Gaviota tarplant.[265] As part of that process, the Applicant must consult with CDFW and USFWS regarding appropriate mitigation strategy.[266] As written, MM BIO-6 is inadequate for three reasons. **10.47**

First, the DSEIR fails to provide evidence that a detailed description of the mitigation measures was impracticable or infeasible now. For example, the DSEIR

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[259] Cashen Comments at p. 31.
[260] *Ibid.*
[261] *Ibid.*
[262] *Id.* at p. 31-32.
[263] *Id.* at p. 32.
[264] Cashen Comments at p. 32.
[265] DSEIR at pp. 4.5-64 to 4.5-65.
[266] *Id.* at p. 4.5-64.
4377-021acp

does not include evidence showing that the County consulted with CDFW and USFWS on this issue prior to the release of DSEIR.

Second, the DSEIR does not provide evidence that offsite preservation of existing populations is a feasible mitigation strategy, nor does it identify any other feasible strategies should off-site compensation lands be unavailable. Regardless, off-site preservation of existing populations would result in a net loss of the Gaviota tarplant, and thus would not fully mitigate impacts in accordance with the requirements of the California Endangered Species Act.[267] As such, the DSEIR has no basis for concluding that MM BIO-3 will fully offset the impacts, unless it provides evidence that Gaviota tarplant populations can be successfully created, restored, or enhanced at the offsite compensation land.[268] **10.47** *cont.*

Third, the DSEIR fails to adopt any performance standards for MM BIO-3. This includes standards for mitigation sites and for Gaviota tarplant populations that are avoided by Project construction activities.[269] The DSEIR must be revised to remedy these failures; otherwise, the impacts to Gaviota tarplant will remain significant.

5. The Nesting Birds Mitigation Measure is Inadequate

MM BIO-12 (Avoidance Measures for Nesting Birds) is inconsistent with state and Federal guidelines. MM BIO-12 requires that "[s]urveys for burrowing owls shall be conducted prior to construction within all suitable habitat in the Project area, including areas within 300 feet of all Project facilities, WTG sites, and access roads (where access allows). The survey shall be performed regardless of season of the year due to this species' being present in the winter."[270] However, CDFW recommends a 500-***meter*** buffer between occupied burrows and active nests causing a high level of disturbance (e.g., construction activities) regardless of season.[271] The DSEIR fails to provide evidence that the proposed buffer will be enough to avoid impacts to burrowing owls. **10.48**

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[267] Fish and Game Code § 2081(b); 14 Cal. Code Regs. §§ 783.2-783.8.
[268] Cashen Comments at p. 33.
[269] *Ibid.*
[270] DSEIR at p. 4.5-69.
[271] Dep't Fish & Game, Staff Report on Burrowing Owl Mitigation (Mar. 2012) at p. 9, *available at* file:///C:/Users/agraf/Downloads/BUOW_MIT_StaffReport2012.pdf (emphasis added).

4377-021acp

Similarly, the DSEIR fails to provide evidence that the proposed buffer will be enough to avoid impacts with golden eagles. MM BIO-12 requires establishment of a 500-foot buffer for raptors if breeding birds with active nests are found during Project activities.[272] However, the USFWS recommends a two-mile buffer for blasting and non-regular noise, and a one-mile buffer for all other actives.[273] The DSEIR fails to provide evidence that the proposed buffers will be enough to avoid impacts to golden eagles. The DSEIR must be amended to ensure MM BIO-12 is consistent with relevant legal guidelines.

10.48 *cont.*

Lastly, MM BIO-12 does not establish minimum qualifications for the biological monitor to ensure that significant impacts to nesting birds are mitigated.[274] As explained by Mr. Cashen, most biologists (including excellent "birders") have minimal knowledge of the situational and species-specific factors that affect nesting success.[275] Without a qualified biologist, the County lacks adequate foundation for concluding that the monitor will be able to make appropriate decisions on the size of the nest buffers.[276] Therefore, the DSEIR must be amended to establish minimum qualifications for the biological monitor.

6. The El Segundo Blue Butterfly Mitigation Measure Is Inadequate

MM BIO-13 (Conservation of El Segundo Blue Butterfly (ESBB)) requires "[a] plan to restore and/or enhance ESBB habitat."[277] However, the measures included in MM BIO-13 do not ensure project impacts to ESBB or its habitat, coast buckwheat, are mitigated to less than significant levels. MM BIO-3 fails to comply with CEQA in four different respects.

10.49

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[272] DSEIR at p. 4.5-69.
[273] U.S. Fish & Wildlife Service, Recommended Buffer Zones for Ground-Based Human Activities Around Nesting Sites of Golden Eagles in California and Nevada (Dec. 2017), *available at* https://www.fws.gov/cno/conservation/migratorybirds/pdf-files/USFWS_PacificSouthwestRegion_GoldenEagle_NestBuffer.pdf.
[274] Cashen Comments at p. 34.
[275] *Ibid.*
[276] *Ibid.*
[277] DSEIR at p. 4.5-74.

4377-021acp

First, the DSEIR defers formulation of the mitigation plan until after the CEQA process ends.[278] According to the DSEIR, if ESBB is found on site, a plan must be submitted to USFWS for approval prior to implementation.[279] But this condition does not require surveys for ESBB prior to impacts even though ESBB have already been "found" on site.[280]

Second, the DSEIR indicates that the restoration or enhancement "would preferably occur in or adjacent to an area of existing habitat supporting coast buckwheat on sandy soils."[281] However, MM BIO-13 allows buckwheat planting to occur in any area disturbed by the Project without limitations.[282] As Mr. Cashen emphasizes, "[t]his is not a reliable mitigation strategy and may have adverse ecological consequences."[283]

10.49 *cont.*

Third, the DSEIR does not incorporate or require any performance criteria for ESBB at the restoration and enhancement sites, including criteria for presence, abundance, and reproductive success.[284] By failing to include performance criteria, the DSEIR permits replacement of occupied habitat with potential habitat, which could potentially eliminate ESBB from the Project area.[285] Similarly, the DSEIR fails to incorporate a monitoring program to assess ESBB response to the Project, and whether adaptive management is needed to achieve conservation objectives.[286]

Fourth, the DSEIR fails to provide substantial evidence justifying a 1:1 mitigation ratio.[287] As outlined by Mr. Cashen, a multitude of factors demand a higher mitigation ratio be adopted for MM BIO-13.[288] Specifically, a compensatory mitigation ratio of 4:1 should be adopted to ensure impacts to ESBB are mitigated

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[278] Cashen Comments at p. 34.
[279] DSEIR at p. 4.5-74 to 4.5-75.
[280] *Id.* at p. 4.5-12 to 4.5-19, 4.5-71 to 4.5-72; LWEP FEIR at p. 3.5-71 to 3.5-72.
[281] DSEIR at p. 4.5-74.
[282] Cashen Comments at p. 35.
[283] *Ibid.* (citations omitted).
[284] *Ibid.*
[285] *Ibid.*
[286] *Ibid.*
[287] DSEIR at p. 4.5-75 ("Restoration and enhancement will be conducted on an acre-for acre basis.").
[288] Cashen Comments at p. 35-37.

4377-021ncp

to less than significant.[289] The DSEIR must be revised to address these issues and ensure MM BIO-3 mitigates the Project's significant impacts to the ESBB. **10.49** *cont.*

7. The Coast Horned Lizard Mitigation Measure Lacks Adequate Performance Standards

MM BIO-14b (Coast Horned Lizard) requires a biologist to conduct daily clearance surveys for horned lizards within active construction areas.[290] But the DSEIR fails to establish any standards for the surveys, including the methods that should be implemented to locate lizards within the construction areas.[291] Surveys are necessary because horned lizards are often buried in sand and impossible to locate visually.[292] Because MM BIO-14b fails to establish standards for the clearance surveys, it provides no assurances that the impacts would be mitigated to less than significant. Therefore, the DSEIR should be amended to include performance standards for conducting clearance surveys. **10.50**

8. The Northern California Legless Lizard Mitigation Measure Lacks Adequate Performance Standards

MM BIO-14b (Northern California Legless Lizard) requires a County-approved biologist to survey for legless lizards in suitable habitat within the Project footprint as well as for a distance of 50 feet away (where access allows).[293] As with MM BIO-14a, this mitigation measure fails to establish methods that need to be implemented to locate this species and ensure the biologist would identify the correct areas to survey. As Mr. Cashen explains, specialized surveys are necessary because it takes extraordinary effort to locate legless lizards.[294] The DSEIR must be revised to correct the deficiencies with MM BIO-14a. **10.51**

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[289] *Id.* at p. 37.
[290] DSEIR at p. 4.5-75.
[291] Cashen Comments at p. 37.
[292] *Ibid.* (citation omitted).
[293] DSEIR at p. 4.5-75 to 4.5-76.
[294] Cashen Comments at p. 37 (citation omitted).

1377-021acp

9. The American Badger Mitigation Measure Lack Adequate Performance Standards

MM BIO-14d (American Badger) requires a County-approved biologist to complete a pre-construction survey for badger dens.[295] However, MM BIO-14d does not include any specific standards for the timing of the surveys in relation to ground disturbance activities.[296] Identification of timing is critical because, as recognized by the Applicant's consultant, badgers may dig a new den each night.[297] As a result, preconstruction surveys for badgers may not be effective at minimizing impacts unless they are conducted immediately prior to ground disturbance activities.[298] The DSEIR must be modified to include performance standards which detail the timing of the surveys to ensure impacts to American badgers are less than significant. 10.52

10. The Roosting Bats Mitigation Measure Is Inadequate

MM BIO-14e requires pre-construction surveys for roosting bats if construction is to occur during maternity season.[299] Although not explicitly stated, the DSEIR suggests there would be no disturbance activities within the construction buffer until the roost becomes "inactive" or when maternity season ends.[300] This presents a potential conflict because some roosts, especially maternity roosts, are used year after year and may support a substantial number of bats.[301] MM BIO-14e does not require replacement of any roosts that are eliminated, nor does it require that a WTG be relocated away from a significant roost site if one is discovered or incorporate mitigation to minimize bat mortality associated with the roost (i.e., curtailment of the turbine(s) during maternity season).[302] Therefore, MM BIO-14e does not mitigate the Project's impacts on roosting bats to less than 10.53

[295] DSEIR at p. 4.5-76 to 4.5-77.
[296] Cashen Comments at p. 38.
[297] Sapphos Environmental, Inc., Memorandum for the Record No. 7 (Appendix A-4), Attachment 8 at p. 8-2 (Feb. 2008),
[298] Cashen Comments at p. 38.
[299] DSEIR at p. 4.5-70.
[300] Cashen Comments at p. 38.
[301] *Ibid.*
[302] Cashen Comments at p. 38.

4377-021acp

significant levels. The DSEIR must be corrected to address these issues to ensure the impacts to roosting bats are mitigated to less than significant. **10.53** *cont.*

11. The Western Spadefoot Mitigation Measure Is Inadequate

MM BIO-14h (Western Spadefoot Toad) requires a habitat restoration and management plan for impacts to habitats that are occupied by the western spadefoot toad.[303] The plan requires that restoration areas "be monitored and maintained until they are shown as a successful habitat for the toad, or up to five years. Success criteria shall be proposed."[304] MM BIO-14h does not clearly articulate what habitat qualifies as a "successful habitat," nor does the measure identify whether monitoring would be allowed to stop after five years even if the restoration areas have not shown signs of being a successful habitat.[305] In addition, the DSEIR impermissibly defers formulation of success criteria without any explanation of why it cannot feasibly articulate such criteria now. Therefore, MM BIO-14h does not mitigate the Project's impacts on western spadefoot to less than significant levels. The DSEIR must be revised to define "successful habitat," include success criteria, and specifically identify under what conditions monitoring may cease. **10.54**

12. The Siting Mitigation Measure Is Inadequate

MM BIO-15a (Siting) requires micro-siting of each WTG and transmission tower so that it is located at least 500 feet away from critical biological resource identified in preconstruction surveys.[306] The efficacy of this measure based on the information already included DSEIR renders the measure questionable. MM BIO-15 provides no assurances that proper micro-siting will be implemented prior to Project construction. **10.55**

Careful micro-siting should also involve placing WTGs away from terrain features that are conducive to heightened fatality levels.[307] But MM BIO-15 does not require that the WTGs avoid terrain features associated with high fatality

[303] DSEIR at p. 4.5-79 to 4.5-80.
[304] *Id.* at p. 4.5-79.
[305] Cashen Comments at p. 39.
[306] DSEIR at p. 4.5-82.
[307] Cashen Comments at p. 39 (citation omitted).

4377-021acp

levels.[308] In fact, most of the WTGs will be located on ridges and hill topsides, which are known to cause disproportionally high levels of mortality, especially to raptors.[309] As a result, the DSEIR fails to provide substantial evidence that the Project has been designed to minimize bird and bat fatalities.[310] **10.55** *cont.*

13. The Appropriate WTG and Project-Element Design Mitigation Measure Is Inadequate

MM BIO-15b (Appropriate WTG and Project-Element Design) states that the WTGs must be micro-sited and designed to minimize collision potential, consistent with the LBWEG.[311] However, MM BIO-15b does not clarify how the regression analysis mentioned in the LBWEG was used to determine the location of the entire Project.[312] Nor does measure explain how the regression analysis will be used for the micro-siting of the Project's WTGs.[313] In addition, MM BIO-15b's assertion that meteorological towers will be unguided[314] conflicts with the project descriptions statement that the permanent metrological tower would be a "guy-wired lattice structure."[315] The DSEIR must clarify these inconsistencies. **10.56**

14. The Monitoring and Adaptive Management Plan / Bird and Bat Conservation Strategy Mitigation Measure Is Inadequate

MM BIO-16 requires the Applicant to obtain a golden eagle take authorization from the USFWS.[316] However, the measure does not provide clear requirements identifying when a take permit must be obtained.[317] In addition, the DSEIR fails to demonstrate that Project planning efforts have incorporated all feasible measures to avoid and minimize the take of golden eagles.[318] The DSEIR **10.57**

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[308] *Id.* at p. 40.
[309] *Ibid.* at p. 40 (citation omitted).
[310] Cashen Comments at p. 40.
[311] DSEIR at p. 4.5-82 to 4.5-83.
[312] Cashen Comments at p. 40.
[313] *Ibid.*
[314] DSEIR at p. 4.5-82.
[315] *Id.* at p. 2-31.
[316] *Id.* at p. 4.5-83.
[317] Cashen Comments at p. 41.
[318] *Ibid.*

4377-021acp

must include a discussion about whether all feasible measures are considered, including those measures proposed by Mr. Cashen.[319] **10.57** *cont.*

15. The Bird/Bat Mortality Study Mitigation Measure Is Inadequate

MM BIO-16a (Bird/Bat Mortality Study) requires the Applicant to conduct a bird and bat mortality study under the direction of a County-approved biologist.[320] The DSEIR requires that the study be performed consistent with the California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development published by the California Energy Commission.[321] As Mr. Cashen explains, these guidelines are outdated.[322] Since the CEC Guidelines publication, there have been considerable advancements in fatality estimation since the guidelines were published.[323] Mr. Cashen identifies several issues that the DSEIR must address to ensure that MM BIO-16a reduces impacts to avian and bat mortality from WTG operation to less than significant.[324] **10.58**

16. The Adaptive Management Plan (AMP) Mitigation Measure Is Inadequate

MM BIO-16d (Adaptive Management Plan (AMP)) contains a table detailing the threshold criteria that triggers additional management strategies.[325] The AMP threshold criteria require action any time there are a specified number of fatalities.[326] However, the AMP table suffers from several deficiencies. **10.59**

First, the criteria do not include injuries to birds.[327] The DSEIR must identify whether injured birds will count toward the proposed thresholds (especially

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[319] *Ibid.*
[320] DSEIR at p. 4.5-84.
[321] *Id.* at p. 4.5-84; *see also* California Energy Commission, California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development (Oct. 2007).
[322] Cashen Comments at p. 42.
[323] *Ibid.*
[324] *Id.* at pp. 42-43.
[325] DSEIR at p. 4.5-86.
[326] Cashen Comments at p. 43; *see also* DSEIR at p. 4.5-86 (Table 4.5-6).
[327] *Ibid.*

4377-021acp

if the injured bird or bat cannot be released back into the wild).[328] The DSEIR also needs to establish measures for when injured birds are found on-site.[329]

Second, the AMP table does not provide any thresholds for bat mortality.[330] The DSEIR must establish thresholds for sensitive bat species.[331] In addition, the DSEIR must clarify how many non-sensitive bat fatalities would exceed the thresholds.[332]

The DSEIR's discussion of the actions that must be taken once certain thresholds are reached is also inadequate. For Level 1, MM BIO-16d requires that field observations occur once the threshold has been reached, but the measure contains permissive language regarding how searches are conducted.[333] The use of permissive language renders the proposed measure vague and uncertain.[334] **10.59** *cont.*

Similarly, under Level 2, response options are only required if the County "determines with reasonable certainty that the fatalities are caused by wind farm operations."[335] This condition is too vague. The DSEIR must clarify what factors it will consider in making the determination whether the fatality is caused by the wind farm operations. Moreover, the County is dependent upon data provided by the Applicant's consultant which presents a conflict of interest.[336] This mitigation measure must provide for independent verification to ensure effectiveness.

Curtailment is the only proven fatality reduction strategy; however, Level 2 responses do not include curtailment as an option.[337] Instead, the County defers to the discretion of other agencies.[338] As the lead agency, the County has the authority to require curtailment, and it must take responsibility for ensuring the Project does not cause unacceptable levels of mortality to birds and bats, including the many

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[328] Cashen Comments at p. 43.
[329] *Ibid.*
[330] *Ibid.*; *see also* DSEIR at p. 4.5-86 (Table 4.5-6).
[331] Cashen Comments at p. 43.
[332] *Ibid.*
[333] DSEIR at p. 4.5-86.
[334] Cashen Comments at p. 43.
[335] DSEIR at p. 4.5-86.
[336] Cashen Comments at p. 44.
[337] *Id.* at p. 45.
[338] DSEIR at p. 4.5-86 to 4.5-87.

4377-021acp

threatened and endangered species that are already susceptible. The DSEIR must be address these deficiencies. **10.59** *cont.*

17. The Weed Control Mitigation Measure Is Inadequate

MM BIO-17 (Weed Control) requires the Applicant to retain a County-approved restoration ecologist or biologist to prepare a comprehensive weed control plan to be administered during construction and operation.[339] However, MM BIO-17 does not provide any standards to determine who is a "qualified biologist." As Mr. Cashen explains, successfully restoring ecological communities is a complex endeavor that should be conducted by a certified ecological restoration practitioner.[340] In addition, Mr. Cashen identifies several areas where MM BIO-17 must identify measures, objectives, success criteria, and mechanisms to ensure success of the plan.[341] Clearly defined mitigation measures for invasive species is critical for ground disturbance activities associated with decommissioning, which will create conditions that are conducive to the colonization and spread of weeds.[342] The DSEIR must address these concerns to ensure that impacts from nonnative invasive weeds are reduced to less than significant. **10.60**

C. The DSEIR Fails to Include Mitigation Measures Which Reduce the Water Quality Impacts to Less Than Significant

1. The DSEIR Lacks Adequate Mitigation Measures to Ensure Erosion and Sediment Impacts Are Less than Significant

The County concludes that erosion and sedimentation impacts would affect water quality, but those impacts would be reduced to a less than significant level "[w]ith all the standard measures required by various agencies."[343] These measures include, *inter alia*, a Storm Water Pollution Prevention Plan ("SWPPP") under the Clean Water Act, a SWQMP under state Porter Cologne Water Quality Control Act, and a grading, erosion-control and drainage plan.[344] However, the DSEIR forgoes any analysis showing these plans will actually reduce water quality impacts to less **10.61**

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339 DSEIR at p. 4.5-92 to 4.5-93.
340 Cashen Comments at p. 45 (citation omitted).
341 DSEIR at p. 45.
342 Cashen Comments at p. 45.
343 DSEIR at p. 4.12-7.
344 DSEIR at p. 4.12-7.
4377-021acp

than significant. The DSEIR contains no facts or scientific data to support the contention that implementation of a SWPPP or a SWQMP will effectively reduce the quantity and concentration of sedimentation, siltation, and pathogens discharged into the waters and wetlands.

10.61 *cont.*

The ETGM provides general mitigation guidelines for surface water quality impacts:

> If water quality impacts are considered from the beginning stages of a project more opportunities are available for water quality protection. Best management practices (mitigation measures) chosen for a project should minimize water quality impacts and attempt to maintain pre-development runoff conditions. Best management practices are divided into two main categories, non-structural BMPs and structural BMPs.
>
> Non-structural BMPs are preventative actions that involve management and source controls such as protecting and restoring sensitive areas such as wetlands and riparian corridors, maintaining and/or increasing open space, providing buffers along sensitive water bodies, minimizing impervious surfaces and directly connected impervious areas, and minimizing disturbance of soils and vegetation. Structural BMPs include: storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches. In many cases combinations of non-structural and structural measures will be required to reduce water quality impacts.
>
> Non-structural and structural BMPs most applicable to the development projects in the county are included in "A Planner's Guide to Conditions of Approval and Standard Mitigation Measures" and the county's adopted BMP manuals for construction site runoff control. Additional guidance on best management practices is available from the State, the EPA and from other sources such as BASMAA "Starting at the Source". Storm water technologies are constantly being improved, and staff and developers must be responsive to any changes, developments or improvements in control technologies.[345]

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[345] ETGM at p. 135 (internal citations omitted).

4377-021acp

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Although the DSEIR includes GEO-2 (Grading and Drainage Plan) as a mitigation measure,[346] it does not expressly apply this mitigation measure to any of the water quality impacts, nor does the DSEIR analyze whether the mitigation measure will address water quality impacts. Instead, the mitigation measure is only discussed in the context of reducing geology and soil impacts from ground shaking and liquefaction, landslides, soil erosion.[347] Therefore, the County fails to analyze whether this mitigation measure will reduce water quality impacts to less than significant.

Moreover, even though the ETGM presumes that implementation of BMPs will reduce water quality impacts to less than significant,[348] the County is not relieved of its obligation to show that the project-specific BMPs will in fact reduce the impacts. At a minimum, the DSEIR must include mitigation measures which contain the essential components of a SWPPP and a SWQMP, so that potential impacts to the environment are identified along with the necessary mitigation, including identification of the BMPs for the Project. Without providing a SWPPP or a SWQMP, or listing BMPs that will be required, it is impossible to evaluate or determine whether the mitigation will be enough to ensure that storm water runoff from the Project will not affect water quality. Because project-specific BMPs and stormwater management practices are not discussed in the DSEIR, the Project may result in significant impacts to water quality. The DSEIR must be revised to include specific mitigation measures applicable erosion and sediment to ensure these impacts remain less than significant. **10.61** *cont.*

2. The DSEIR Lacks Adequate Mitigation Measures to Ensure Pollutant Discharge Impacts Are Less than Significant

The County concludes that pollutant discharge impacts could affect water quality, but those impacts would be mitigated to less than significant with implementation of the SWQMP as well as MMs RISK-1 to RISK-4.[349] As discussed above, complying with general legal requirements does not necessarily mean that water quality impacts will be reduced to less than significant. Because project-specific mitigation measures addressing water quality issues are not discussed in **10.62**

[346] DSEIR at pp. 4.9-16 to 4.9-21.
[347] *Ibid.*
[348] ETGM at p. 135.
[349] DSEIR at pp. 4.12-7 to 4.12-8.
4377-021acp

the DSEIR, the Project may result in significant impacts to water quality. The DSEIR must be revised to include specific mitigation measures applicable pollutant discharge to ensure these impacts remain less than significant. **10.62** *cont.*

3. The DSEIR Lacks Adequate Mitigation Measures to Ensure Stormwater Runoff/Flooding Impacts Are Less than Significant

The County concludes that stormwater runoff/flooding impacts could affect water quality, but those impacts would be mitigated to less than significant "with the implementation of the SWPPP, Grading and Drainage Plan, and BMPs (associated with WAT-2 and RISK-5), the SWQMP (associated with Impact WAT-1), and the Hazardous Materials Management Plan (associated with Impact RISK-5).[350] Notably, the County admits it concluded the water quality impacts from pollutant discharges are less than significant because of "standard County requirements," not because of "project-specific mitigation."[351] This runs contrary to the ETGM's requirement that "project-specific mitigation" be implemented in order to reduce the water quality impacts to less than-significant.[352] The DSEIR must be revised to include specific mitigation measures applicable to stormwater runoff and flooding impacts to ensure these impacts remain less than significant. **10.63**

D. Short Term Construction Noise Impacts Are Not Reduced to Less Than Significant with the Proposed Mitigation Measures

The County's conclusion that the impacts from short term construction noise will be reduced to less than significant with mitigation is facially incorrect. The DSEIR concludes that site preparation and construction activities will have a potentially significant impact on ambient noise levels both on-site and off-site, but the impacts will be reduced to a less than significant level with the application of several mitigation measures, including MM NOI-2 (Construction Hours).[353] MM NOI-2 states: **10.64**

> All project construction activities, including those that involve use of heavy equipment (i.e., greater than 2-axle vehicles) along San Miguelito Road, shall be limited to between the hours of 7:00 a.m. to 10:00 p.m., Monday through

[350] DSEIR at p. 4.12-8.
[351] *Ibid.*
[352] ETGM at p. 135.
[353] DSEIR at pp. 4.14-9 to 4.14-11.
4377-021acp

> Friday, unless otherwise approved by the County, except that construction at the project site at locations at least 1,600 feet from non-participating residences shall be limited to 7:00 a.m. to 6:00 p.m. Work at the switchyard site shall be limited to 7:00 a.m. to 9:00 p.m. Temporary noise barriers shall be installed at the switch yard site to shield the nearest residences from on-site construction noise. Work may occur within the WTG sites after hours or on weekends and holidays, subject to at least 48 hours written authorization from the County, and weekend and holiday work shall be limited to 8:00 a.m. to 5:00 p.m. Requests for weekend and holiday work shall be submitted to the County for approval in advance shall include a description of the activity to occur, including equipment usage and duration. All complaints received regarding weekend and holiday work shall be immediately submitted to the County.[354]

MM NOI-2 fails to reduce the impacts of construction noise to less than significant.

10.64 *cont.*

The ETGM specifically identifies what mitigation measures are necessary to reduce noise from grading and construction activities proposed within 1,600 feet of sensitive receptors to a less-than-significant level: "To mitigate this impact, construction within 1,600 feet of sensitive receptors shall be limited to weekdays between the hours of 8 AM to 5 PM only. Noise attenuation barriers and muffling of grading equipment may also be required. Construction equipment generating noise levels above 95 dB(A) may require additional mitigation."[355] Because MM NOI-2 allows construction activities to occur outside the weekday hours of 8 a.m. and 5 p.m. and on weekends, the noise impacts from construction remain significant.[356] To reduce the noise impacts of construction activities, MM NOI-2 must be amended to require that all Project activities within 1,600 feet of non-participating residences be limited to between the hours of 8:00 a.m. to 5:00 p.m. during weekdays and prohibit any construction activities on the weekends.

If daily construction activities *increase* because of the shortened construction hours required by MM NOI-2, then the short-term construction air emission must be re-examined to assess whether there are any changes to air quality impacts that would result from heightened daily construction activity. In the alternative, if daily

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[354] *Id.* at p. 4.14-12.
[355] ETGM at p. 114.
[356] DSEIR at p. 4.14-12.
4377-021acp

construction activities *decrease* because of shortened construction hours required by MM NOI-2, but the overall construction period increases, then the short-term construction air emissions must be re-examined to evaluate whether there are any changes to air quality impacts that would result from a longer construction phase.

The DSEIR also relies on MM NOI-6 (Resident Notification) in support of its conclusion that the potential short-term construction impacts are mitigated to less than significant. MM NOI-6 states:

> In coordination with the County, the Applicant shall hold a preconstruction meeting for residents of Miguelito Canyon to review upcoming construction activities and associated noise and traffic. The Applicant shall notify residences within 1 mile of any unusually loud construction activities, including the use of helicopters, blasting or pile driving, at least 1 week prior to their scheduled occurrence. In addition, the Miguelito Canyon residents shall be notified at least one week prior of any anticipated road/lane closures and property owner ingress/egress restrictions. Such activities shall be limited to between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise approved by the County.[357]

10.64 *cont.*

MM NOI-6 fails to define what constitutes an "unusually loud construction activity" which would trigger the notification requirement. The mitigation measure cannot be properly enforced because there are no performance standards for determining when "unusually loud construction activity" is occurring. MM NOI-6 must be amended to provide specific standards from which it can be determined when the notification requirement is triggered.

E. The DSEIR Lacks Adequate Mitigation Measures if Blasting Occurs During Construction

As discussed previously, the DSEIR anticipates that blasting may be required as part of foundation construction.[358] However, it fails to include any mitigation measures should blasting be necessary. Because blasting is a reasonably foreseeable activity, the DSEIR must be amended to include mitigation measures should blasting become necessary. At minimum, the Applicant should be required to conduct a pre-blast survey, prepare a blasting plan, and obtain appropriate

10.65

[357] DSEIR at 4.14-13.
[358] *Id.* at p. 2-46.
4377-021acp

June 14, 2019
Page 63

blasting and explosive permits prior to conducting any blasting activities during Project construction. The blasting plan should provide project-specific information concerning blasting procedures, including the safe use and storage of explosives, and measures and BMPs that will be implemented to prevent potential adverse impacts to human health, safety, and the environment from the use of explosives during blasting activities. **10.65** *cont.*

IX. CONCLUSION

We urge the County to fulfill its responsibilities under CEQA by revising the DSEIR and preparing a legally adequate DSEIR to rectify the legal errors and address the potentially significant impacts described in this comment letter, the attached letters from Mr. Cashen and SWAPE, and the other public comments in the record. This is the only way the County and the public will be able to ensure that the Project's potentially significant environmental and public health impacts are mitigated to less than significant levels. **10.66**

Sincerely,

Andrew J. Graf
Associate

AJG:acp
Attachments

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ATTACHMENT A

Scott Cashen, M.S.—Independent Biological Resources Consultant

June 12, 2019

Mr. Andrew J. Graf
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Subject: Comments on the Draft Supplemental Environmental Impact Report for the Strauss Wind Energy Project

Dear Mr. Graf:

This letter contains my comments on the Draft Supplemental Environmental Impact Report ("DSEIR") prepared by the County of Santa Barbara ("County") for the Strauss Wind Energy Project ("SWEP" or "Project"). Strauss Wind, LLC, ("Applicant") proposes to construct and operate a wind energy facility on 5,887 acres of rural land south of the City of Lompoc in an unincorporated portion of Santa Barbara County. The Project involves the installation of 30 wind turbine generators (WTGs) with an electrical generating capacity of 102 megawatts (MW). The Project would also involve construction of a substation, operation and maintenance facility, switchyard, 8.2 miles of new roads, and a 7.3-mile electrical transmission line.

I am an environmental biologist with 26 years of professional experience in wildlife ecology and natural resources management. I have served as a biological resources expert for over 125 projects, the majority of which have been renewable energy facilities in California. My experience and scope of work in this regard has included assisting various clients with evaluations of biological resource issues, reviewing environmental compliance documents prepared pursuant to the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA"), and submitting written comments in response to CEQA and NEPA documents. My work has included the preparation of written and oral testimony for the California Energy Commission, California Public Utilities Commission, and Federal courts. My educational background includes a B.S. in Resource Management from the University of California at Berkeley, and a M.S. in Wildlife and Fisheries Science from the Pennsylvania State University. A true and correct copy of my current curriculum vitae is attached hereto.

The comments herein are based on my review of the environmental documents prepared for the Project, a review of scientific literature pertaining to biological resources known to occur in the Project area, consultations with other biological resource experts, and the knowledge and experience I have acquired during my 26-year career in the field of natural resources management.

3264 Hudson Avenue, Walnut Creek, CA 94597

PROJECT DESCRIPTION

Project Size

The DSEIR and Biological Resources Technical Report ("BRTR") provide inconsistent information on the size of the proposed Project (Table 1) and the associated impacts to the landscape (Table 2). This precludes the public from having an accurate understanding of the Project and its impacts. As a result, the DSEIR must: (a) clarify the size of the Project; (b) clarify the extent of impacts associated with the Project; (c) provide a clear account of how these values were calculated; (d) explain the reason(s) for the discrepancies in the DSEIR and BRTR;[1] and (e) provide GIS files or other data that enable independent verification of the impact calculations provided in the DSEIR.

Table 1. Project size data provided in the DSEIR and BRTR.

Source	Project size
DSEIR, pp. S-1 and 2-1	5,887 acres
DSEIR, p. 1-1	2,971 acres
DSEIR, p. 2-7	5,561.77 acres[2]
BRTR, p. 2-1 and Addendum #2	2,988 acres
BRTR, p. 2-3[3]	3,041 acres
BRTR, p. 4-2	3,061.5 acres

10.67

Table 2. Project impact data provided in the DSEIR and BRTR.

Source	Total impacts
DSEIR, Table 2-1	171.5 acres
DSEIR, Table 4.5-3	184.92 acres
BRTR, pp. 5-79 and -80	190.5 acres

Transmission Line

The Project includes 7.3 miles of new transmission line.[4] Roads will be used to install and maintain the transmission line and poles. According to the DSEIR: "[a]pproximately 9.03 miles of existing access roads can be used, a portion of which would require widening or other modifications and approximately 0.91 miles of new access roads would need to be graded."[5] The DSEIR does not quantify the "portion" of existing access roads that would require widening,

10.68

[1] Page 4-1 in the BRTR provides an explanation for a discrepancy of 16 acres (only).
[2] Derived by summing the size of the 11 parcels associated with the wind site (2,915.17 acres) and the 11 parcels associated with the transmission site (2,646.6 acres).
[3] DSEIR, footnote to Table 2.3-1.
[4] DSEIR, p. 2-48.
[5] DSEIR, p. 2-49.

2

nor does it identify how much grading would be required to make the existing access roads wide enough for Project use.

Figures 2-4a and -4b in the DSEIR depict: (a) the proposed transmission line route, (b) the proposed locations for transmission line poles, (c) existing roads along the transmission line route, and (d) grading associated with new poles and access roads. The figures do not depict any access roads (existing or proposed) to several of the transmission line poles. It is unclear whether these poles would not require access roads (i.e., would be installed by helicopter), or whether the figures erroneously omitted the roads that would be used to access the poles. This precludes the ability to validate the information that the DSEIR provides on Project impacts. **10.68** *cont.*

ENVIRONMENTAL SETTING

Bat Roosts

The availability of suitable roost sites is the limiting factor for most bat populations.[6] Most California bat species, including some of the species that were detected at the Project site, form nursery colonies in the summer.[7] These maternity roosts can contain hundreds or thousands of individuals.[8] Thus, the loss of a roost site can have severe implications on the overall population. Moreover, a single disturbance event can lead to roost abandonment, and if poorly timed, mass mortality of pups.[9]

The DSEIR states: "[t]o date, no maternity roosts have been documented in or near the proposed Project disturbance area."[10] I searched the BRTR and various survey reports to ascertain the level of effort that was devoted to locating maternity roosts in the Project area, but only one report from 2008 described an attempt to locate maternity roosts. The report states: **10.69**.

> Sapphos Environmental, Inc. wildlife biologists (Mr. Andrew Keller and Mr. Charles J. Randel) conducted field surveys of approximately 2,950 acres to determine the suitability of roosting habitat present at the property to support resident and migratory bat species including special-status species and commonly occurring species. Sapphos Environmental, Inc. conducted roosting surveys during the months of May and June 2008. Surveys included an assessment of specific geological formations that may support cave and crevice roosting bat species. In addition, an assessment of roosting habitat for arboreal roosting species was conducted on the property. Approximately 140 hours were dedicated to roosting surveys.
>
> Surveys consisted of driving surveys across the entire property to identify suitable cliff, crevice, cave, and tree roosting habitat. Specific sites were identified and subsequently

[6] Western Bat Working Group. 2005 (Update). Species Accounts. Available at: <http://wbwg.org/western-bat-species/>. *See also* California Department of Fish and Wildlife. 2014. California Interagency Wildlife Task Group. CWHR version 9.0 personal computer program. Sacramento, CA.
[7] *Ibid.*
[8] *Ibid.*
[9] *Ibid.*
[10] DSEIR, p. 4.5-74.

3

> surveyed visually. Surveyors identified potential roost sites by positive presence of individual bats or colonies and by the presence and identification of guano.[11]

The report fails to provide the results of these surveys. It provides no information on the specific sites that were "identified and subsequently surveyed visually," although it appears to suggest that the surveyors successfully identified potential roost sites on the property. **10.69** *cont.*

The DSEIR's failure to provide information on roosts (or potential roosts) at the Project site precludes the ability to evaluate the potential that the Project would have significant impacts on maternity roosts.

Golden Eagle

Golden eagles have been detected at the Project site during every season and during every avian survey over the past 17 years.[12] Nevertheless, the Applicant never conducted the eagle surveys recommended by U.S. Fish and Wildlife Service ("USFWS").[13] This issue is exacerbated by the DSEIR's failure to provide information on the status of the local and regional eagle populations. Comprehensive data on golden use of the site are fundamental to understanding of the Project's environmental setting, potential impacts, and relative severity of any eagle fatalities that are caused by the Project.

The USFWS's *Eagle Conservation Plan Guidance* ("ECPG") recommends that project proponents implement four types of surveys to assess risk to eagles at proposed wind projects: (1) point count surveys, which mainly generate occurrence data that form underpinnings of the risk assessment model; (2) migration ("hawk watch") counts, documenting hourly passage rates of eagles; (3) a utilization distribution assessment that accounts for intensity of use of various parts of the home range within the project footprint; and (4) surveys of nesting territory occupancy in the project area.[14] The ECPG describes the methods that should be used for each of the four types of surveys.[15] These surveys should be conducted for at least two years prior to construction.[16] **10.70**.

The Applicant's surveys were limited to two seasons (Autumn 2016 and Spring 2017), and its survey methods did not even come close to adhering to the methods described in the ECPG. For example, the ECPG indicates point count surveys for eagles and other large birds need to be conducted exclusive of those for small birds (i.e., because it is ineffective to survey for large birds while searching and recording flight patterns of small birds).[17] For point count surveys, the

[11] Sapphos Environmental, Inc. 2008 Dec 6. Lompoc Wind Energy Project Final Spring and Autumn Bat Migration Pre-Construction Survey Technical Report. Appendix A-15 to the Biological Resources Technical Report, p. 3-7.
[12] BRTR, Table 5.1.1-5.
[13] U.S. Fish and Wildlife Service. 2013 Apr. Eagle Conservation Plan Guidance: Module 1—Land-based Wind Energy, Ver 2. Appendix C: Stage 2—Site-Specific Surveys and Assessment. *See also* Pagel JE, DM Whittington, GT Allen. 2010 Feb. Interim Golden Eagle inventory and monitoring protocols; and other recommendations. Division of Migratory Birds, United States Fish and Wildlife Service.
[14] U.S. Fish and Wildlife Service. 2013 Apr. Eagle Conservation Plan Guidance: Module 1—Land-based Wind Energy, Ver 2. Appendix C: Stage 2—Site-Specific Surveys and Assessment.
[15] *Ibid.*
[16] *Ibid*, p. 57.
[17] *Ibid*, p. 55.

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ECPG recommends: (a) surveys that cover at least 30% of the area within 1 km of turbines, and (b) 20 hours of point count surveys, per turbine, per year for two years (i.e., 1,200 hours for this project). As summarized below, the Applicant conducted no more than 57 hours of raptor surveys, and the surveys were generally limited to only one or two locations within the entire Project area. Consequently, the surveys were insufficient to document golden eagle use of the Project area, and thus, to: (a) evaluate the risk that the Project poses to the golden eagle population, and (b) properly micro-site turbines to minimize risk to eagles. **10.70** *cont.*

Autumn 2016 Avian Migration Survey Report (Appendix A-17)

The 2016 survey report states: "[a]pproximately once a week, birds were counted with a focus on diurnal raptors from a single point for about two hours for a total of five surveys" (*10 hours total*). The survey point was located adjacent to a large patch of agriculture, which is not conducive to golden eagle activity.

The survey report states "[v]isibility at the beginning of each survey was noted." The report does not provide the visibility information for the diurnal raptor surveys, which were conducted on 11/17, 11/23, 11/28, 12/6, and 12/12. However, according to Fall 2016 Bat Surveys report: "[s]torm activity, high winds, dense fog, and/or decreasing temperatures followed in the weeks after November 13–14. The remaining surveys days, through December 6, were cancelled due to weather conditions."[18] This suggests the diurnal raptor surveys were conducted during adverse weather conditions, which likely affected the results. **10.71**

In addition to the point count surveys: (a) early morning flight counts lasting one hour each were conducted on 17 days from single location (*17 hours total*), and (b) diurnal raptor transects lasting two hours were conducted six times (*12 hours total*).

Spring 2017 Avian Migration Surveys (Appendix A-20)

The 2017 survey report states: "Sapphos counted birds with a focus on diurnal raptors from a single point for about two hours for a total of three surveys" (*6 hours total*). In addition, Sapphos conducted six diurnal raptor transects lasting two hours each (*12 hours total*).

Helicopter Surveys

The USFWS has established *minimum* inventory and monitoring efforts that "are essential components" to avoiding and minimizing disturbance and other kinds of take of golden eagles.[19] The USFWS reports: "[t]hese field efforts are the mutual responsibility of agencies authorizing activities and their permittees."[20] According to the USFWS survey protocol, inventories for golden eagles should occur if nesting, roosting, and foraging habitat are contained within the project boundary and exist within 10 miles of the project boundary.[21] Most notably, the USFWS **10.72**

[18] BRTR, Appendix A-16.
[19] Pagel JE, DM Whittington, GT Allen. 2010 Feb. Interim Golden Eagle inventory and monitoring protocols; and other recommendations. Division of Migratory Birds, United States Fish and Wildlife Service. p. 2.
[20] *Ibid.*
[21] *Ibid*, p. 11.

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has indicated that *at least two complete aerial surveys during a single breeding season* are required to establish nesting territories and habitat occupancy.[22] In circumstances where ground observation occurs, at least 2 ground observation periods lasting at least 4 hours or more are necessary to designate an inventoried habitat or territory as unoccupied as long as all potential nest sites and alternate nests are visible and monitored.[23]

Although the Applicant had knowledge that there may be four or more pairs golden eagles nesting in the vicinity of the Project,[24] it failed to conduct helicopter surveys that met the minimum standards outlined in the USFWS survey protocol. Indeed, efforts to locate eagle nest sites and breeding territories were limited to two incomplete surveys, one of which was conducted during the wrong time of year. The first helicopter survey was conducted in March 2013.[25] However, I cannot assess the value of that survey because no survey report was provided. A separate helicopter survey was conducted in November 2016.[26] The County provided the November 2016 survey report, which acknowledges the survey was not conducted at the appropriate time of year. This is reflected in considerable differences between the March 2013 and November 2016 survey results.[27] **10.72** *cont.*

The November 2016 survey report does not provide a map of the helicopter's flight path, although it indicates both the 2013 and 2016 surveys were subject to air space restrictions over Vandenberg Air Force Base. The DSEIR provides no evidence that the Applicant contacted Vandenberg Air Force Base to obtain information on golden eagle territories at the Base, including the status of the pair suspected to be nesting in the vicinity of Tranquillon Peak.[28]

Due to these deficiencies, the County does not have the minimum information needed to evaluate the Project's risk to golden eagles, and thus, to properly inform the public of that risk.

El Segundo Blue Butterfly

The El Segundo blue butterfly, a federally endangered species, is known to occur at the Project site. The DSEIR states: "[d]uring directed surveys for this species at the Project site in August 2008, 26 adult butterflies and 3 larvae were identified, along with approximately 51.1 acres of suitable coast buckwheat habitats concentrated in the southern portion of the Project area, adjacent to VAFB (Sapphos, 2018)."[29] This statement is misleading because it suggests that the El Segundo blue butterfly population at the Project site is relatively small (i.e., only 26 adults and 3 larvae). However, the entomologist that conducted the surveys was not trying to estimate abundance. Indeed, his sole objective was to determine presence (or absence) of the species.[30] As a result, once he detected a butterfly at a particular location, he moved on to another portion **10.73**

[22] *Ibid.* pp. 11 through 14.
[23] *Ibid.*
[24] LWEP EIR, pp. 3.5-46, -47, and 76.
[25] DSEIR, Table 4.5-1.
[26] *Ibid.*
[27] BRTR, Appendix A-18. Tables 1 and 2.
[28] LWEP EIR, p, 3.5-47.
[29] DSEIR, p. 4.5-22.
[30] Sapphos Environmental, Inc. 2008 Nov 25. Memorandum for the Record No. 1 (Appendix A-13), Attachment 5: Entomological Consulting Services, Ltd. report.

of the Project site.[31] To ensure the public has proper understanding of existing conditions, the DSEIR should clarify that abundance surveys have not been conducted, and thus, the size of the El Segundo blue butterfly population at the Project site remains unknown.

The DSEIR provides inconsistent information on the amount of El Segundo blue butterfly habitat (coast buckwheat)[32] at the Project site. It first states that 51.1 acres of suitable coast buckwheat habitats were identified on the site (during the 2008 survey).[33] However, it subsequently states that there are only 23 acres.[34] Information provided in the various appendices further confound this issue. For example, BRTR Appendix A-3 states that the Project site contains 30.86 acres of coast buckwheat habitat,[35] whereas DSEIR Appendix C-7 suggests there are 24.5 acres.[36] All of these inconsistencies make it impossible for the public to understand the environmental setting, and thus, the relative severity of the Project's impacts on habitat for the El Segundo blue butterfly. As a result, the DSEIR needs to clarify the amount of coast buckwheat in the Project area (including transmission line corridor), and it must explain how that amount was calculated. **10.73** *cont.*

PROJECT IMPACTS ISSUES

Construction Impacts to Woodland and Forest (Impact BIO-2a)

The DSEIR includes the following analysis of Project impacts to oak woodlands and tanoak forests:

> Nonetheless the SWEP's effects would be substantial, due to the large number of trees removed or damaged, as well as the widespread landscape-level pattern of direct and indirect effects to woodlands and forests throughout the extensive proposed Project site. There would be habitat fragmentation, disruption of the canopy, and disruption of animal movement in and through the woodland.
>
> There would also be indirect impacts to woodland and forest habitat within and adjacent to Project facilities during construction and operation including noise and vibration, night lighting, dust, potential spread of nonnative and invasive weeds, erosion, and oil spills and seeps. These indirect impacts are described under Impacts BIO-13a and BIO-14.[37]

10.74

Impact BIO-13a and -13b (referenced above) state that indirect impacts to wildlife during construction (BIO-13a) and operation (BIO-13b) of the Project would be the same as described in the Lompoc Wind Energy Project ("LWEP") EIR. According to the DSEIR, these indirect impacts would not be significant, because: (a) during construction, they would be limited to "temporary" displacement of wildlife, and (b) during operation, they would be limited to: "minor and infrequent disturbance from noise and general human activity that cause wildlife to temporarily avoid the area."[38] There are several flaws with the DSEIR's analysis:

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[31] *Ibid.*
[32] The common name "coast buckwheat" is often used for both *Eriogonum parvifolium* and *E. latifolium*. *E. parvifolium* is the host plant for the El Segundo blue butterfly.
[33] DSEIR, p. 4.5-22.
[34] DSEIR, p. 4.5-71.
[35] Sapphos Environmental, Inc. 2008 Feb 12. Memorandum for the Record No. 6 (Appendix A-3). p. 2.
[36] DSEIR, Appendix C-7, Table 4.5-3.
[37] DSEIR, pp. 4.5-50 and -51.
[38] DSEIR, p. 4.5-91.

First, the DSEIR refers to the LWEP EIR to justify the conclusion that indirect impacts to wildlife would not be significant. However, the LWEP EIR failed to provide any actual analysis of the indirect impacts identified in the DSEIR. Instead, it jumped to the conclusion that: "[i]ndirect impacts would be adverse, but less than significant (Class III), because they would not substantially reduce or eliminate species diversity or abundance."[39] This conclusion contradicts scientific information, including information provided in the USFWS's *Land-Based Wind Energy Guidelines*[40] regarding the effects of habitat fragmentation, noise, and the other indirect impacts identified in the LWEP EIR and DSEIR.

Second, the LWEP EIR's "analysis" was based on a project that would impact less than 0.2 acre (<0.1 acre temporary; 0.1 acre permanent) of oak woodland (and no tanoak forest).[41] In contrast, the Project would impact 7.41 acres of oak woodlands and tanoak forest (0.1 acre temporary; 7.31 acres permanent).[42] Indirect impacts to wildlife associated with less than 0.2 acre of woodland are not comparable to indirect impacts to wildlife associated with 7.41 acres of oak woodland and tanoak forest. Therefore, the County cannot rely on the analysis in the LWEP EIR as the basis for its conclusion that indirect impacts to wildlife would not be significant. Indeed, the County's conclusion that indirect impacts to wildlife would not be significant conflicts with the DSEIR's statement that "effects would be substantial" due to the "widespread landscape-level pattern of direct and indirect effects to woodlands and forests throughout the extensive proposed Project site." **10.74** *cont.*

Third, the DSEIR acknowledges that the Project would cause habitat fragmentation. Habitat fragmentation cannot be characterized as a "temporary" or "minor" impact. Indeed, it is universally accepted that habitat fragmentation can cause extinction and a myriad of other long-term consequences on ecological systems.[43]

Fourth, neither the DSEIR nor the LWEP EIR analyzes how turbine noise could affect wildlife. Wind turbine blades at normal operating speeds can generate significant levels of noise.[44] However, wind turbine noise does not have to be loud to have negative effects on wildlife.[45] Wind turbines also produce very low-frequency sounds (infrasounds), which can have significant negative impacts on taxa (e.g., birds and bats) that hear and communicate at low-frequency sound levels.[46]

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[39] LWEP EIR, p. 3.5-84.
[40] U.S. Fish and Wildlife Service. 2012. Land-Based Wind Energy Guidelines. p. 26.
[41] LWEP EIR, Table 3.5.7-1.
[42] DSEIR, Table 4.5-3.
[43] Meffe GK, CR Carroll. 1997. Principles of Conservation Biology, 2nd edition. Sinauer Associates, Inc., Sunderland, MA. *See also* Wilson MC, XY Chen, RT Corlett and 16 others. 2016. Habitat fragmentation and biodiversity conservation: key findings and future challenges. Landscape Ecol 1:219–227.
[44] U.S. Fish and Wildlife Service, Wind Energy Development Information [web site]. n.d. The Effects of Noise on Wildlife. 5 pp.
[45] *Ibid.*
[46] *Ibid. See also* Ortega CP. 2012. Effects of Noise Pollution on Birds: A Brief Review of Our Knowledge. Ornithological Monographs 74:6-22. *See also* Bunkley JP, CJ McClure, NJ Kleist, CD Francis, JR Barber. 2015. Anthropogenic noise alters bat activity levels and echolocation calls. Global Ecology and Conservation 3:62–71.

8

Based on my review of the DSEIR and supporting documents, it is my professional opinion that: (1) the DSEIR fails to adequately disclose and analyze indirect impacts to wildlife, and (2) the Project would have several significant, indirect impacts on wildlife. **10.75**

Gaviota Tarplant (Impact BIO-5a)

Gaviota tarplant is a federally and state-listed endangered species. It has a highly localized distribution in western Santa Barbara County. Currently there are only seven main populations[47] of the species.[48] One of these populations occurs at the Project site.

The Project site contains a large and well-established population of Gaviota tarplant.[49] The entire 791-acre Sudden Peak Unit of critical habitat for Gaviota tarplant is located within the Project site.[50] Construction of the Project would permanently impact 27.1 acres of Gaviota tarplant and 94.5 acres of critical habitat.[51] These impacts are substantial, and may represent the largest extent of permanent impacts since the species was listed.[52] **10.76**

According to the DSEIR: "[c]onstruction impacts to Gaviota tarplant and its habitat would be of the same type as described in the LWEP EIR and would include direct removal and habitat fragmentation."[53] The DSEIR then concludes that the proposed mitigation measures "would ensure construction impacts to Gaviota tarplant remain less than significant (Class II)."[54] This conclusion is not supported by evidence because the measures proposed in the DSEIR do not mitigate: (1) impacts caused by habitat fragmentation, and (2) impacts to pollinators.

<u>Habitat Fragmentation</u>

The Project's roads, substation, and WTGs would permanently fragment many of the Gaviota tarplant populations that occur on the Project site.[55] Although the DSEIR and LWEP EIR acknowledge habitat fragmentation would occur, neither document discloses or analyzes the implications of habitat fragmentation on Gaviota tarplant.[56] Instead, the LWEP EIR jumped to the conclusion that: "[t]he Project also would not substantially reduce or eliminate species **10.77**

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[47] The USFWS's definition of "population" differs from the one used in the DSEIR. The Applicant's consultant defined "population" as an occurrence that was separated from another occurrence by a distance greater than 10 feet. *See* DSEIR, p. 4.5-17.
[48] U.S. Fish and Wildlife Service. 2011. *Deinandra increscens* ssp. *villosa* (Gaviota tarplant) 5-Year Review: Summary and Evaluation. Ventura Fish and Wildlife Office, Ventura, California. p. 5.
[49] DSEIR, p. 4.5-17.
[50] *Ibid.*
[51] DSEIR, p. 4.5-63.
[52] The USFWS 5-Year Review describes discing activities that occurred over larger areas of habitat. However, because Gaviota tarplant responds positively to some forms of soil disturbance, those impacts were unlikely permanent. *See* U.S. Fish and Wildlife Service. 2013 Sep 9. Biological Opinion for the Gaviota Curve Realignment, Santa Barbara County, California (8-8-13-F-18). p. 13.
[53] DSEIR, p. 4.5-62.
[54] DSEIR, p. 4.5-63.
[55] DSEIR, Figure 4.5-4a.
[56] DSEIR, pp. 4.5-62 and -63. *See also* LWEP EIR, pp. 3.5-68 and -69.

diversity or abundance on a regional level."[57] The DSEIR adopts this conclusion without any further analysis.[58]

Contrary to the DSEIR's (and LWEP EIR's) conclusion, there is substantial scientific evidence that habitat fragmentation caused by the Project would jeopardize viability of the remaining plants. The USFWS's 5-Year Review of the species provides an excellent summary of this issue:

> As previously mentioned in the Species Biology and Life History section, most species in the genus *Deinandra* (including *D. increscens* ssp. *villosa* specifically) are self-incompatible and cannot produce viable seeds without cross pollinating within their respective taxa (Baldwin, in litt. 2001). Gene flow between individuals and populations increases the likelihood of viability by maintaining genetic diversity and is essential for the long-term survival of self-incompatible species (Ellstrand 1992). Evolutionary processes such as mutation, natural selection, genetic migration, and random genetic drift are known to adversely affect small populations (Barrett and Kohn 1991). Adverse effects from these evolutionary processes on self-incompatible species such as *D. increscens* ssp. *villosa* are magnified by its self-incompatibility (Keck 1959; Tanowitz 1982; Baldwin, in litt. 2001). Maintaining gene flow among the populations (and consequently maintaining genetic diversity in each population) is essential to counter the adverse effects from the evolutionary forces mentioned above and to ensure the long-term survival and conservation of this species. Both theoretical and empirical evidence indicates that smaller populations (those also possessing lower genetic variation) tend to have higher mortality rates and reduced fecundity, which leads to demographic fluctuations (e.g., slower population growth, reduced pollination success and lowered recruitment) (Lande 1988, Les et al. 1991, DeMauro 1993, Heywood 1993, Lacy 1997, Frankham et al. 2002). At the extreme, very small populations suffer from inbreeding depression and the adverse effects of genetic drift (the accumulation of deleterious mutations or fixation of alleles that reduce fitness) (Barrett and Kohn 1991, Les et al. 1991). In plant species exhibiting sporophytic self-incompatibility (a chemical system of self-incompatibility in which secretions of the stigmatic tissue or the transmitting tissue prevent the germination or growth of incompatible pollen, which thereby prevents the production of seeds), such as *D. increscens* ssp. *villosa*, the potential for adverse effects from inbreeding and genetic drift are greater than in species with gametophytic self-incompatibility (a system of self-incompatibility in which the gametes from the same parent plant prevent the formation of a viable zygote after fertilization, or if a zygote forms, then it fails to develop) (Baldwin, in litt. 2001). A reduction in population size, due to demographic or environmental stochasticity or long-term fragmentation of populations, could reduce the pool of S alleles, thereby reducing successful cross-pollination and reproduction (Les et al. 1991, DeMauro 1993).[59]

10.77 *cont.*

The DSEIR fails to provide any evidence that the measures proposed in the DSEIR would mitigate habitat fragmentation and the corresponding long-term effects on Gaviota tarplant populations at the Project site. This issue is exacerbated by the DSEIR's failure to require a monitoring program to assess the Project's long-term effects on the viability of Gaviota tarplant

[57] LWEP EIR, pp. 3.5-68 and -69.
[58] DSEIR, pp. 4.5-62 and -63.
[59] U.S. Fish and Wildlife Service. 2011. *Deinandra increscens* ssp. *villosa* (Gaviota tarplant) 5-Year Review: Summary and Evaluation. Ventura Fish and Wildlife Office, Ventura, California. pp. 19 and 20.

populations at the Project site. As a result, the mitigation measures proposed in the DSEIR fail to ensure significant impacts to Gaviota tarplant are mitigated to less than significant levels. **10.77** *cont.*

Impacts to Pollinators

Because the Gaviota tarplant is incapable of self-fertilization, its ability to produce seeds (i.e., reproduce) is entirely dependent on insect pollinators that transfer pollen between plants.[60] As a result, the loss or change in the abundance of pollinators at the Project site is a threat to the species.[61] The DSEIR provides no analysis of Project impacts to Gaviota tarplant pollinators, and the LWEP EIR's analysis was limited to an unsupported conclusion: "[t]he Project would not substantially eliminate access to food sources or habitat for pollinators of the tarplant because the undisturbed habitat that would surround the finished Project components would continue to support a mixture of grassland, shrubland, and woodland habitats, and would thus continue to provide habitat for pollinators."[62]

Since the LWEP EIR was published, the scientific community has learned that wind turbines kill a substantial number of insects, and that the magnitude of insect kills at wind farms may affect insect population stability.[63] Indeed, wind farms appear to be especially lethal to insect populations because insects tend to: (a) concentrate in topographic areas favored for wind energy development (e.g., high points on the landscape), (b) fly at elevations that make them susceptible to collision with turbine blades, and (c) seek the same air streams as those sought by wind farm developers.[64] In addition to insect mortality that occurs because insects and wind farms compete for the same airspace, there is evidence that insects may be attracted to wind turbines due to the color of the rotor blades, the heat produced by the nacelles, and the flashing lights on the nacelles.[65] **10.78**

The proposed Project includes wind turbines within, or immediately adjacent to, most of the Gaviota tarplant populations at the Project site.[66] Gaviota tarplant pollinators include several species of flies, bees, skippers, and butterflies.[67] Dipterans (true flies) and Hymenoterans

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[60] Department of the Interior, U.S. Fish and Wildlife Service. 2002 Nov 7. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Eriodictyon capitatum* (Lompoc yerba santa) and *Deinandra increscens* ssp. *villosa* (Gaviota tarplant); Final Rule. Federal Register 67:67968-67990.
[61] *Ibid. See also* U.S. Fish and Wildlife Service. 2013 Sep 9. Biological Opinion for the Gaviota Curve Realignment, Santa Barbara County, California (8-8-13-F-18). pp. 15 and 16.
[62] LWEP EIR, p. 3.5-68.
[63] Trieb F. 2018. Interference of Flying Insects and Wind Parks. Deutsches Zentrum für Luft- und Raumfahrt. 30 pp.
[64] *Ibid*, p. 2. *See also* Cryan P, Gorresen P, Hein C, Schirmacher M, Diehl R, Huso M, Hayman D, Fricker P, Bonaccorso F, Johnson D, Heist K, and Dalton D. 2014. Behavior of bats at wind turbines. Proceedings of the National Academy of Sciences 111:15126-15131.
[65] *Ibid. See also* Cryan P and Barclay R. 2009. Causes of bat fatalities at wind turbines: hypotheses and predictions. Journal of Mammalogy 90:1330-1340. *See also* Long CV, JA Flint, PA Lepper. 2010. Insect attraction to wind turbines: does colour play a role? European Journal of Wildlife Research 57(2):323-331. *See also* Kunz TH, Arnett EB, Erickson WP, Hoar AR, Johnson GD, Larkin RP, Strickland MD, Thresher RW, and Tuttle MD. 2007. Ecological impacts of wind energy development on bats: questions, research needs, and hypotheses. Frontiers in Ecology and the Environment 5:315–324.
[66] DSEIR, Figure 4.5-4a.
[67] Department of the Interior, U.S. Fish and Wildlife Service. 2002 Nov 7. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Eriodictyon capitatum* (Lompoc yerba santa) and *Deinandra increscens* ssp. *villosa* (Gaviota tarplant); Final Rule. Federal Register 67:67968-67990.

11

(bees/wasps) are especially important pollinators.[68] These insect taxa fly at heights that make them susceptible to collision with wind turbines.[69] As a result, the Project's wind turbines could have a significant indirect impact on Gaviota tarplant by substantially reducing the abundance of pollinators that are essential to the plant's persistence. This represents a potentially significant impact that was unaddressed in the DSEIR, and for which the DSEIR provides no mitigation. **10.78** *cont.*

The host plant for the El Segundo blue butterfly, *Eriogonum parvifolium* (coast buckwheat), also depends on pollinators. Thus, Project impacts to pollinators could have a significant indirect impact on the El Segundo blue butterfly. At a minimum, the Applicant should be required to conduct a Before-After-Control-Impact study to examine the Project's effects on pollinators. Information from the study would inform adaptive management measures and the need for supplemental mitigation.

La Purisima Manzanita and Black-flowered Figwort

A La Purisima manzanita plant was recently detected at the Project site.[70] According to the *Environmental Setting* section of the DSEIR, the plant is located within the WTG E-4 impact area.[71] This is consistent with information provided in the BRTR, which states the plant is located within the WTG 28 impact area.[72] A map provided in the BRTR depicts the plant as being located within the grading area.[73] However, the Project *Impacts and Mitigation Measures* section of the DSEIR states that the plant is located outside of the Project impact area, and the plant is not depicted on the DSEIR's map of special-status plant occurrences.[74] Consequently, the DSEIR does not analyze impacts to the La Purisima manzanita. Due to the inconsistencies in the DSEIR, and between the DSEIR and BRTR, it is impossible to understand whether the Project would have significant impacts on La Purisima manzanita. **10.79**

Black-flowered figwort plants were detected along the transmission line and access road routes during recent surveys.[75] The DSEIR does not provide any specific analysis of this species, nor does it identify how many plants would be directly or indirectly impacted by the Project.

Special-Status Wildlife (Impact BIO-9)

The DSEIR's analysis of impacts to special-status wildlife begins with the following statements:

> The LWEP EIR identified over 30 endangered, threatened, and other special-status wildlife species that have potential to occur in the Project area. Surveys for the SWEP identified several additional special-status birds and bats on site that were not previously known to be present; see Section 4.5.1.4. Based on survey results obtained since the publication of the LWEP EIR, including pre-construction studies for the LWEP, surveys conducted for the SWEP, and recent eBird reports, <u>the following species are now known or expected to</u>

10.80

[68] Personal communication with B. Baldwin, Curator of the Jepson Herbarium, on May 22, 2019.
[69] Trieb F. 2018. Interference of Flying Insects and Wind Parks. Deutsches Zentrum für Luft- und Raumfahrt. 30 pp.
[70] DSEIR, p. 4.5-18.
[71] *Ibid.*
[72] BRTR, p. 5-26.
[73] BRTR, Figure 5.1.5-1A.
[74] DSEIR, p. 4.5-66 and Figure 4.5-4a.
[75] DSEIR, p. 4.5-66.

12

> occur at least occasionally in the Project area, and could potentially be impacted by Project activities:[76]

The DSEIR then provides a bulleted list of 11 special-status species.[77] The DSEIR's language (underlined above) is misleading to the public because it suggests that there are only 11 species that could potentially be impacted by the Project, when in fact, there are approximately 71 special-status animal species that could be impacted by the Project (43 of which have been confirmed present in the Project area).[78,79] This information needs to be clearly articulated in the DSEIR so that the public has unequivocal understanding of the number of special-status animal species that would be, or could be, affected by the Project. **10.80** *cont.*

The DSEIR quantifies Project impacts to habitat for the El Segundo blue butterfly and to critical habitat for the California red-legged frog. However, it fails to quantify Project impacts to habitat for any of the other special-status animal species. For some species, the extent of habitat impacts can be inferred if the reader cross-references the habitat information provided in the DSEIR appendices with the information provided Table 4.5-3 of the DSEIR (Impact to Vegetation and Landforms). However, this process is laborious and is infeasible for most members of the public. Moreover, it is impossible to make inferences on impacts to habitat for species that are dependent on habitat elements (e.g., sandy soils, burrows, tree cavities) and conditions (e.g., canopy cover, grass height), instead of a general vegetation community (for which impacts are quantified). This precludes the public from understanding the relatively severity of Project impacts to each special-status animal that occurs, or could occur, in the Project area. For example, the defining characteristics of coast horned lizard[80] habitat are widely spaced shrubby vegetation, a supply of native ants, and soils loose enough for the lizards to bury themselves.[81] The Applicant's consultants did not map or quantify these characteristics at the Project site. To circumvent this issue, the consultants simply assumed there were 2,630 acres of suitable habitat for the species throughout the grasslands, coastal sage scrub, and agricultural fields in the Project area.[82] Google Earth imagery and the soils information provided in the BRTR provide evidence that this estimate is incorrect, perhaps by several orders of magnitude. Because the consultants assumed the Project area provides 2,630 acres of suitable habitat, they have obscured the severity of Project impacts to the coast horned lizard. Indeed, the analysis improperly suggests the Project would impact only a fraction of the habitat no matter where impacts occur. To enable proper understanding of Project impacts, the DSEIR must provide: (a) an accurate estimate of how much habitat exists in the Project area for each special-status species, and (b) an assessment of how much of that habitat would be impacted by the Project. **10.81**.

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[76] DSEIR, p. 4.5-70. [emphasis added].
[77] DSEIR, pp. 4.5-70 and -71.
[78] DSEIR, p. 4.5-19.
[79] DSEIR, Appendix C-7 (Special-Status Wildlife) identifies 28 special-status animals that were not detected during the Applicant's surveys, but that have at least some potential (i.e., low, moderate, or high potential) of occurring in the Project area.
[80] Currently called Blainville's horned lizard.
[81] Brown TK. 2009. Blainville's Horned Lizard. Pages 162-165 *in*: Jones LC, RE Lovich (editors). Lizards of the American Southwest. Rio Nuevo Publishers, Tuscon, Arizona.
[82] BRTR, Table 5.1.1-5.

Invertebrates

According to the DSEIR: "all coast buckwheat within the Project area is considered occupied ESBB habitat due to its proximity to occupied habitats on VAFB and the observation of ESBB individuals on site. The SWEP would permanently impact 8 acres of the 23 total acres of coast buckwheat habitat on site."[83] It is unclear whether the DSEIR's estimate of permanent impacts to buckwheat habitat includes impacts that would occur to satisfy the County Fire Department's Defensible Space Standards, which require: (a) removal of all flammable vegetation within 30 feet of a building or structure, (b) reduction of flammable vegetation that occurs 30 to 100 feet from a building or structure, and (c) all flammable vegetation within 10 feet of a roadway to be reduced to a height of four inches (or less). Coast buckwheat is a flammable plant that can grow approximately three feet tall. Therefore, satisfying the Defensible Space Standards will entail impacts to coast buckwheat plants within 100 feet of the Project's structures (e.g., WTGs), and within 10 feet of the Project's roads. **10.82**

The DSEIR's failure to explain how the County calculated eight acres of permanent impacts to coast buckwheat habitat is exacerbated by its failure to quantify temporary impacts to coast buckwheat habitat. This is important because temporary impacts to buckwheat habitat can have a significant impact on the El Segundo blue butterfly. Specifically, the El Segundo blue butterfly is dependent on buckwheat plants that are at least five years old, because younger plants do not produce enough flowers for butterfly larvae.[84] Therefore, even if the site restoration and revegetation efforts described in Mitigation Measure ("MM") BIO-3 are successful, habitat for the butterfly would be eliminated for approximately five years (or more if the restoration efforts are not initiated immediately). In addition, El Segundo blue butterfly larvae appear to prefer softer soils, where they will remain buried for one or more years.[85] As a result, larvae and pupae in temporary impact areas would be injured or killed by soil compaction, excavation activities, or fill material that prevents emergence of pupae.[86] Therefore, although some ground disturbance activities associated with the Project may be "temporary," they may have long-term impacts on the butterfly population. **10.83**

The DSEIR assumes all 23 acres of coast buckwheat within the Project area is occupied habitat. Whereas this conservative approach is appropriate in certain situations, it does not accurately characterize the severity of Project impacts to the butterfly. First, "potential" (or "suitable") habitat is not equivalent to "occupied" habitat.[87] A patch of coast buckwheat plants within the geographic range of the butterfly provides "potential habitat." However, if that patch of buckwheat is never occupied by the butterfly, it does not provide the same conservation value as a patch of buckwheat that is actively being used by butterflies for feeding, breeding, and other activities that support persistence of the species. Some of the 23 acres of "potential habitat" at the Project site are comprised of small, isolated patches of buckwheat that are a considerable **10.84**

[83] DSEIR, p. 4.5-71.
[84] *See* U.S. Fish and Wildlife Service. 2015 Feb 18. Reinitiation of Formal Consultation for Replacement of K-Series Electrical Distribution Lines on South Vandenberg Air Force Base, Santa Barbara County, California. (8-8-11-F-15R). p. 8.
[85] *Ibid.*
[86] *Ibid*, p. 19.
[87] *Ibid*, p. 11.

14

distance from the patches of buckwheat where butterflies have been detected.[88] Most (or all) of these isolated patches are unlikely to be occupied by the butterfly given the small patch size and the limited dispersal distance of the species.[89] Therefore, if the eight acres being impacted by the Project are the only acres occupied by the butterfly, the impact is much more severe than what the DSEIR suggests. The DSEIR does not quantify the amount of occupied habitat at the Project site. However, based on the maps provided in the DSEIR and butterfly survey report, the Project would directly or indirectly impact all occupied habitat at the Project site.

Second, based on the theory of island biogeography, large patches of habitat are more important to the long-term persistence of a species than small patches, in part because large patches buffer events that cause extinction.[90] This is especially true for species that exhibit a metapopulation structure, such as the El Segundo blue butterfly (a metapopulation is a population that consists of several discrete subpopulations linked together by immigration and emigration). Based on the maps provided in the DSEIR and butterfly survey report, the Project site contains two large patches of occupied habitat (near turbines W-2 and W-13), and an additional two large patches of potential habitat (near turbines E-1, E-2, and E-3).[91] The DSEIR must analyze how the Project would affect these large patches, especially the two where El Segundo blue butterflies have been detected. The maps suggest:

10.84 *cont.*

1. Grading associated with turbine W-13 would occur immediately adjacent to one of the patches of occupied habitat. Although direct impacts appear to be minimal, the butterflies and their habitat will be subject to potentially significant indirect effects for the life of the Project.
2. Grading associated with turbine W-2 (and the access road) would eliminate most of the other patch of occupied habitat. The ecological integrity of the habitat that is not permanently eliminated will be severely compromised.
3. The Project would avoid direct impacts to the large patch of potential habitat north of turbine E-1.
4. Grading associated with turbine E-2, and the access road between turbines E-2 and E-3, would eliminate almost the entire patch of potential habitat.

Therefore, if impacts are analyzed from an island biogeography perspective, the Project would eliminate two of the four large patches of potential habitat. The ecological integrity of the third patch would be severely compromised. Effects to the fourth patch appear minimal; however, that patch is not known to be occupied by the El Segundo blue butterfly.

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[88] DSEIR, Figures 4.5-6a and -6b. *See also,* Sapphos Environmental, Inc. 2008 Nov 25. Memorandum for the Record No. 1 (Appendix A-13), Attachment 5: Entomological Consulting Services, Ltd. report. Figure 1.
[89] U.S. Fish and Wildlife Service. 2015 Feb 18. Reinitiation of Formal Consultation for Replacement of K-Series Electrical Distribution Lines on South Vandenberg Air Force Base, Santa Barbara County, California, (8-8-11-F-15R). p. 11.
[90] *See*: <https://web.stanford.edu/group/stanfordbirds/text/essays/Island_Biogeography.html>.
[91] DSEIR, Figures 4.5-6a and -6b. *See also,* Sapphos Environmental, Inc. 2008 Nov 25. Memorandum for the Record No. 1 (Appendix A-13), Attachment 5: Entomological Consulting Services, Ltd. report. Figure 1.

15

Reptiles

According to the DSEIR, potential impacts to special-status reptiles (i.e., the coast horned lizard,[92] Northern California legless lizard,[93] and coast patch-nosed snake) would be the same as described in the LWEP EIR.[94]

The LWEP EIR provided the following analysis of impacts to special-status reptiles:

> Potential impacts to California horned lizards, silvery legless lizards, and coast patch-nosed snake include direct loss of individuals through collisions with vehicles or equipment and the temporary and permanent loss of habitat. The amount of grassland or scrub habitats that would be temporarily or permanently disturbed (approximately 130.6 acres or 4.4 percent of the total habitat on the site and 47.4 acres or 1.6 percent, respectively) would be small in relation to that in the overall area. The Project would not substantially reduce habitat, but could lead to habitat fragmentation and substantially reduce local populations. Impacts would be significant, but mitigable (*Class II*).[95]

The EIR's analysis is confusing because the silvery legless lizard and coast patch-nosed snake are not associated with grassland habitats.[96] Whereas the coast horned lizard may occur in grassland (and a variety of other) vegetation communities, the defining characteristics of its habitat are widely spaced shrubby vegetation, a supply of native ants, and soils loose enough for the lizards to bury themselves.[97] The Northern California legless lizard and coast patch-nosed snake have comparable restrictions to sites with specific habitat elements.[98] These habitat elements were never quantified at the Project site. As a result, the EIR's comparison of Project impacts to the total amount of grassland and shrub "habitat" in the Project area vastly misrepresents impacts to the coast horned lizard, Northern California legless lizard, and coast patch-nosed snake. 10.85

The DSEIR concludes that implementation of MMs BIO-1 through BIO-3, BIO-11a through BIO-11d, BIO-14a, and BIO-14b would ensure that impacts to special-status reptiles are less than significant.[99] The DSEIR's conclusion is not supported by evidence because none of the proposed measures address habitat fragmentation, which the LWEP EIR identified as an impact that could *substantially reduce local populations* (a significant impact under CEQA and Santa Barbara County's Environmental Thresholds and Guidelines Manual). This issue is exacerbated because the measures proposed in the DSEIR have minimal value in mitigating potentially significant impacts to special-status reptiles. Specifically, it is almost impossible to avoid direct impacts to lizards and snakes during large-scale construction projects, especially for species that frequently occur underground (e.g., in loose soil). This issue cannot be rectified by a Worker

[92] Now called Blainville's horned lizard.
[93] Formerly called the silvery legless lizard.
[94] DSEIR, p. 4.5-72.
[95] LWEP EIR, p. 3.5-72.
[96] Jennings MR, MP Hayes. 1994. Amphibian and reptile species of special concern in California. Rancho Cordova, CA: California Dept. of Fish and Game, Inland Fisheries Division. 255 pp.
[97] Brown TK. 2009. Blainville's Horned Lizard. Pages 162-165 *in*: Jones LC, RE Lovich (editors). Lizards of the American Southwest. Rio Nuevo Publishers, Tuscon, Arizona.
[98] Jennings MR, MP Hayes. 1994. Amphibian and reptile species of special concern in California. Rancho Cordova, CA: California Dept. of Fish and Game, Inland Fisheries Division. 255 pp.
[99] DSEIR, p. 4.5-72.

Education and Awareness Program (MM BIO-1), pre-construction surveys (MM BIO-11a), fencing (MM BIO-11b), reporting (MM BIO-11d), or any of the mitigation measures proposed in the DSEIR. Whereas MM BIO-14a and BIO-14b may reduce the total amount of mortality, a significant amount of mortality is still likely to occur unless the Applicant devotes extraordinary effort to reptile capture and relocation.[100] Furthermore, MM BIO-3 would not mitigate significant impacts because it only requires a site restoration and revegetation plan for *temporary* impacts to *native* vegetation communities,[101] thus ignoring permanent impacts to habitat and the fact that the coast horned lizard and Northern California legless lizard are not limited to areas with native vegetation (but rather, depend on loose soil and other special habitat elements).[102] For these reasons, potentially significant impacts to special-status reptiles remain unmitigated. **10.85** *cont.*

Raptors

The DSEIR lists the new raptor species that have been detected in the Project area since the LWEP EIR was released and it discusses how microtrash can affect California condors.[103] It then states: "[i]mpacts to other raptors would be the same as described in the LWEP EIR." According to the LWEP:

> Several special-status raptor species either were observed or have the potential to occur in the Project area, including white-tailed kite, golden eagle, peregrine falcon, Cooper's hawk, northern harrier, long-eared owl, and western burrowing owl. The loss of nests and disruption of nesting behavior are not likely, because these species are not known to nest in the Project area. Additionally, most golden eagle nests are built in large trees, rock outcrops, or overhanging ledges. There are few wooded or outcrop areas that would be disturbed from the construction and operation of this Project. Potential impacts to these species include direct loss of individuals due to strikes by vehicles and equipment, and the permanent and temporary losses of foraging habitat. Additionally, these birds may be displaced, and foraging behavior may be altered.

10.86

These conclusory statements are not supported by actual analysis, and in the case of the Cooper's hawk, are no longer accurate (several Cooper's hawk nests were subsequently detected in the Project area).[104] In addition, neither the LWEP EIR nor the DSEIR provides any context to evaluate impacts to raptors. For example, how would the Project displace birds and alter their foraging behavior, and what is the ecological significance of these outcomes? Does raptor mortality due to strikes with vehicles and equipment have the potential to create an ecological trap,[105] such as the one in the Altamont Pass Wind Resource Area?

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[100] *See* Kuhnz LA, RK Burton, P Slattery P. J Oakden. 2005. Microhabitats and Population Densities of California Legless Lizards, with Comments on Effectiveness of Various Techniques for Estimating Numbers of Fossorial Reptiles. Journal of Herpetology 39(3):395-402.
[101] DSEIR, p. 4.5-45.
[102] California Natural Diversity Database. 2019 May 7. RareFind 5. California Department of Fish and Wildlife.
[103] DSEIR, pp. 4.5-72 and -73.
[104] BRTR, Figure 4.1.4-4.
[105] An ecological "trap" is habitat that an organism finds equally or more attractive than other available habitat, despite experiencing reduced fitness while occupying it. *See* Robertson, B. A., Rehage, J. S., and A. Sih. 2013. Ecological novelty and the emergence of evolutionary traps. Trends in ecology & evolution 28:552-560.

Golden Eagle

Incredibly, the only analysis specifically directed at impacts to golden eagles is the LWEP EIR's statements that: "most golden eagle nests are built in large trees, rock outcrops, or overhanging ledges. There are few wooded or outcrop areas that would be disturbed from the construction and operation of this Project." This rudimentary level of analysis is grossly insufficient.

During the breeding season, the reproductive success of golden eagles depends on the parents' ability to access prey from core foraging areas, so they can provision the chick(s).[106] Therefore, even if the Applicant successfully protects golden eagle nests from construction activities, those nests are likely to fail if construction activities preclude the parents from accessing core foraging areas. The potential for this circumstance to occur is real given the tendency of golden eagles to completely avoid habitats with human activity and disturbance.

Golden eagles are known to be highly sensitive to many types of disturbance.[107] The effects of disturbance range from loss of a year's reproduction to abandonment of the breeding territory if the disturbance is chronic.[108] For example, three studies of the golden eagle found that 46, 71, and 85 percent of nesting failures were due to human disturbance.[109] Therefore, the potential for the Project to have significant impacts on golden eagles extends well beyond direct disturbance of potential nest sites during construction and operation of this Project. **10.87**

The USFWS published its *Eagle Conservation Plan Guidance* ("ECPG") after the LWEP EIR was released. The ECPG provides detailed information on the data and analyses needed to conduct a risk assessment, and to demonstrate compliance with the Bald and Golden Eagle Protection Act.[110] The DSEIR must provide the data and analyses discussed in the ECPG. In addition, it must provide an estimate of eagle take caused by the Project. It is unacceptable for the DSEIR to simply conclude that collisions with WTGs would cause an unknown number of fatalities, and thus, the Project would have significant and unavoidable impacts on protected birds and bats. By doing so, the DSEIR robs the public of any knowledge of how severe Project impacts to eagles might be (e.g., how many eagles might be killed and how many territories might be lost).

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[106] Marzluff JM, ST Knick, MS Vekasy, LS Schueck, TJ Zarriello. 1997. Spatial use and habitat selection of golden eagles in southwestern Idaho. The Auk 114(4):673-687. *See also* Watson J, SR Rae, R Stillman. 1992. Nesting Density and Breeding Success of Golden Eagles in Relation to Food Supply in Scotland. Journal of Animal Ecology 61(3):543-550.

[107] Ruddock M, DP Whitfield. 2007. A Review of Disturbance Distances in Selected Bird Species. A report from Natural Research (Projects) Ltd to Scottish Natural Heritage. 181 pp. *See also* Steenhof K, JL Brown, MN Kochert. 2014. Temporal and Spatial Changes in Golden Eagle Reproduction in Relation to Increased Off Highway Vehicle Activity. Wildlife Society Bulletin 38(4):682–688.

[108] Suter GW III, JL Joness. 1981. Criteria for Golden Eagle, Ferruginous Hawk and Prairie Falcon Nest Site Protection. Raptor Research 15(1):12-18.

[109] *Ibid.*

[110] U.S. Fish and Wildlife Service. 2012 Mar 23. Land-Based Wind Energy Guidelines. 71 pp. *See also* U.S. Fish and Wildlife Service. 2013 Apr. Eagle Conservation Plan Guidance: Module 1—Land-based Wind Energy, Ver 2.

18

San Diego Desert Woodrat and American Badger

The San Diego desert woodrat and American badger are California Species of Special Concern. The San Diego desert woodrat is primarily associated with coastal scrub habitat.[111] No live-trapping was conducted to ascertain presence of the species in the Project area; however, the Applicant's consultant concluded that there is a "high" potential for the species to occur.[112] The American badger is associated with herbaceous, shrub, and open stages of most habitats with dry, friable soils.[113] Evidence of American badgers has been detected in the Project area.[114]

The DSEIR concludes that: "[i]mpacts to wood rats and badgers would be the same as described in the LWEP EIR."[115] According to the LWEP EIR:

> San Diego desert woodrats and American badgers also may be present in the Project area. Potential direct impacts to these species during construction include loss of individuals due to strikes aboveground by vehicles and equipment, as well as crushing of burrows and loss of individuals in the burrows. Noise and ground disturbance from construction activities also could flush these animals from work areas and reduce woodrat and badger activity near construction sites. Loss of habitat also would occur. A potential indirect impact to badgers would be the loss of prey if ground squirrels were trapped and removed from the Project area to reduce raptor collision threats.[116]

10.88

The LWEP EIR concluded that these direct and indirect impacts would be adverse, but that they would be less than significant and no mitigation was required (*Class III*).[117] In contrast, the DSEIR concludes that the impacts would be *Class II* (i.e., significant impacts that would be reduced to less-than-significant levels by implementing the proposed mitigation).[118] The DSEIR, however, provides no explanation for the change in the impact category. This precludes the public from understanding why mitigation is now needed to reduce impacts to less-than-significant levels.

The Project would permanently impact approximately: (a) 140.96 acres of coastal scrub that provides potential habitat for the San Diego desert woodrat,[119] and (b) 168.43 acres of potential habitat for the American badger.[120] Habitat loss and fragmentation are the primary threats to the

[111] BRTR, Table 5.1.1-5. *See also* California Natural Diversity Database. 2019 May 7. RareFind 5. California Department of Fish and Wildlife.
[112] DSEIR, Appendix C-7, Table 4.5-3.
[113] California Department of Fish and Game, California Interagency Wildlife Task Group. 2005 [update]. California Wildlife Habitat Relationships version 8.1 personal computer program. Sacramento, California.
[114] BRTR, p. 5-92.
[115] DSEIR, p. 4.5-74.
[116] LWEP EIR, p. 3.5-73.
[117] *Ibid.*
[118] DSEIR, pp. S-2 and 4.5-74.
[119] DSEIR, Table 4.5-3.
[120] The DSEIR and appendices do not quantify permanent impacts to habitat for the San Diego desert woodrat and American badger. For American badger, I assumed all vegetation communities in the Project area provide potential habitat except: Non-native Woodland, Riparian Scrub, Tanoak Forest, Coast Live Oak Woodland, and Developed. *See* DSEIR, Table 4.5-3.

San Diego desert woodrat and American badger.[121] Therefore, impacts associated with the loss of 140.96 acres of potential habitat for the San Diego desert woodrat, and 168.43 acres of potential habitat for the American badger, are potentially significant. Nevertheless, the DSEIR concludes that implementation of MMs BIO-1 through BIO-3, BIO-11a through BIO-11d, BIO-14c, and BIO-14d would ensure impacts to the San Diego desert woodrat and American badger remain less than significant.[122] Although these measures address temporary impacts to habitat and reduce the potential for direct mortality, they do nothing to offset the Project's permanent impacts on habitat. As a result, Project impacts to the San Diego desert woodrat and American badger remain potentially significant. **10.88** *cont.*

Avian and Bat Collisions with WTGs (Impact BIO-10)

The DSEIR Improperly Relies on the Analysis in the LWEP EIR

The DSEIR's analysis of avian and bat mortality associated with the Project's wind turbines begins with the conclusion that the overall risk of the Project to birds and bats is similar to the risk presented by the LWEP. The DSEIR states:

> The LWEP EIR provides a detailed assessment of the impacts from birds and bats colliding with WTGs, and the proposed SWEP would result in similar types of impacts. Although the SWEP would have fewer WTGs than the LWEP (30 compared with 65), the WTGs would be larger and taller (up to 492 feet tall compared with 397 feet tall), and therefore, may place the rotor-swept area into the flight paths of birds that would have flown over the LWEP. Therefore, the overall risk of the Project to birds and bats is considered similar to that presented by the LWEP.[123]

The DSEIR's comparison of impacts caused by the two projects is unacceptable for three reasons: **10.89**

1. *The information in the LWEP EIR is outdated.*

The LWEP EIR's analysis was based on scientific information that was available in 2008. For example, the LWEP EIR cited the Foote Creek Rim and Vansycle Ridge wind projects, which reported estimates of 1.5 and 0.7 bat fatalities per WTG per year. Data from those projects are 17 to 21 years old, and they were collected long before biologists began to understand the multiple factors that affect carcass detection rates.[124] Furthermore, the Foote Creek Rim and Vansycle Ridge projects have much smaller turbines (0.6 MW), which make the *per WTG* values provided in the EIR an inappropriate metric for the per WTG fatalities one might expect at a project that will install 1.79 and 3.8 MW turbines.

[121] Sapphos Environmental, Inc. 2008 Feb 15. Memorandum for the Record No. 7 (Appendix A-4). Attachment 7, p. 7-3. *See also* Williams DF. 1986. Mammalian Species of Special Concern in California. Report prepared for the California Department of Fish and Game. p. 66.
[122] DSEIR, p. 4.5-74.
[123] DSEIR, p. 4.5-81.
[124] Smallwood KS. 2013. Comparing bird and bat fatality-rate estimates among North American wind-energy projects. Wildlife Society Bulletin 37:19-33. *See also* Smallwood KS. 2017. Long search intervals under-estimate bird and bat fatalities caused by wind turbines. Wildlife Society Bulletin 41:224-230.

The DSEIR makes the same mistakes in its estimate of raptor fatalities. Specifically, it states: "[r]aptor mortality at wind farms in California ranges from 0.01 to 0.24 fatalities per WTG per year (average of 0.15 per WTG or 1.37 per MW per year)."[125] However, because the DSEIR elected to use data from older wind farms, it arbitrarily decided to shave 33% off the average and use 0.10 fatalities per WTG per year as the expected fatality rate for the Project. As reported in the DSEIR, this amounts to approximately three raptor fatalities per year for the entire site. Even if one accepts the DSEIR's use of old data from only three studies,[126] it is impossible to use per WTG fatality data from *small* turbines (33 m maximum rotor diameter) to predict per WTG fatality rates for *large* turbines (137 m maximum rotor diameter). To enable comparisons among sites, fatality rates first need to be converted to fatalities per MW. This is the standard practice in studies that compare fatality rates among wind farms that have different sized turbines. If the per MW fatality value (i.e., 1.37) is used in the DSEIR's calculation, the estimate becomes **140 raptor fatalities per year** (or 93 fatalities if 33% is shaved off the per MW average). To properly inform the public of the Project's impacts, the County must revise the fatality estimates provided in the DSEIR (and LWEP EIR) using accepted techniques and the most recent data. It also must provide the fatality rate estimates for: (a) golden eagles, and (b) total birds (neither of which was provided in the DSEIR or LWEP EIR). **10.89** *cont.*

Over the past decade there have been considerable efforts devoted to gaining a better understanding of factors that affect bird and bat fatality rates at wind energy facilities. In addition, the results of over 100 fatality monitoring studies are now available to the public. Several scientists have already used the results from those studies to conduct meta-analysis,[127] and to develop models that predict population-level effects to various species.[128] The DSEIR must provide analysis that is based on current scientific knowledge, not scientific knowledge from 2008.

2. *The DSEIR fails to consider all WTG attributes.*

The DSEIR acknowledges that the blades of the SWEP turbines would extend higher, and thus: "may place the rotor-swept area into the flight paths of birds that would have flown over the LWEP." However, it provides no analysis of how taller turbines affect bats. **10.90**

In addition to reaching higher into the sky, the rotor blades of the SWEP turbines would also extend much closer to the ground than those of the LWEP turbines (43 and 130 feet ground clearance, respectively). The DSEIR fails to analyze how the lower ground clearance would impact bird and bat fatalities. It also fails to analyze how the wider roads and larger pads

[125] DSEIR, p. 4.5-89.
[126] The DSEIR cites National Wind Coordinating Committee (2004), which refers to the data cited in the DSEIR as: "Data at older turbines in CA; based on most recent publication from the Altamont, and older studies at Montezuma Hills and San Gorgonio, where methods are less understood."
[127] Thaxter CB, GM Buchanan, J Carr, J., SH Butchart, T Newbold, R Green, JA Tobias, et al. 2017. Bird and bat species' global vulnerability to collision mortality at wind farms revealed through a trait-based assessment. Proc. R. Soc. B 284: 20170829.
[128] Frick WF, Baerwald EF, Pollock JF, Barclay RMR, Szymanski JA, Weller TJ, Russell AL, Loeb SC, Medellin RA, and McGuire LP. 2017. Fatalities at wind turbines may threaten population viability of a migratory bat. Biological Conservation 209:172-177.

21

associated with the SWEP turbines may alter the ways that birds fly over the landscape, and thus, the collision risk.[129]

The DSEIR fails to analyze how differences in operating time, and the wind conditions under which the WTGs are operating, may affect bird and bat fatalities. The larger turbines associated with the Project have lower cut-in speeds (the wind speed at which the blades start to turn) and higher cut-out speeds (the wind speed at which the turbine shuts down to avoid damage).[130] This is important for two reasons. First, it means the SWEP turbines will be operating more than the LWEP turbines. Second, most bat fatalities occur when turbines are operating at low wind speeds,[131] and there is evidence that turbines operating at higher wind speeds may increase bird fatalities.[132] **10.90** *cont.*

3. *The DSEIR fails to analyze the Applicant's bird and bat data.*

The LWEP EIR analyzed data from bird and bat surveys conducted on the Project site to assess the risk to various species (primarily raptors and special-status species). However, the analysis was constrained by the limited amount of survey data. For example, the LWEP EIR acknowledged that the raptor data were "collected during only one season (winter) for only one year" and that "some caution is warranted using these results."[133] A considerable amount of survey data has subsequently been collected. The DSEIR fails to analyze those data, or explain how they affected decisions on: (a) which wind turbine models to use, (b) the micro-siting of project features (e.g., specific locations for WTGs), and (c) the overall risk of the Project to special-status bird and bat species.[134] **10.91**

Even if one ignores the deficiencies described above, the "overall risk" of the Project to birds and bats *is not* similar to that presented by the LWEP. Thaxter et al. (2017) conducted a meta-analysis of bird and bat collision rates reported by 93 and 134 wind farms, respectively.[135] They concluded: "[f]or birds and bats, larger turbine capacity (megawatts) increased collision rates; however, deploying a smaller number of large turbines with greater energy output reduced total collision risk per unit energy output, although bat mortality increased again with the largest

[129] Smallwood KS. 2017. The Challenges of Addressing Wildlife Impacts When Repowering Wind Energy Projects. *In* J Köppel, editor. Wind Energy and Wildlife Interactions. Presentations from the CWW2015 Conference. Springer International Publishing. pp. 175-187.
[130] The cut-in and cut-out speeds for the LWEP turbines is 3.5 m/s and 25 m/s, respectively. The cut-in and cut-out speeds for the Project's GE 3.8-137 turbines is 3 m/s and 34 m/s, respectively.
[131] Arnett EB, Huso MMP, Schirmacher MR, and Hayes JP. 2011. Altering turbine speed reduces bat mortality at wind-energy facilities. Frontiers in Ecology and the Environment 9:209-214.
[132] *See* Marques AT, H Batalha, S Rodrigues, H Costa, MJR Pereira, C Fonseca, M Mascarenhas, J Bernardino. 2014. Understanding bird collisions at wind farms: An updated review on the causes and possible mitigation strategies. Biological Conservation 179:40–52.
[133] LWEP EIR, p. 3.5-75.
[134] *See* U.S. Fish and Wildlife Service. 2012 Mar 23. Land-Based Wind Energy Guidelines. 71 pp. *See also* California Energy Commission and California Department of Fish and Game. 2007. California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development. Commission Final Report. California Energy Commission, Renewables Committee, and Energy Facilities Siting Division, and California Department of Fish and Game, Resources Management and Policy Division. CEC-700-2007-008-CMF.
[135] Thaxter CB, GM Buchanan, J Carr, J., SH Butchart, T Newbold, R Green, JA Tobias, et al. 2017. Bird and bat species' global vulnerability to collision mortality at wind farms revealed through a trait-based assessment. Proc. R. Soc. B 284: 20170829.

turbines."[136] This is consistent with Barclay et al. (2007), who reported: "bat fatalities increased exponentially with tower height"[137]

The threat of the Project to bats is especially significant in light of accumulating evidence that wind farms may impact population viability of migratory bats. For example, Frick et al. (2017) showed that current mortality from wind turbines could result in rapid and severe declines of bat populations within 50 years and increased risk of extinction in 100 years.[138] Brown (2007) concluded that wind turbines could be the "nail in the coffin" for some migratory bat species.[139] **10.91** *cont.*

The DSEIR Fails to Provide a Proper Risk Assessment

The USFWS's *Land-Based Wind Energy Guidelines* and *Eagle Conservation Plan Guidance* outline the process for conducting risk assessments.[140] Instead of conducting risk assessments, the DSEIR argues that risk assessments are too complicated and may not be accurate. It states:

> Bird and bat mortality from collisions with WTGs is difficult to predict and depends on a variety of factors including species composition on a site; behavior and flight characteristics of species present; migratory patterns; site characteristics including habitat, weather, proximity to water, features that concentrate migrants, and weather; and wind farm features such as WTG type and configuration and lighting (Marques et al., 2014). Due to the complexity of the multiple factors that contribute to collision risk, pre-construction risk assessments and surveys may not accurately predict actual mortality during operation (Ferrer et al., 2012).

There are several problems with the DSEIR's analysis. First, both publications cited in the DSEIR's analysis pertain to birds only. The DSEIR needs to disclose and analyze impacts to bats. **10.92**

Second, Ferrer et al. (2012) did not examine any of the factors listed in the DSEIR (and attributed to Marques et al., 2014). Indeed, their analysis was limited to examining the relationship between the *a priori* risk category of a site and the number of bird fatalities that were detected at the wind farm once it was constructed. The *a priori* risk of a site was categorized through use of two indexes: the Relative Risk Collision Index ("RRCI") and the Breeding Birds Relative Risk Index ("BBRRI").

The RRCI is a factor of: (1) birds/hour prior to construction of the facility, (2) percentage of birds at risk/hours,[141] (3) percentage of bird species sensitive to collision according to the literature, and (4) the percentage of endangered species according to the Spanish Red Book. The

[136] *Ibid.*
[137] Barclay R, Baerwald E, and Gruver J. 2007. Variation in bat and bird mortalities at wind energy facilities: assessing the effects of rotor size and tower height. Canadian Journal of Zoology 85:381–387.
[138] Frick WF, Baerwald EF, Pollock JF, Barclay RMR, Szymanski JA, Weller TJ, Russell AL, Loeb SC, Medellin RA, and McGuire LP. 2017. Fatalities at wind turbines may threaten population viability of a migratory bat. Biological Conservation 209:172-177.
[139] Brown P. 2007 Sep 25. Letter to the California Energy Commission regarding California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development. Docket nr. 06-011-1. 2 pp.
[140] U.S. Fish and Wildlife Service. 2012 Mar 23. Land-Based Wind Energy Guidelines. 71 pp. *See also* U.S. Fish and Wildlife Service. 2013 Apr. Eagle Conservation Plan Guidance: Module 1—Land-based Wind Energy, Ver 2.
[141] Birds at risk was defined as the total number of birds at rotor height.

BBRRI is a factor of: (1) distance from the potential wind farm area to a breeding site, and (2) the number of nests in the breeding area.

Ferrer et al. (2012) found no relationship between either index and the number of bird fatalities that were detected at the wind farms after they started operation. In addition, they found no relationship between the number of birds detected per hour prior to construction of the facility, and the number of bird fatalities that were detected at the facility after its construction. Therefore, all we know is that the Applicant's data on bird use per hour is not a good predictor of how many birds the Project will kill. However, that does not mean that the Applicant's data are useless, or that the Applicant should not analyze the other variables that have been correlated with avian fatalities (including the other variables mentioned in the DSEIR). For example, the DSEIR identifies species composition, and behavior and flight characteristics of those species, as factors that influence collisions with WTGs. Both factors, along with terrain features (e.g., saddles), have been shown to be good predictors of wind turbine collisions.[142] These factors have been analyzed to make siting decisions for other projects,[143] and they need to be analyzed for this project. **10.92** *cont.*

Suitability of the Project Site

The DSEIR's analysis of avian and bat mortality concludes with the following statement:

> As concluded in the LWEP EIR, because unknown but potentially substantial numbers of protected birds and bats are at risk of dying through collisions with the WTGs over the duration of the Project, and currently there is no proven method to prevent such collisions, this impact is considered significant and unavoidable (Class I).

10.93

In accordance with the USFWS's *Land-Based Wind Energy Guidelines*, a project that has a high probability of causing significant impacts that cannot be adequately mitigated should be: (a) abandoned in favor of sites with less potential for environmental impacts, or (b) be delayed until plans can be developed that satisfactorily mitigate for the significant adverse impacts.[144]

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[142] Smallwood KS, L Rugge, ML Morrison. 2009. Influence of Behavior on Bird Mortality in Wind Energy Developments: The Altamont Pass Wind Resource Area, California. Journal of Wildlife Management 73:1082-1098. *See also* Smallwood KS. 2017. Monitoring birds. M Perrow, Ed., Wildlife and Wind Farms - Conflicts and Solutions, Volume 2. Pelagic Publishing, Exeter, United Kingdom. Available at: <www.bit.ly/2v3cR9Q> *See also* Marques AT, H Batalha, S Rodrigues, H Costa, MJR Pereira, C Fonseca, M Mascarenhas, J Bernardino. 2014. Understanding bird collisions at wind farms: An updated review on the causes and possible mitigation strategies. Biological Conservation 179:40–52.

[143] Smallwood KS, L Neher, DA Bell. 2017. Siting to Minimize Raptor Collisions: an example from the Repowering Altamont Pass Wind Resource Area. M. Perrow, Ed., Wildlife and Wind Farms - Conflicts and Solutions, Volume 2. Pelagic Publishing, Exeter, United Kingdom. Available at: <www.bit.ly/2v3cR9Q>. *See also* Scientific Review Committee for the Altamont Pass Wind Resource Area. 2010 May 23. Guidelines for siting wind turbines recommended for relocation to minimize potential collision-related mortality of four focal raptor species in the Altamont Pass Wind Resource Area. Available at: <http://altamontsrcarchive.org/alt_doc/p70_src_relocation_guidelines.pdf>.

[144] U.S. Fish and Wildlife Service. 2012 Mar 23. Land-Based Wind Energy Guidelines. 71 pp. *See also* U.S. Fish and Wildlife Service. 2013 Apr. Eagle Conservation Plan Guidance: Module 1—Land-based Wind Energy, Ver 2, p. 33.

Erosion and Sedimentation

The Project includes 150 to 171.5 acres of ground disturbance,[145] 1.9 million cubic yards of cut and fill, 8.2 miles of new roads, and 14.8 miles of road modifications.[146] Sediment that is transferred from these areas into watercourses will increase turbidity, which may cause significant impacts to fish, wildlife, and vegetation.

The DSEIR acknowledges that many parts of the Project site have a propensity for erosion.[147] Nevertheless, it concludes that: "[i]mplementation of erosion and sedimentation control BMPs and procedures included in the Project SWPPP would reduce erosion rates during and after construction to essentially natural rates."[148] The SWPPP has not yet been prepared. The DSEIR has no basis for arguing that a document that does not exist adequately mitigates impacts to water quality to less than significant levels. Furthermore, it is entirely unrealistic for the County to assume that any SWPPP could reduce erosion to essentially natural rates. Transfer of sediment (and other material) to streams is an inevitable consequence of roads and their construction.[149] Hydrologic effects are likely to persist as long as the road remains a physical feature altering flow routing, even long after abandonment and revegetation of the road surface.[150] As a result, the DSEIR must: (1) provide performance standards for all watercourses that may be affected by the Project; (2) identify how erosion, sedimentation, and water quality will be monitored to ensure significant impacts to fish and aquatic wildlife do not occur as a result of the Project; (3) identify the variables that will be monitored, the frequency and duration of monitoring, and the reporting requirements; and (4) provide a mechanism that would ensure remedial actions are triggered if performance standards are not achieved. Because the DSEIR fails to provide any of these items, impacts to water quality, fish, wildlife, and riparian vegetation remain potentially significant. **10.94**

Blasting

According to the DSEIR, construction of the WTG foundations may require blasting.[151] The DSEIR fails to disclose or analyze how blasting may affect wildlife in the vicinity of blast sites.

The effects noise has on wildlife depend on several factors, including whether it is "continuous noise" or "impulse noise." Continuous noise lasts for a long time without interruption (e.g., traffic noise). Impulse noise lasts for a short duration (e.g., an explosion). There is evidence that impulse noise and continuous noise differ both in their potential physical effects (e.g., hearing damage), and in their sensory-mediated physiological and behavioral effects (e.g., avoidance of **10.95**

[145] DSEIR, pp. 2-3 (171.5 acres) and 4.9-21 (150 acres).
[146] DSEIR, Table 2-1.
[147] DSEIR, p. 4.5-43.
[148] DSEIR, p. 4.9-21.
[149] Spellerberg IF. 1998. Ecological effects of roads and traffic: a literature review. Global Ecology and Biogeography Letters 7:317–333.
[150] Trombulak SC, CA Frissell. 2000. Review of ecological effects of roads on terrestrial and aquatic communities. Conservation Biology 14:18–30.
[151] DSEIR, p. 2-46.

noisy areas).[152] The DSEIR provide scant analysis of noise impacts on wildlife, and the analysis it does provide pertains only to continuous noise. As a result, the DSEIR must provide detailed analysis of how the different types of noises generated by construction and operation of the Project would affect wildlife. **10.95** *cont.*

Project Decommissioning

Decommissioning of the Project has the potential to impact jurisdictional waters, sensitive natural communities, nesting birds, and various special-status species. Incredibly, the DSEIR provides no discussion or analysis of impacts that could occur to biological resources during, and after, decommissioning. Furthermore, the biological resource mitigation measures incorporated into the DSEIR are limited to actions that are required prior to Project construction, or during construction and operation of the Project; the mitigation measures are not required for decommissioning. **10.96**

Mitigation Measure LU-2 requires the Applicant to develop a Decommissioning and Reclamation Plan that addresses facility decommissioning, abandonment, and post-abandonment reclamation efforts.[153] The DSEIR does not incorporate any performance standards for decommissioning and reclamation of the Project site, nor does it provide any assurances that the Applicant's Decommissioning and Reclamation Plan would address impacts to biological resources. As a result, significant impacts associated with decommissioning of the Project remain unmitigated.

Cumulative Impacts

The scope of County's analysis of cumulative impacts to biological resources was limited to the Lompoc Valley.[154] The DSEIR fails to provide justification for this geographic scope. CEQA Guidelines § 15130(b)(3) state: "[l]ead agencies should define the geographic scope of the area affected by the cumulative effect *and provide a reasonable explanation for the geographic limitation used*."[155] **10.97**

Several scientists have concluded that, cumulatively, bird and bat fatalities caused by wind energy facilities may have population-level impacts on some species.[156] Thaxter et al. (2017) conducted a meta-analysis of bird and bat collision rates reported by 93 and 134 wind farms, respectively.[157] They concluded: "[o]verall, these findings emphasize the need to consider

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[152] Larkin R. 1996. Effects of Military Noise on Wildlife: A Literature Review. USA CERL Technical Report. p. 13. *See also* Ortega CP. 2012. Effects of Noise Pollution on Birds: A Brief Review of Our Knowledge. Ornithological Monographs 74:6-22.
[153] DSEIR, p. 4.13-13.
[154] DSEIR, p. 4.5-93.
[155] [emphasis added].
[156] American Wind Wildlife Institute (and sources cited therein). 2019. Wind turbine interactions with wildlife and their habitats: a summary of research results and priority questions. Available at: <https://awwi.org/resources/summary-of-wind-power-interactions-with-wildlife/>
[157] Thaxter CB, GM Buchanan, J Carr, J., SH Butchart, T Newbold, R Green, JA Tobias, et al. 2017. Bird and bat species' global vulnerability to collision mortality at wind farms revealed through a trait-based assessment. Proc. R. Soc. B 284: 20170829.

cumulative impacts of wind farms on populations, particularly for migrants and wide-ranging species."[158] The DSEIR did not analyze cumulative impacts on wildlife populations, nor could it have given the limited geographic scope of its analysis.

The DSEIR's cumulative impacts analysis states the following with respect to avian and bat collisions with WTGs: "[n]o other wind development projects are proposed within the Lompoc Valley. Therefore, the Project would not have the potential to combine with other wind development projects to result in cumulative impacts from bird and bat collisions with WTGs."[159] Analysis at this level is meaningless for assessing the cumulative impact of WTG collisions on bird and bat populations, most of which extend well beyond the Lompoc Valley. For example, many of the species that occur at the Project site are migrants that may be exposed to numerous wind farms during the course of migration. To adequately assess cumulative effects, the County needs to assess how the Project, in combination with other wind development projects along migration routes, could affect the collision risk. It then needs to assess how mortality caused by WTG collisions, in conjunction with threats from other types of projects (e.g., that cause habitat loss), might affect population levels. At a minimum, this should be done for taxa that are known to be threatened by additional wind energy development (e.g., golden eagle and migratory bats). The USFWS has provided the following guidelines for evaluating cumulative impacts to eagles: **10.97** *cont.*

> To ensure that impacts are not concentrated in particular localities to the detriment of locally-important eagle populations, cumulative effects need to be considered at the population management level—*Service Regions* for Bald Eagles and *Bird Conservation Regions* for Golden Eagles—and, especially for project-specific analyses, at local area population levels (the population within the average natal dispersal distance [140 miles] of the nest or nests under consideration).[160]

The DSEIR provides a list of "Relevant Cumulative Projects."[161] The DSEIR portrays this as a complete list of all past, present, and probable future projects producing related or cumulative impacts. According to the DSEIR:

> For preparation of the cumulative projects list, the County of Santa Barbara and the City of Lompoc provided a current list of projects within their respective jurisdictions. The SEIR preparers also attempted to ascertain whether any cumulative projects are planned on Vandenberg Air Force Base, but were unable to identify any such projects. Other relevant previously prepared documents were consulted to ensure completeness of the cumulative project list, presented in Table 3-1 below. The locations of these projects are shown in Figure 3-1.[162]

10.98

The methods described above lack credibility. Using Google, I easily found environmental documents associated with several projects at Vandenberg Air Force Base, including projects

[158] *Ibid.* p. 7.
[159] DSEIR, p. 4.5-94.
[160] Pagel JE, DM Whittington, GT Allen. 2010 Feb. Interim Golden Eagle inventory and monitoring protocols; and other recommendations. Division of Migratory Birds, United States Fish and Wildlife Service, at 3. *See also* U.S. Fish and Wildlife Service, Division of Migratory Bird Management. 2009. Final Environmental Assessment. Proposal to Permit Take. Provided Under the Bald and Golden Eagle Protection Act. Washington: Dept. of Interior, at 30.
[161] DSEIR, p. 3.3.
[162] *Ibid.*

that affect Gaviota tarplant and the El Segundo blue butterfly.[163] None of these projects were included in the DSEIR's list of cumulative projects, even though they affect the cumulative impacts scenario. **10.98** *cont.*

The DSEIR's analysis of cumulative impacts to biological resources concludes with the following statements:

> As summarized in Section 4.5.4, Impacts BIO-2b, BIO-12, BIO-13a, and BIO-13b would be less than significant. With implementation of proposed mitigation measures, residual effects from Impacts BIO-1a, BIO-1b, BIO-3, BIO-5a, BIO-5b, BIO-6, BIO-7, BIO-8, BIO-9, BIO-11, and BIO-14 would be less than significant. The residual effects from Impacts BIO-2a and BIO-10 would remain significant.[164]

For the reasons described in this letter, I disagree with the conclusion that residual effects of all impacts (except Impacts BIO-2a and BIO-10) would be less than significant. However, even if one accepts the DSEIR's conclusion, it is not sufficient for the purposes of cumulative impacts analysis. Just because a project successfully mitigates its impacts to less-than-significant levels does not mean that no impacts whatsoever were generated by that project. The purpose of cumulative impacts analysis is to determine whether impacts that were deemed less than significant at the project-level are, in fact, significant when looked at as a whole. In other words, just because the County has concluded that all Project impacts (except Impacts BIO-2a and BIO-10) would be mitigated to less-than-significant levels, does not automatically mean that that the Project's incremental contribution to the significant cumulative impact would not be considerable. For example, the Project may eliminate bat roosts. The County has concluded that this impact would be less than significant because the DSEIR incorporates measures to avoid direct impacts to bats associated with the roosts. Even if that conclusion is valid, there would be residual impacts to bats because the DSEIR does not require replacement of any roosts that are eliminated by the Project. The availability of suitable roost sites is the limiting factor for most bat populations.[165] Therefore, if each of the cumulative projects listed in the DSEIR eliminated one or more bat roost—without replacement—the cumulative impact could be very significant, and the Project's contribution to that impact would be cumulatively considerable. **10.99**

The DSEIR concludes the residual effects from Impacts BIO-2a and BIO-10 would remain significant. However, it fails to analyze the residual effects in relation to the residual effects of other projects. This precludes the public from understanding the relative severity of cumulative impacts BIO-2a (loss of woodland and forest) and BIO-10 (avian and bat collisions with WTGs). For example, has the cumulative loss of oak woodlands and forests in the region become so severe that it might eliminate essential wildlife movement corridors? Similarly, would avian and **10.100**

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[163] U.S. Fish and Wildlife Service. 2015 Feb 18. Reinitiation of Formal Consultation for Replacement of K-Series Electrical Distribution Lines on South Vandenberg Air Force Base, Santa Barbara County, California, (8-8-11-F-15R). *See also* U.S. Fish and Wildlife Service. 2007 Oct 5. Biological Opinion for the Second Relocatable In-Flight Interceptor Communications System Data Terminal Project, Vandenberg Air Force Base, Santa Barbara County, California (1-8-07-F-56). *See also* Science Applications International Corporation. 2011. Final Draft Environmental Assessment for Repairs and Replacement of Overhead Electrical Line, Feeders N1, N3, and N6 Vandenberg Air Force Base, California. Available at: <https://apps.dtic.mil/dtic/tr/fulltext/u2/a618933.pdf>.

[164] DSEIR, p. 4.5-95.

[165] Western Bat Working Group. 2005 (Update). Species Accounts. Available at: <http://wbwg.org/western-bat-species>.

bat mortality associated with the Project, combined with avian and bat mortality associated with other projects, be so severe that it might cause extinctions? **10.100** *cont.*

Soil Stabilizers

The DSEIR suggests dust palliatives (also known as soil stabilizers) may be used at the Project site.[166] Many soil stabilizers contain chemicals that are toxic to plants and animals.[167] The chemical properties, particularly toxic contaminants, can vary significantly depending on the type of soil stabilizer (and manufacturer).[168] Therefore, if soil stabilizers might be used for the Project, the County needs to identify the specific products that might be used so that their effects on the environment can be evaluated.

10.101

Because soil stabilizers are generally applied over the ground surface, any vegetation or fauna on the site, including soil microorganisms, may come into direct contact with the suppressant. Application of soil stabilizers has been associated with the browning of trees along roadways and stunted vegetation growth in forestlands.[169] Aquatic ecosystems are affected by direct contamination from spills or runoff from off-site applications of dust suppressants.[170] Fish may be affected by direct ingestion of toxic constituents or their degradation products, and soil stabilizers have caused sickness and reproductive effects in terrestrial animals.[171] The DSEIR lacks any analysis of, or mitigation for, these potentially significant environmental impacts.

MITIGATION ISSUES

The DSEIR fails to incorporate many of the mitigation measures recommended in CDFW's scoping letter.

The CDFW submitted a comment letter in response to the Notice of Preparation of the DSEIR. CDFW's letter identified several mitigation measures that should be incorporated into the DSEIR. The DSEIR does not incorporate many of the mitigation measures recommended by CDFW, nor does it discuss why it would be infeasible to implement those mitigation measures. **10.102**

The DSEIR improperly defers the measures needed to ensure Project impacts are mitigated to less than significant levels.

The DSEIR defers critical aspects of the mitigation strategy. For example: **10.103**

1. MM BIO-3 defers performance standards for site restoration and revegetation.
2. MM BIO-6 defers formulation of the Gaviota Tarplant Mitigation Plan, and it fails to identify feasible options for offsite compensation.

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[166] DSEIR, p. 4.4-14.
[167] U.S. Environmental Protection Agency. 2004 Mar. Potential Environmental Impacts of Dust Suppressants: Avoiding another Times Beach. In: An Expert Panel Summary, May 30-31, 2002, Las Vegas, Nevada.
[168] *Ibid.*
[169] *Ibid.*
[170] *Ibid.*
[171] *Ibid.*

3. MM BIO-7 defers formulation of the "detailed mitigation plan" for Kellog's and mesa horkelia, and it fails to provide performance standards for the mitigation measure.
4. MM BIO-8 defers formulation of native grassland, revegetation techniques, locations, and success criteria.
5. MM BIO-9 defers performance standards for the wetlands mitigation.
6. MM BIO-13 defers the El Segundo blue butterfly habitat restoration and enhancement plan.
7. MM BIO-14h defers formulation of success criteria for the western spadefoot mitigation.
8. MM BIO-17 defers formulation of the Weed Control Plan.
9. The DSEIR fails to establish, or defers, the monitoring and reporting requirements for many of the mitigation measures. This includes the variables that will be monitored, the monitoring methods, and the frequency and duration of monitoring.

10.103 *cont.*

Deferring fundamental aspects of the mitigation measures until after completion of the CEQA review process—as proposed in the DSEIR—precludes the ability to evaluate the sufficiency of the proposed measures, and thus, whether they would mitigate Project impacts to less than significant levels. It also effectively robs the public, resource agencies, and scientific community from being able to submit informed comments pertaining to the mitigation measures, and from having those comments vetted during the environmental review process.

CEQA specifically prohibits deferral of mitigation that a lead agency relies on for its conclusion of insignificance unless the lead agency: (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure, and (4) demonstrates in the record that a detailed description of the mitigation measure(s) was impractical or infeasible during the Project's environmental review phase.[172] The DSEIR fails to satisfy these requirements.

10.104

The DSEIR requires the Applicant to obtain incidental take authorization from the USFWS and CDFW. These agencies can only authorize incidental take of a species if the Applicant has demonstrated that it has incorporated all reasonable and prudent measures to minimize incidental take. Because the DSEIR defers critical aspects of the mitigation measures, it is impossible to evaluate whether the Applicant has implemented (or will implement) all reasonable and prudent measures to minimize take. Furthermore, as noted in CDFW's scoping comments, CDFW cannot issue an incidental take permit unless the EIR addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the fully mitigated requirements of an incidental take permit. Because the DSEIR defers critical aspects of the Gaviota Tarplant Mitigation Plan (including the monitoring program), it fails to demonstrate that impacts to Gaviota tarplant would be fully mitigated, and it fails to provide CDFW with the information needed to issues an incidental take permit.

[172] Cal Code Regs. tit. 14 § 15126.4.

Site Restoration and Revegetation Plan (MM BIO-3)

Mitigation Measure BIO-3 is a critical component of the mitigation strategy proposed in the DSEIR. Indeed, MM BIO-3 is incorporated as mitigation for eight of the Project's potentially significant impacts.[173] MM BIO-3 requires the Applicant to: "retain a County-approved botanist to prepare and implement a site restoration and revegetation plan for all native vegetation communities subject to temporary impacts during construction and ground-disturbing O&M activities."[174] The DSEIR then provides a bulleted list of items required in the plan.

One of the main problems with MM BIO-3 is that it does not distinguish between areas that will be restored and areas that will be revegetated. This is important because a revegetation project does not provide the same ecological values as a restoration project. A "restoration" project considers reintroduction of all biodiversity that was historically present, including flora, fauna, and cryptobiotic crusts.[175] A "revegetation" project is limited to reintroduction of the plants that were historically present.[176] MM BIO-3 provides no assurances that either would be achieved.

MM BIO-3 does not provide a plant palette identifying the suite of species that would planted in restoration or revegetation areas. However, it states: "[w]here central coast scrub or central coast scrub/grassland mosaic has been removed by construction, revegetation will include coast buckwheat in the seed mix." The common name "coast buckwheat" is often used for both *Eriogonum parvifolium* and *E. latifolium*. The DSEIR needs to clarify that *E. latifolium* is not allowed in the seed mix due to the adverse effects it may have on the El Segundo blue butterfly.[177] **10.105**

According to the bulleted list provided in MM BIO-3, one of items required in the Applicant's Restoration and Revegetation Plan is: "[p]ermanent impacts to vegetation will be mitigated by replacement (preferably onsite) of all habitats except disturbed and developed areas at a 3:1 ratio per impacted vegetation type for sensitive vegetation and a 1:1 ratio for non-sensitive vegetation."[178] This is confusing because the DSEIR's introduction of MM BIO-3 suggests the Restoration and Revegetation Plan would only be required for native vegetation communities subject to temporary impacts.[179] As a result, the DSEIR needs to clarify the mitigation requirements for: (a) native vegetation communities, (b) non-native vegetation communities, (c) temporary impacts, and (d) permanent impacts.

According to MM BIO-3: "[i]f additional restoration is required because success criteria have not been met at the end of 5 years, additional annual reports will be submitted until the restoration is demonstrated to be successful and complete." The DSEIR fails to set a time limit

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[173] DSEIR, Table S-1.
[174] DSEIR, p. 4.5-45.
[175] Longcore T, R Mattoni, G Pratt, C Rich. 2000. On the perils of ecological restoration: Lessons from the El Segundo blue butterfly. Pages 281-286 *in* JE Keeley, M Baer-Keeley, CJ Fotheringham, editors. 2nd Interface Between Ecology and Land Development in California. U.S. Geological Survey Open-file Report 00-62. U.S. Geological Survey, Sacramento, CA.
[176] *Ibid.*
[177] *Ibid.*
[178] DSEIR, p. 4.5-46.
[179] DSEIR, p. 4.5-45.

31

for "additional restoration." Consequently, the DSEIR allows an indefinite time lag between habitat functions lost and habitat functions restored. This is important because temporal loss of habitat must be addressed when determining compensatory mitigation requirements. The DSEIR's failure to address temporal loss is exacerbated by the DSEIR's failure to establish contingency measures that would be required if the Applicant is unable to achieve restoration success criteria after multiple attempts.

Mitigation Measure BIO-3 requires the Applicant to: "file a performance security with the County to complete restoration prior to Zoning Clearance." The DSEIR does not identify the amount of the performance security or establish how it would be calculated. As a result, it provides no assurances that the performance security would be large enough to complete the restoration program or purchase other habitat in the event the Applicant fails to successfully complete the work in accordance with the approved restoration and revegetation plan.

10.105 *cont.*

Restoration and revegetation projects are inherently difficult and often fail. Having a County-approved botanist prepare and implement the site restoration and revegetation plan does not ensure the plan will be successful, even if the plan is approved by County staff prior to implementation (as proposed in the DSEIR). To ensure Project impacts are successfully mitigated, MM BIO-3 must include detailed performance standards for the Applicant's restoration and revegetation efforts. Currently, the DSEIR establishes only one, vague and unenforceable performance standard for MM BIO-3: "[l]ong-term performance standards shall include, but not be limited to, criteria such as requiring that restoration areas support at least 80 percent of the native species abundance and percent cover and is relatively weed free or demonstrates similar weed cover to surrounding, good quality habitat." The DSEIR defers formulation of any other performance standards until after the CEQA review process terminates. Because restoration and revegetation plans often are plagued by weaknesses that go unnoticed or unquestioned, it is imperative that the Applicant's Restoration and Revegetation Plan (with detailed performance standards) be vetted by the public, resource agencies, and scientific community during the CEQA review process.[180]

Gaviota Tarplant (MM BIO-6)

According to MM BIO-6:

> CDFW and USFWS will be consulted regarding an appropriate mitigation strategy, which could include offsite preservation of existing populations. Compensatory mitigation for Gaviota tarplant shall be implemented to offset take; compensation lands will be managed according to the Gaviota Tarplant Mitigation Plan prepared in support of the Incidental Take Permit and Biological Opinion.

10.106

CEQA specifically prohibits deferral of mitigation that a lead agency relies on for its conclusion of insignificance unless the lead agency: (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, (3) identifies the type(s) of potential action(s)

[180] Longcore T, R Mattoni, G Pratt, C Rich. 2000. On the perils of ecological restoration: Lessons from the El Segundo blue butterfly. Pages 281-286 *in* JE Keeley, M Baer-Keeley, CJ Fotheringham, editors. 2nd Interface Between Ecology and Land Development in California. U.S. Geological Survey Open-file Report 00-62. U.S. Geological Survey, Sacramento, CA.

that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure, and (4) demonstrates in the record that a detailed description of the mitigation measure(s) was impractical or infeasible during the Project's environmental review phase.[181] As described below, MM BIO-6 fails to satisfy all but the first of these requirements.

First, the DSEIR fails to provide evidence that a detailed description of the mitigation measure(s) was impractical or infeasible during the Project's environmental review phase. This would include evidence that the Applicant and County consulted with the CDFW and USFWS prior to release of the DSEIR to identify appropriate and feasible mitigation.

Second, the DSEIR does not provide evidence that offsite preservation of existing populations is a feasible mitigation strategy, nor does it identify any other feasible strategies if offsite compensation lands are unavailable for acquisition. Nevertheless, offsite preservation of *existing populations* would result in a net loss of Gaviota tarplant, and thus, would not fully mitigate impacts in accordance with requirements of the California Endangered Species Act ("CESA"). In most cases, achieving CESA's "full mitigation" standard requires habitat creation, restoration, and/or enhancement activities at sites that are acquired for preservation in order to fully offset habitat impacts caused by the project. The County has no basis for its conclusion that impacts would be fully offset by MM BIO-6 unless it provides evidence that Gaviota tarplant populations can be successfully created, restored, or enhanced at the offsite compensation land. **10.106** *cont.*

Third, the DSEIR fails to adopt any performance standards for the mitigation. This includes performance standards for mitigation sites, *and* for Gaviota tarplant populations that are "avoided" by Project construction activities.

The DSEIR's deferral of the Gaviota tarplant mitigation strategy effectively robs the public, resource agencies, and scientific community from being able to submit informed comments pertaining to that strategy, and from having those comments vetted during the environmental review process. Furthermore, for state-listed species, CDFW must rely on the EIR in order to issue incidental take coverage, which is a stipulation of MM BIO-6. If the information in the EIR is insufficient, as demonstrated above, CDFW may be unable to rely on the EIR for purposes of permit issuance.

Nesting Birds (MM BIO-12)

MM BIO-12 requires surveys for nesting birds. It states:

> Surveys shall be conducted in all areas within 500 feet of proposed disturbance areas, or a lesser distance if dense vegetation or site access restrictions renders a 500-foot survey radius infeasible…If breeding birds with active nests are found prior to (or during) Project activities including vegetation clearing and excavations, a biological monitor shall oversee the establishment of a buffer (typically 300 feet for passerines and 500 feet for raptors) around the nest; no activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.

10.107

[181] Cal Code Regs. tit. 14 § 15126.4.

33

MM BIO-12 subsequently states: "[s]urveys for burrowing owls shall be conducted prior to construction within all suitable habitat in the Project area, including areas within 300 feet of all Project facilities, WTG sites, and access roads (where access allows). The survey shall be performed regardless of season of the year due to this species' being present in the winter." CDFW's *Staff Report on Burrowing Owl Mitigation* recommends a 500-meter buffer between occupied burrows and activities causing a high level of disturbance (e.g., construction activities), regardless of season.[182] The DSEIR fails to provide evidence that a 300-foot survey radius and buffer would be sufficient to avoid significant impacts to burrowing owls.

10.107 *cont.*

According to the DSEIR, the County-approved biological monitor would be responsible for determining the size of nest buffers. Most biologists (including excellent "birders") have minimal knowledge of the situational and species-specific factors that affect nesting success. Because the DSEIR does not establish minimum qualifications for the biological monitor, the County does not have the basis for assuming the biological monitor would be qualified to make decisions on the size of nest buffers. Nevertheless, the "typical" buffer distances referenced in the DSEIR (300 feet for passerines and 500 feet for raptors) would not prevent potentially significant impacts to burrowing owls and golden eagles. As discussed above, CDFW recommends a 500-meter (1,640-foot) buffer for burrowing owls.[183] To avoid "take" of golden eagles, the USFWS recommends a two-mile buffer for blasting and other loud non-regular noise, and a one-mile buffer for all other activities.[184]

El Segundo Blue Butterfly (MM BIO-13)

Mitigation Measure BIO-13 requires "a plan to restore and/or enhance ESBB habitat." According to the DSEIR, the plan shall identify sites to be restored or enhanced and the approach to restoration and enhancement. The restoration or enhancement activities would be conducted on an acre-for-acre basis, and they would preferably occur in or adjacent to an area of existing habitat supporting coast buckwheat on sandy soils. Alternatively, they could occur in an area disturbed by the Project. The measures proposed in the DSEIR do not ensure Project impacts to the El Segundo blue butterfly ("ESBB") and its habitat are mitigated to less than significant levels.

10.108

First, the DSEIR defers formulation of the mitigation plan, and critical details of that plan, until after the CEQA review process terminates. This precludes the public from having the opportunity to submit comments on the adequacy of the mitigation strategy, and from having those comments vetted during the CEQA review process. This issue is exacerbated by the DSEIR's failure to establish a mechanism that ensures scientific rigor of the Applicant's plan. According to the DSEIR: "[i]f ESBB has been found on the site, the plan shall be submitted to USFWS for approval, prior to implementation." This condition is confusing, because the DSEIR does not require surveys for ESBB prior to impacts, and ESBB have already been "found" on the site.

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[182] California Department of Fish and Game. 2012. Staff Report on Burrowing Owl Mitigation, p. 9.
[183] *Ibid.*
[184] U.S. Fish and Wildlife Service, Pacific Southwest Region, Migratory Bird Division. 2017 Dec. Recommended Buffer Zones for Ground-based Human Activities around Nesting Sites of Golden Eagles in California and Nevada. Available at: <https://www.fws.gov/cno/conservation/MigratoryBirds/EaglePermits.html>.

34

Second, the DSEIR indicates that the restoration or enhancement "would preferably occur in or adjacent to an area of existing habitat supporting coast buckwheat on sandy soils." However, it allows buckwheat planting to occur in any area disturbed by the Project without limitations. This is not a reliable mitigation strategy, and it may have adverse ecological consequences.[185]

Third, the DSEIR does not incorporate (or require) any performance criteria for El Segundo blue butterfly at the restoration or enhancement sites. This includes criteria for presence, abundance, and reproductive success. In effect, the DSEIR allows the Applicant to replace occupied habitat with potential habitat, thus, potentially eliminating ESBB from the Project site. As Morrison (2002) and others have pointed out, the success of a habitat restoration (or enhancement) project should be judged by how the target species responds to it.[186] The DSEIR does not incorporate any performance standards for ESBB response to the Applicant's restoration and enhancement program, or to the Project as a whole. Similarly, it does not incorporate a monitoring program to assess ESBB response to the Project, and thus, whether adaptive management is needed to achieve conservation objectives.

10.108 *cont.*

Fourth, the DSEIR fails to provide any scientific evidence or analysis that justifies a 1:1 mitigation ratio as being sufficient to reduce impacts to less-than-significant levels. In general, a ratio greater than 1:1 is required, in part due to scientific observations that compensatory mitigation sites often provide reduced functions compared to the impacted resources. Other factors that generally require a mitigation ratio greater than 1:1 include:[187]

1. Mitigation Strategy: The DSEIR allows the Applicant to enhance habitat as mitigation. By definition, "habitat enhancement" means habitat for the species already exists within the enhancement area. As a result, mitigation that involves habitat enhancement requires a mitigation ratio much greater than 1:1 to offset impacts to the species.

2. Lag time: Mitigation ratios greater than 1:1 are often required when there is a lag time between functions lost and functions gained. The DSEIR requires submittal of the habitat restoration/enhancement plan prior to construction, but it does not establish a required timeframe for restoration/enhancement activities. However, even if the Applicant

[185] Longcore T, R Mattoni, G Pratt, C Rich. 2000. On the perils of ecological restoration: Lessons from the El Segundo blue butterfly. Pages 281-286 *in* JE Keeley, M Baer-Keeley, CJ Fotheringham, editors. 2nd Interface Between Ecology and Land Development in California. U.S. Geological Survey Open-file Report 00-62. U.S. Geological Survey, Sacramento, CA.

[186] Morrison ML. 2002. Wildlife Restoration: Techniques for Habitat Analysis and Animal Monitoring. Island Press: Washington (DC). p. 1. *See also* Riparian Habitat Joint Venture. 2004. Version 2.0. The riparian bird conservation plan: a strategy for reversing the decline of riparian associated birds in California. California Partners in Flight. p. 142.

[187] Department of the Interior, U.S. Fish and Wildlife Service. 2016. Endangered and Threatened Wildlife and Plants; Endangered Species Act Compensatory Mitigation Policy. 81 FR 61031. *See also* Clement, J.P. et al. 2014. A strategy for improving the mitigation policies and practices of the Department of the Interior. A report to the Secretary of the Interior from the Energy and Climate Change Task Force, Washington, D.C., 25 pp. *See also* State Water Resources Control Board. 2019. State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Staff Report Including the Substitute Environmental Documentation. 234 pp. *See also* US Army Corps of Engineers. 2015. Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for South Pacific Division USACE. pp. 16 through 18.

35

initiates those activities concurrent with Project impacts, it takes buckwheat approximately five years to produce enough flower heads to support ESBB.[188] As a result, there would be at least a five-year lag time between the functions lost from the original habitat and the functions gained from any replacement habitat.

3. Uncertainty: Mitigation ratios greater than 1:1 are required when there is uncertainty regarding the ability to fully replace lost functions and values. State and federal agencies have acknowledged the inherent uncertainty in restoration and creation projects, and as a result, recommend mitigation ratio commensurate with the risk that a project will not achieve its goals. For example, according to the USFWS's Compensatory Mitigation Policy statement: "[a]n exact accounting of the functions and services lost at the impact sites and gained at the mitigation sites is rarely possible due to the variability and uncertainty inherent in biological systems and ecological processes. To buffer risk and reduce uncertainty, it is often helpful to design compensatory mitigation programs and projects to achieve measures beyond no net loss to attain sufficient conservation benefits for the species."[189] There is considerable uncertainty associated with the outcome of the mitigation proposed in the DSEIR because it does not: (a) provide the habitat restoration/enhancement plan; (b) identify potential sites for habitat restoration/enhancement; or (c) establish specific performance standards for ESBB at the mitigation sites.

10.108 *cont.*

4. Buffers: Mitigation ratios greater than 1:1 are often required to account for buffers that ensure the ecological sustainability of the compensatory mitigation site. The DSEIR allows the Applicant's mitigation efforts to occur in an area disturbed by the Project. This suggests that there would be no buffers between the mitigation site and Project features (e.g., roads and WTGs) that will be subject to ongoing disturbance.
5. Scarcity: Projects that impact rare species or resources are generally required to provide higher mitigation ratios.[190] The ESBB is an extremely rare species.
6. Distance: Compensatory mitigation ratios are generally dependent on the distance of the mitigation site from the impact site.[191] Compensatory mitigation projects that are performed offsite generally demand 2:1 or higher mitigation ratios.
7. Other Impacts: A mitigation ratio greater than 1:1 may be needed to account for a project's indirect impacts, and for its contribution to cumulative impacts. Although the DSEIR acknowledges the Project could have significant indirect impacts on ESBB, the compensatory mitigation proposed in the DSEIR fails to account for these impacts. It also fails to account for the Project's contribution to significant cumulative impacts.

Projects possessing any one of these circumstances have required a compensatory mitigation ratio of 2:1, 3:1, or even greater (especially when a threatened or endangered species was impacted). However, if one takes a lenient approach and increases the proposed 1:1 mitigation

[188] U.S. Fish and Wildlife Service. 2015 Feb 18. Reinitiation of Formal Consultation for Replacement of K-Series Electrical Distribution Lines on South Vandenberg Air Force Base, Santa Barbara County, California, (8-8-11-F-15R). p. 8.
[189] 81 FR 61031.
[190] *Ibid.*
[191] *Ibid.*

36

ratio by only 0.5 for each of the circumstances listed above, the Project demands a compensatory mitigation ratio of at least 4:1. **10.108** *cont.*

Coast Horned Lizard (MM BIO-14a)

Mitigation Measure BIO-14a requires a biologist to conduct daily clearance surveys for horned lizards within active construction areas. However, the DSEIR fails to establish any standards for the surveys, including the methods that should be implemented to locate lizards within construction areas. This is important because horned lizards are often buried in sand and impossible to locate visually. As a result, specialized techniques are generally required to identify presence of the species.[192] Because the DSEIR fails to establish standards for the clearance surveys, it provides no assurances that direct mortality of lizards would be minimized. **10.109**

Legless Lizard (MM BIO-14b)

According to the DSEIR:

> The Applicant shall retain a County-approved biologist to survey for legless lizards in suitable habitat within the Project footprint as well as for a distance of 50 feet away (where access allows). The biologist shall work with the equipment operator during initial vegetation clearance to identify those areas that would require legless lizard mitigation, and then to salvage and relocate exposed animals.

Similar to the horned lizard, locating legless lizards requires special techniques (e.g., raking substrates).[193] MM BIO-14a fails to establish the methods that need to be implemented to locate legless lizards, and thus, to ensure the biologist would identify "areas that would require legless lizard mitigation."[194] **10.110**

MM BIO-14b describes a phased grading technique that the DSEIR claims would "avoid impacts to the legless lizard." However, the DSEIR provides no evidence that the proposed technique is effective. Moreover, it is misleading for the DSEIR to claim that the technique would "avoid impacts" to legless lizards. The legless lizard is a secretive species that is rarely detected above ground.[195] Clearing a construction site to avoid direct impacts to legless lizards requires extraordinary effort. For example, it took Kuhnz et al. (2005) 1,572 hours to locate and remove all legless lizards within a 1.57-ha (3.88-ac) construction site in Moss Landing, California.[196] The DSEIR does not require this level of effort. As a result, the Project has the potential to cause a significant amount of legless lizard mortality.

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[192] Hollingsworth B, M Stepek. 2011. Population status of Blainville's Horned Lizard (*Phrynosoma blainvillii*) at Marine Corps Base Camp Pendleton. Technical Report prepared for Naval Facilities Engineering Command, Southwest and Marine Corps Base Camp Pendleton. 37 pp.
[193] Kuhnz LA, RK Burton, P Slattery P, J Oakden. 2005. Microhabitats and Population Densities of California Legless Lizards, with Comments on Effectiveness of Various Techniques for Estimating Numbers of Fossorial Reptiles. Journal of Herpetology 39(3):395-402.
[194] *Ibid.*
[195] *Ibid.*
[196] *Ibid. See also*: <https://www.mlml.calstate.edu/2016/11/17/the-legless-lizards-of-the-mlml-hill/>.

37

American Badger (MM BIO-14d)

MM BIO-14d requires pre-construction surveys for badger dens; however, it fails to establish any specific standards for the timing of the surveys in relation to ground disturbance activities. This is important because badgers may dig a new den each night.[197] As a result, pre-construction surveys for badgers may not be effective in minimizing impacts unless they are conducted immediately prior to ground disturbance activities. 10.111

Roosting Bats (MM BIO-14e)

MM BIO-14e requires pre-construction surveys for roosting bats if construction is to occur between February 1 and August 31 (i.e., the maternity season). According to the DSEIR:

> If an active roost is found, appropriate construction buffers shall be established based on the species, context of the roost, and activities planned as determined by the County-approved biologist in coordination with the County and CDFW as appropriate. Updated maps showing active roosting locations shall be distributed to the biological monitors, EQAP inspector, and crew foreman on a weekly basis. The roost shall be monitored to record any potential construction-related effects.

Although not explicitly stated, MM BIO-14e suggests there would be no disturbance activities within the construction buffer until the roost becomes "inactive" (i.e., the maternity season ends). Some roosts, especially maternity roosts, are reused year after year and may support hundreds or thousands of bats. This generates two potential scenarios:

1. The roost is directly or functionally eliminated by the Project. The availability of suitable roost sites is the limiting factor for most bat populations.[198] Although construction activities would avoid direct mortality of bats, the loss of the roost would have a significant indirect impact on the bat population unless replacement roosts are available. The DSEIR does not require replacement of any roosts that are eliminated by the Project. 10.112
2. Bats return to the roost the following maternity season. If the roost is near a wind turbine, the bats would be susceptible to heightened mortality as they enter and exit the roost. Mortality of females would cause mortality of pups in the roost. As a result, there could be severe levels of mortality due to one poorly sited turbine. The DSEIR does not require a turbine to be relocated away from a significant roost site if one is discovered during the pre-construction surveys, nor does it incorporate mitigation to minimize mortality to bats associated with the roost (e.g., curtailment of the turbine during the maternity season).

Because the DSEIR does not provide mitigation for indirect impacts to maternity roosts, potentially significant impacts to special-status bats remain unmitigated.

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[197] Sapphos Environmental, Inc. 2008 Feb 15. Memorandum for the Record No. 7 (Appendix A-4). Attachment 8, p. 8-2.
[198] Western Bat Working Group. 2005 (Update). Species Accounts. Available at: <http://wbwg.org/western-bat-species>.

38

Western Spadefoot (MM BIO-14h)

Mitigation Measure BIO-14h requires a habitat restoration and management plan for impacts to habitats that are occupied by the western spadefoot toad. According to MM BIO-14h: "[r]estoration areas shall be monitored and maintained until they are shown as successful habitat for the toad, or up to five years. Success criteria shall be proposed." This condition is too vague to ensure impacts are mitigated to less than significant levels. Specifically, it is unclear what the County considers to be "successful habitat," and whether monitoring would be allowed to stop after five years even if the restoration areas have not shown signs of being successful habitat. This is exacerbated by the DSEIR's deferral of success criteria for the mitigation measure. As a result, MM BIO-14h does not mitigate Project impacts on the western spadefoot to less than significant levels. 10.113

Siting (MM BIO-15a)

Research has demonstrated that even one poorly located wind turbine can have significant impacts on birds, bats, and other sensitive resources.[199] Careful micro-siting of turbines mitigates that risk.[200] Indeed, besides curtailment, micro-siting is the single most effective means of reducing bird and bat fatalities at wind energy facilities.[201]

According to MM BIO-15a: "[t]he turbines shall be micro-sited so that each WTG and transmission tower is located at least 500 feet away from critical biological resources identified in preconstruction surveys, specifically: active raptor nest sites, open water which would attract birds or bats (including stock-ponds), thicker riparian habitat in Canada Honda and San Miguelito creeks, eucalyptus tree groves, or vernal pools, if present." The efficacy of the proposed measure is questionable. The features (e.g., stock ponds, riparian habitat) listed in MM BIO-15a have already been identified. Therefore, data from preconstruction surveys are not needed to microsite turbines, nor it is realistic to assume the Applicant will be capable of reconfiguring major components of the Project (i.e., WTGs, transmission towers, and associated access roads) based on data that are collected within days of initiating construction. 10.114

As the DSEIR suggests, micro-siting includes placing turbines away from biological resources (e.g., ponds) that attract birds and bats. However, careful micro-siting also involves placing turbines away from terrain features that are conducive to heightened fatality levels.[202] This

[199] Committee on Environmental Impacts of Wind Energy Projects, National Research Council. 2007. Environmental Impacts of Wind-Energy Projects. National Academies Press, Washington (DC). 394 pp.
[200] Smallwood KS, C Thelander. 2004. Developing Methods to Reduce Bird Mortality in the Altamont Pass Wind Resource Area. Prepared by BioResource Consultants for the California Energy Commission Public Interest Energy Research (PIER) Program, Report #500-04-052. *See also* Smallwood KS, L Neher, DA Bell. 2009. Map-Based Repowering and Reorganization of a Wind Resource Area to Minimize Burrowing Owl and Other Bird Fatalities. Energies 2:915-943. *See also* Pocewicz AW, A Estes Zumpf, MD Andersen, HE Copeland, DA Keinath, HR Griscom. 2013. Modeling the distribution of migratory bird stopovers to inform landscape-scale siting of wind development. PLoS ONE 8(10):e75363.
[201] *Ibid.*
[202] *Ibid. See also* Scientific Review Committee for the Altamont Pass Wind Resource Area. 2010 May 23. Guidelines for siting wind turbines recommended for relocation to minimize potential collision-related mortality of four focal raptor species in the Altamont Pass Wind Resource Area.

includes ridge saddles, breaks in slopes, and relatively low-lying areas (among others).[203] The DSEIR does not require the Applicant to micro-site turbines to avoid terrain features associated with high fatality levels, nor does it provide any evidence that the Applicant has made efforts to avoid those features. Indeed, most of the turbines would be located on ridges and hill tops, which are known to cause disproportionally high levels of mortality, especially to raptors.[204] As a result, the DSEIR fails to provide evidence that the Project has been designed to minimize bird and bat fatalities, and the measures proposed in MM BIO-15a provide no assurances that proper micro-siting procedures would be implemented prior to Project construction. **10.114** *cont.*

Appropriate WTG and Project-Element Design (MM BIO-15b)

MM BIO-15b states: "[a]ll permanent meteorological towers shall be unguyed." This conflicts with the Project Description, which states that the permanent meteorological tower would be a guy-wired lattice structure.[205]

According to MM BIO-15b: "WTGs shall be microsited and designed to minimize collision potential, consistent with *USFWS Land-Based Wind Energy Guidelines (2012)*." The *Land-Based Wind Energy Guidelines* have two sentences about micro-siting. The first is that surveys for raptor nests "provide information to predict risk to the local breeding population of raptors, for micro-siting decisions, and for developing an appropriate-sized non-disturbance buffer around nests."[206] The second sentence is that:

> Turbine-specific fatality rates may be related to site characteristics such as proximity to water, forest edge, staging and roosting sites, known stop-over sites, or other key resources, and this relationship may be estimated using regression analysis. This information is particularly useful for evaluating micro-siting options when planning a future facility or, on a broader scale, in determining the location of the entire project.[207]

10.115

The DSEIR needs to clarify how the regression analysis mentioned in the *Land-Based Wind Energy Guidelines* was used to determine the location of the entire project. It also needs to clarify how the regression analysis will be used for the micro-siting of the Project's WTGs.

In 2015 the American Wind Energy Association established a voluntary operating protocol that would limit blade movement in low wind speeds.[208] Such operational curtailment can reduce bat fatalities by 44% to 93% with minimal impact on power generation.[209] The DSEIR needs to clarify whether the Project will implement the American Wind Energy Association's operating protocol to limit blade movement in low wind speeds. If that protocol will not be implemented, the DSEIR must provide evidence that implementing the protocol is an infeasible mitigation strategy.

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[203] *Ibid.*
[204] *Ibid.*
[205] DSEIR, p. 2-31.
[206] U.S. Fish and Wildlife Service. 2012 Mar 23. Land-Based Wind Energy Guidelines. p. 29.
[207] *Ibid*, p. 38.
[208] *See* <https://www.windpowerengineering.com/projects/environmental/wind-energy-industry-announces-new-voluntary-practices-to-reduce-overall-impacts-on-bats-by-30/>.
[209] Arnett EB, Huso MMP, Schirmacher MR, and Hayes JP. 2011. Altering turbine speed reduces bat mortality at wind-energy facilities. Frontiers in Ecology and the Environment 9:209-214.

40

Monitoring and Adaptive Management Plan / Bird and Bat Conservation Strategy (MM BIO-16)

MM BIO-16 requires the Applicant to prepare a Monitoring and Adaptive Management Plan ("Plan"). Several important aspects of the Monitoring and Adaptive Management Plan have been deferred until after CEQA review terminates. This precludes the public and scientific community from being able to submit informed comments on the adequacy of the Plan.

MM BIO-16 states that the Applicant will obtain golden eagle take authorization from the USFWS. The DSEIR needs to clarify the timing and enforcement mechanism associated with this measure. Specifically, is the County requiring the Applicant to obtain eagle take authorization from the USFWS prior to any Project activities that may result in take of an eagle?

Before applying for an eagle take permit, applicants must first demonstrate that their project planning efforts have incorporated all feasible measures to avoid and minimize the take of eagles. The DSEIR fails to demonstrate that Project planning efforts have incorporated all feasible measures to avoid and minimize the take of eagles. For other projects, these measures have included: 10.116

- Establishing turbine no-build areas where there has been high eagle and other raptor use, movement corridors, and nesting and foraging habitats.
- An agreement to curtail operation of any turbines that are located within 1 mile (1,600 meters) of unoccupied golden eagle nests during daylight hours between February 1 and April 30 while determining nest activity. If a nest were to become active during this period, turbines within 2.2 miles (3,500 meters) would be curtailed during the breeding season until the young fledge and are no longer dependent on the nest or until the nest becomes unoccupied.
- An agreement to implement procedures for using explosives and conducting blasting activities within specified times and at specified distances from eagles and other sensitive wildlife.[210]

Please discuss whether it would be feasible to implement these measures at the Project site. If one or more of the measures is not feasible, please explain why the measure is not feasible.

Bird/Bat Mortality Study (MM BIO-16b)

MM BIO-16b requires the Applicant to conduct a bird and bat mortality study under direction of a County-approved biologist. The information from the study will be used to determine whether the mortality thresholds have been reached, and thus, whether adaptive management measures are needed. As a result, it is imperative that the mortality study is properly designed and implemented, and that the data are rigorously analyzed. 10.117

[210] U.S. Fish and Wildlife Service. 2016 Nov. Final Environmental Impact Statement for Eagle Take Permits for the Chokecherry and Sierra Madre Phase I Wind Energy Project. pp. 2-29 and -30.

41

The DSEIR requires mortality monitoring for the first full two years after all WTGs are in operation. The only other information the DSEIR provides about the mortality study is that:

> The general design of the study should follow recommendations of the CEC Guidelines (2007), or improved methodologies if appropriate, including methods for carcass search surveys, scavenger studies, evaluation of researcher efficiency, data analysis and reporting methodology. Specifically, carcass searches shall occur once every two weeks at 30 percent of the WTGs, as recommended in the CEC Guidelines. Reports shall include mean estimated fatalities and 90 percent confidence intervals for species or appropriate bird and bat groups. The plan shall include training of Project operations staff in handling and reporting avian and bat fatalities encountered in the course of their regular activities. The selection of which WTGs to monitor may be adjusted from year to year (or as appropriate). Sampling methodology and sample locations to be approved by the County.

The CEC Guidelines are outdated. Since 2007 there have considerable advancements in knowledge of carcass detection and fatality estimation. The adequacy of the methods that will be implemented for the Project's mortality monitoring study cannot be evaluated until the County identifies the "improved methodologies" that will be implemented. This issue is exacerbated by the DSEIR's *a priori* conclusion that two years of sampling at 30 percent of the WTGs would be sufficient to accurately estimate fatality levels. Fatality monitoring data often are plagued by large standard errors and wide confidence intervals. This impairs the ability to make appropriate management decisions (e.g., implement adaptive management measures). The County must conduct "power analysis" prior to making decisions on the experimental design (including sample size) that should be implemented for the Project. The CEC Guidelines acknowledge that sampling 30 percent of the WTGs may not be sufficient. They state: **10.117** *cont.*

> Establish search plots at approximately 30 percent of the turbines. The number of search plots should reflect the desired precision in the fatality estimates. A sample larger or smaller than 30 percent may be needed for some projects. For example, projects with diverse habitats may require sampling more than 30 percent of the turbines, while projects with more than 50 turbines may need fewer than 30 percent of the turbines sampled.[211]

The Project's WTGs would be located within (or immediately adjacent to) six habitat types.[212] Consequently, it qualifies as a project that may require sampling more than 30 percent of the turbines. Moreover, sampling 30 percent of the turbines for two years would be incapable of providing accurate mortality estimates for species that naturally occur at low densities (e.g., golden eagle) and that exhibit considerable spatial and temporal variation in land use. Prior to concluding that a 30 percent sample would be sufficient, the County needs to consult with a statistician at the CDFW or USFWS. In addition, the DSEIR must identify:[213]

1. The search radius around each WTG.
2. The search techniques (i.e., humans or scent-detection dogs).

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[211] California Energy Commission and California Department of Fish and Game. 2007. California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development. Commission Final Report. California Energy Commission, Renewables Committee, and Energy Facilities Siting Division, and California Department of Fish and Game, Resources Management and Policy Division. CEC-700-2007-008-CMF. p. 74.
[212] DSEIR, Table 4.5-1a.
[213] Smallwood KS, DA Bell, EL Walther, E Leyvas, S Standish, J Mount, B Karas. 2018. Estimating wind turbine fatalities using integrated detection trials. Journal of Wildlife Management 82:1169-1184.

42

3. The inter-transect spacing of biologists conducting the searches.
4. The types of carcasses that will be used in detection trials.
5. The qualifications of the County staff person that would be responsible for approving the Applicant's sampling strategy.

10.117 *cont.*

Adaptive Management Plan (MM BIO-16d)

Table 4.5-6 provides mortality thresholds that would trigger "Level 1" and "Level 2" adaptive management measures. The thresholds proposed in Table 4.5-6 do not include injured birds. Most birds that collide with WTGs succumb to their injuries. The DSEIR needs to identify whether injured birds will count towards the proposed mortality thresholds (especially if the injured bird cannot be treated and released back into the wild). It also needs to identify the fate of injured birds that are detected at the Project site. For example, will the Applicant be responsible for taking injured birds to a care facility, and for paying the facility's treatment costs?

Table 4.5-6 does not provide any thresholds for bat mortality, although the text on page 4.5-88 of the DSEIR states: "[l]evel 2 measures shall also be triggered by large-scale mortality of non-sensitive bird or bat species at thresholds of 4 and 12 fatalities per WTG, per year, respectively." It is unclear whether this means the threshold would be triggered if a single WTG kills more than 12 non-sensitive bats per year, or whether it means the threshold would be triggered if the entire Project kills more than 360 non-sensitive bats in a single year. This needs to be clarified. The DSEIR also needs to establish the threshold for *sensitive* bat species.

10.118

Level 1

The DSEIR states the following regarding bird or bat fatalities that reach the threshold criteria for Level 1:

> The carcass search frequency shall be increased in the vicinity of the specific WTG(s) suspected of being responsible, to determine whether WTG(s) are at cause and to better understand the causal factors and circumstances contributing to the fatalities. Carcass search patterns and extent may be modified, survey frequency may be increased up to twice per week, and supplementary field observations may be required for up to six months, if necessary to assess the pattern or frequency of fatalities. The additional information would facilitate a more informed response in the event that mortality levels reach Level 2. The Project operator shall provide wind velocity data for the area of the fatalities if the County determines that the data are important for assessing the cause of fatalities or for designing enhanced search patterns. Details of the enhanced monitoring program will be subject to County approval.[214]

The proposed measures are vague and uncertain (due to use of the word "may"). Bird and bat fatalities may be related to terrain features and other variables beyond geographic location. As a result, increasing the search frequency may not elucidate causal factors. In addition, fatalities may be related to season (e.g., migration), which would not necessarily be evident if field observations are extended six months.

[214] DSEIR, p. 4.5-86.

43

Level 2

The DSEIR states the following regarding bird or bat fatalities that reach the threshold criteria for Level 2:

> The cause of bird and bat fatalities at wind farms is often indeterminate, due to the condition of the carcasses, activity of scavengers, and wide radius of land-fall. The County shall require Level 2 response options only if it determines with reasonable certainty that the fatalities are caused by wind farm operations and which WTGs are at cause.

The DSEIR needs to clarify how the County will "determine with reasonable certainty that the fatalities are caused by wind farm operations." One of the problems with mortality monitoring studies is that necropsies are not conducted unless the dead animal is a threatened or endangered species. Consequently, for most fatalities, it is very difficult to: (a) determine the cause of death, or (b) prove that the fatality was caused by one of the WTGs. The wind industry has used these uncertainties to its advantage; if there is doubt as to cause of death, data will be omitted from analysis. In this case, the County's determination is entirely dependent on data being provided by consultants working for the Project operator. This presents a conflict of interest. To ensure the County's decisions are based on unbiased data, mortality monitoring data should be collected by an independent party, and all mortality monitoring reports should be made available to the public. **10.118** *cont.*

The DSEIR states:

> These [fatality] thresholds apply to the actual numbers of carcasses attributable to Project facilities or operations recovered in the regular weekly carcass searches. However, incidental finds of carcasses attributable to the Project of federally or state listed bird or bat species or California FPS shall also count toward the thresholds. The numbers assume the carcass searches comprise a 50 percent random sample of the 30 WTG locations, or 15 WTGs.[215]

The DSEIR needs to clarify whether the fatality thresholds apply to the number of carcasses detected during monitoring, or the estimated fatality rates (which account for scavenger removal and search efficiency). If the thresholds apply to the actual numbers of carcasses (as suggested in the excerpt above), what is the point of conducting statistical analyses to estimate the fatality rates? Furthermore, how can the County assume the carcass searches comprise a 50 percent random sample if MM BIO-16b only requires a 30 percent sample?[216]

The DSEIR suggests that one of the Level 2 response options is to make the site less attractive to impacted species, including "intensified efforts to reduce the prey base (e.g., ground squirrels)."[217] This is confusing because the DSEIR does not include any measures to reduce prey (thus, how could they be intensified?).[218] Prey removal would cause significant impacts

[215] DSEIR, p. 4.5-88.
[216] DSEIR, p. 4.5-85.
[217] DSEIR, p. 4.5-87.
[218] MM BIO-16c requires the Applicant to remove carrion, which is not "prey."

44

that were not analyzed in the DSEIR, especially if the County allows the Applicant to use anti-coagulant rodenticides.

There are no proven fatality reduction strategies other than turbine curtailment. However, curtailment is not listed as a Level 2 strategy in the DSEIR. Instead, the DSEIR indicates the CDFW and USFWS "could require curtailment," but any negotiations with the Applicant or possible enforcement actions would be the responsibility of CDFW and USFWS, and not the County.[219] Thus, the County would allow the Project to continue operating even if it is killing an extraordinary number of birds or bats. As the Lead Agency, the County has the authority to require curtailment, and it must take responsibility for ensuring the Project does not cause unacceptable levels of mortality to birds and bats. **10.118** *cont.*

MM BIO-17 (Weed Control)

MM BIO-17 requires the Applicant to have: "a County-approved, qualified restoration ecologist or biologist prepare a comprehensive adaptive Weed Control Plan (WCP) to be administered during the construction and operation phases of the proposed Project." MM BIO-3 and BIO-4b have similar requirements for a "qualified biologist." However, nowhere does the DSEIR define what the County considers to be "qualified biologist." Successfully restoring the ecological communities at the Project site will be a complex endeavor. As a result, restoration work that is conducted at the Project should be overseen by a Certified Ecological Restoration Practitioner.[220]

It is well established that invasive weeds disrupt ecosystem processes and degrade habitat for native plants and animals. The Project has the potential to introduce weeds and/or facilitate their spread in the Project area. Vehicles and crews inadvertently could track in clinging seeds and parts of noxious weeds, thus facilitating their spread in the Project area. Moreover, many weed species that already exist in the region benefit from disturbance and are well adapted to colonizing the Project site once it is disturbed (e.g., after grubbing and grading). To mitigate this potentially significant impact, the County needs to identify: **10.119**

1. The measures that will be implemented to prevent weed species from being introduced to the Project site by personnel and equipment (e.g., mandatory washing stations at points of ingress and egress).
2. The specific weed species that will be subject to weed management measures, and the management objectives for each species (e.g., eradication versus control).
3. The size of the buffer zone surrounding the Project footprint that would be subject to weed management and monitoring measures.
4. Success criteria for the Weed Control Plan.
5. A mechanism (e.g., performance security) for ensuring success of the Weed Control Plan.

Ground disturbance associated with decommissioning will create conditions that are conducive to the colonization or spread of weeds. The DSEIR does not incorporate any requirements for

[219] DSEIR, p. 4.5-87, footnote 9.
[220] *See* <https://www.ser.org/page/CERPProgramOverview>.

45

weed control during and after decommissioning of the Project. As a result, impacts associated with the colonization and spread of weeds remain significant. **10.119** *cont.*

This concludes my comments on the DSEIR.

Sincerely,

Scott Cashen, M.S.
Senior Biologist

46

Scott Cashen, M.S.
Senior Wildlife Ecologist

Scott Cashen has 25 years of professional experience in natural resources management. During that time he has worked as a field biologist, forester, environmental consultant, and instructor of Wildlife Management. Mr. Cashen focuses on CEQA/NEPA compliance issues, endangered species, scientific field studies, and other topics that require a high level of scientific expertise.

Mr. Cashen has knowledge and experience with numerous taxa, ecoregions, biological resource issues, and environmental regulations. As a biological resources expert, Mr. Cashen is knowledgeable of the various agency-promulgated guidelines for field surveys, impact assessments, and mitigation. Mr. Cashen has led field investigations on several special-status species, including ones focusing on the yellow-legged frog, red-legged frog, desert tortoise, steelhead, burrowing owl, California spotted owl, northern goshawk, willow flycatcher, Peninsular bighorn sheep, red panda, and various forest carnivores.

Mr. Cashen is a recognized expert on the environmental impacts of renewable energy development. He has been involved in the environmental review process of over 80 solar, wind, biomass, and geothermal energy projects. Mr. Cashen's role in this capacity has encompassed all stages of the environmental review process, from initial document review through litigation support. Mr. Cashen has provided expert witness testimony on several of the Department of the Interior's "fast-tracked" renewable energy projects. His testimony on those projects helped lead agencies develop project alternatives and mitigation measures to reduce environmental impacts associated with the projects.

Mr. Cashen was a member of the independent scientific review panel for the Quincy Library Group project, the largest community forestry project in the United States. As a member of the panel, Mr. Cashen was responsible for advising the U.S. Forest Service on its scientific monitoring program, and for preparing a final report to Congress describing the effectiveness of the Herger-Feinstein Forest Recovery Act of 1998.

AREAS OF EXPERTISE

- CEQA, NEPA, and Endangered Species Act compliance issues
- Comprehensive biological resource assessments
- Endangered species management
- Renewable energy development
- Scientific field studies, grant writing and technical editing

EDUCATION

M.S. Wildlife and Fisheries Science - The Pennsylvania State University (1998)
Thesis: *Avain Use of Restored Wetlands in Pennsylvania*
B.S. Resource Management - The University of California, Berkeley (1992)

PROFESSIONAL EXPERIENCE

Litigation Support / Expert Witness

Mr. Cashen has served as a biological resources expert for over 100 projects subject to environmental review under the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA). As a biological resources expert, Mr. Cashen reviews CEQA/NEPA documents and provides his clients with an assessment of biological resource issues. He then submits formal comments on the scientific and legal adequacy of the project's environmental documents (e.g., Environmental Impact Statement). If needed, Mr. Cashen conducts field studies to generate evidence for legal testimony, or he can obtain supplemental testimony from his deep network of species-specific experts. Mr. Cashen has provided written and oral testimony to the California Energy Commission, California Public Utilities Commission, and U.S. district courts. His clients have included law firms, non-profit organizations, and citizen groups.

REPRESENTATIVE EXPERIENCE

Solar Energy

- Abengoa Mojave Solar Project
- Avenal Energy Power Plant
- Beacon Solar Energy Project
- Blythe Solar Power Project
- Calico Solar Project
- California Flats Solar Project
- Calipatria Solar Farm II
- Carrizo Energy Solar Farm
- Catalina Renewable Energy Project
- Fink Road Solar Farm
- Genesis Solar Energy Project
- Heber Solar Energy Facility
- Imperial Valley Solar Project
- Ivanpah Solar Electric Generating
- Maricopa Sun Solar Complex
- McCoy Solar Project
- Mt. Signal and Calexico Solar
- Panoche Valley Solar
- San Joaquin Solar I & II
- San Luis Solar Project
- Stateline Solar Project
- Solar Gen II Projects
- SR Solis Oro Loma
- Vestal Solar Facilities
- Victorville 2 Power Project
- Willow Springs Solar

Geothermal Energy

- Casa Diablo IV Geothermal Project
- East Brawley Geothermal
- Mammoth Pacific 1 Replacement
- Orni 21 Geothermal Project
- Western GeoPower Plant

Wind Energy

- Catalina Renewable Energy Project
- Ocotillo Wind Energy Project
- SD County Wind Energy Ordinance
- Searchlight Wind Project
- Shu'luuk Wind Project
- Tres Vaqueros Repowering Project
- Tule Wind Project
- Vasco Winds Relicensing Project

Biomass Facilities

- CA Ethanol Project
- Colusa Biomass Project
- Tracy Green Energy Project

Other

- DRECP
- Carnegie SVRA Expansion Project
- Lakeview Substation Project
- Monterey Bay Shores Ecoresort
- Phillips 66 Rail Spur
- Valero Benecia Crude By Rail
- World Logistics Center

Project Management

Mr. Cashen has managed several large-scale wildlife, forestry, and natural resource management projects. Many of the projects have required hiring and training field crews, coordinating with other professionals, and communicating with project stakeholders. Mr. Cashen's experience in study design, data collection, and scientific writing make him an effective project manager, and his background in several different natural resource disciplines enable him to address the many facets of contemporary land management in a cost-effective manner.

REPRESENTATIVE EXPERIENCE

Wildlife Studies

- Peninsular Bighorn Sheep Resource Use and Behavior Study: (*CA State Parks*)
- "KV" Spotted Owl and Northern Goshawk Inventory: (*USFS, Plumas NF*)
- Amphibian Inventory Project: (*USFS, Plumas NF*)
- San Mateo Creek Steelhead Restoration Project: (*Trout Unlimited and CA Coastal Conservancy, Orange County*)
- Delta Meadows State Park Special-Status Species Inventory: (*CA State Parks, Locke*)

Natural Resources Management

- Mather Lake Resource Management Study and Plan – (*Sacramento County*)
- Placer County Vernal Pool Study – (*Placer County*)
- Weidemann Ranch Mitigation Project – (*Toll Brothers, Inc., San Ramon*)
- Ion Communities Biological Resource Assessments – (*Ion Communities, Riverside and San Bernardino Counties*)
- Del Rio Hills Biological Resource Assessment – (*The Wyro Company, Rio Vista*)

Forestry

- Forest Health Improvement Projects – (*CalFire, SD and Riverside Counties*)
- San Diego Bark Beetle Tree Removal Project – (*SDG&E, San Diego Co.*)
- San Diego Bark Beetle Tree Removal Project – (*San Diego County/NRCS*)
- Hillslope Monitoring Project – (*CalFire, throughout California*)

Biological Resources

Mr. Cashen has a diverse background with biological resources. He has conducted comprehensive biological resource assessments, habitat evaluations, species inventories, and scientific peer review. Mr. Cashen has led investigations on several special-status species, including ones focusing on the foothill yellow-legged frog, mountain yellow-legged frog, desert tortoise, steelhead, burrowing owl, California spotted owl, northern goshawk, willow flycatcher, Peninsular bighorn sheep, red panda, and forest carnivores.

REPRESENTATIVE EXPERIENCE

Biological Assessments/Biological Evaluations ("BA/BE")

- Aquatic Species BA/BE – Reliable Power Project (*SF Public Utilities Commission*)
- Terrestrial Species BA/BE – Reliable Power Project (*SF Public Utilities Commission*)
- Management Indicator Species Report – Reliable Power Project (*SF Public Utilities Commission*)
- Migratory Bird Report – Reliable Power Project (*SF Public Utilities Commission*)
- Terrestrial and Aquatic Species BA – Lower Cherry Aqueduct (*SF Public Utilities Commission*)
- Terrestrial and Aquatic Species BE – Lower Cherry Aqueduct (*SF Public Utilities Commission*)
- Terrestrial and Aquatic Species BA/BE – Public Lands Lease Application (*Society for the Conservation of Bighorn Sheep*)
- Terrestrial and Aquatic Species BA/BE – Simon Newman Ranch (*The Nature Conservancy*)

Avian

- Study design and Lead Investigator - Delta Meadows State Park Special-Status Species Inventory *(CA State Parks: Locke)*
- Study design and lead bird surveyor - Placer County Vernal Pool Study *(Placer County: throughout Placer County)*
- Surveyor - Willow flycatcher habitat mapping *(USFS: Plumas NF)*
- Independent surveyor - Tolay Creek, Cullinan Ranch, and Guadacanal Village restoration projects *(Ducks Unlimited/USGS: San Pablo Bay)*
- Study design and Lead Investigator - Bird use of restored wetlands research *(Pennsylvania Game Commission: throughout Pennsylvania)*
- Study design and surveyor - Baseline inventory of bird species at a 400-acre site in Napa County *(HCV Associates: Napa)*

- Surveyor - Baseline inventory of bird abundance following diesel spill *(LFR Levine-Fricke: Suisun Bay)*
- Study design and lead bird surveyor - Green Valley Creek Riparian Restoration Site *(City of Fairfield: Fairfield, CA)*
- Surveyor - Burrowing owl relocation and monitoring *(US Navy: Dixon, CA)*
- Surveyor - Pre-construction burrowing owl surveys *(various clients: Livermore, San Ramon, Rio Vista, Napa, Victorville, Imperial County, San Diego County)*
- Surveyor - Backcountry bird inventory *(National Park Service: Eagle, Alaska)*
- Lead surveyor - Tidal salt marsh bird surveys (*Point Reyes Bird Observatory: throughout Bay Area*)
- Surveyor – Pre-construction surveys for nesting birds (*various clients and locations)*

Amphibian

- Crew Leader - Red-legged frog, foothill yellow-legged frog, and mountain yellow-legged frog surveys *(USFS: Plumas NF)*
- Surveyor - Foothill yellow-legged frog surveys *(PG&E: North Fork Feather River)*
- Surveyor - Mountain yellow-legged frog surveys *(El Dorado Irrigation District: Desolation Wilderness)*
- Crew Leader - Bullfrog eradication *(Trout Unlimited: Cleveland NF)*

Fish and Aquatic Resources

- Surveyor - Hardhead minnow and other fish surveys *(USFS: Plumas NF)*
- Surveyor - Weber Creek aquatic habitat mapping (*El Dorado Irrigation District: Placerville, CA*)
- Surveyor - Green Valley Creek aquatic habitat mapping *(City of Fairfield: Fairfield, CA)*
- GPS Specialist - Salmonid spawning habitat mapping *(CDFG: Sacramento River)*
- Surveyor - Fish composition and abundance study (*PG&E: Upper North Fork Feather River and Lake Almanor*)
- Crew Leader - Surveys of steelhead abundance and habitat use *(CA Coastal Conservancy: Gualala River estuary)*
- Crew Leader - Exotic species identification and eradication *(Trout Unlimited: Cleveland NF)*

Mammals

- Principal Investigator – Peninsular bighorn sheep resource use and behavior study (*California State Parks: Freeman Properties*)
- Scientific Advisor –Study on red panda occupancy and abundance in eastern Nepal *(The Red Panda Network: CA and Nepal)*
- Surveyor - Forest carnivore surveys *(University of CA: Tahoe NF)*
- Surveyor - Relocation and monitoring of salt marsh harvest mice and other small mammals *(US Navy: Skagg's Island, CA)*
- Surveyor – Surveys for Monterey dusky-footed woodrat. Relocation of woodrat houses (*Touré Associates: Prunedale*)

Natural Resource Investigations / Multiple Species Studies

- Scientific Review Team Member – Member of the scientific review team assessing the effectiveness of the US Forest Service's implementation of the Herger-Feinstein Quincy Library Group Act.
- Lead Consultant - Baseline biological resource assessments and habitat mapping for CDF management units *(CDF: San Diego, San Bernardino, and Riverside Counties)*
- Biological Resources Expert – Peer review of CEQA/NEPA documents (*various law firms, non-profit organizations, and citizen groups)*
- Lead Consultant - Pre- and post-harvest biological resource assessments of tree removal sites *(SDG&E: San Diego County)*
- Crew Leader - T&E species habitat evaluations for Biological Assessment in support of a steelhead restoration plan *(Trout Unlimited: Cleveland NF)*
- Lead Investigator - Resource Management Study and Plan for Mather Lake Regional Park *(County of Sacramento: Sacramento, CA)*
- Lead Investigator - Biological Resources Assessment for 1,070-acre Alfaro Ranch property *(Yuba County, CA)*
- Lead Investigator - Wildlife Strike Hazard Management Plan *(HCV Associates: Napa)*
- Lead Investigator - Del Rio Hills Biological Resource Assessment *(The Wyro Company: Rio Vista, CA)*
- Lead Investigator – Ion Communities project sites (*Ion Communities: Riverside and San Bernardino Counties*)
- Surveyor – Tahoe Pilot Project: Validation of California's Wildlife Habitat Relationships (CWHR) Model *(University of California: Tahoe NF)*

Forestry

Mr. Cashen has five years of experience working as a consulting forester on projects throughout California. Mr. Cashen has consulted with landowners and timber operators on forest management practices; and he has worked on a variety of forestry tasks including selective tree marking, forest inventory, harvest layout, erosion control, and supervision of logging operations. Mr. Cashen's experience with many different natural resources enable him to provide a holistic approach to forest management, rather than just management of timber resources.

REPRESENTATIVE EXPERIENCE

- Lead Consultant - CalFire fuels treatment projects *(SD and Riverside Counties)*
- Lead Consultant and supervisor of harvest activities – San Diego Gas and Electric Bark Beetle Tree Removal Project *(San Diego)*
- Crew Leader - Hillslope Monitoring Program *(CalFire: throughout California)*
- Consulting Forester – Forest inventories and timber harvest projects *(various clients throughout California)*

Grant Writing and Technical Editing

Mr. Cashen has prepared and submitted over 50 proposals and grant applications. Many of the projects listed herein were acquired through proposals he wrote. Mr. Cashen's clients and colleagues have recognized his strong scientific writing skills and ability to generate technically superior proposal packages. Consequently, he routinely prepares funding applications and conducts technical editing for various clients.

PERMITS

U.S. Fish and Wildlife Service Section 10(a)(1)(A) Recovery Permit for the Peninsular bighorn sheep

PROFESSIONAL ORGANIZATIONS / ASSOCIATIONS

The Wildlife Society

Cal Alumni Foresters

Mt. Diablo Audubon Society

OTHER AFFILIATIONS

Scientific Advisor and Grant Writer – *The Red Panda Network*

Scientific Advisor – *Mt. Diablo Audubon Society*

Grant Writer – *American Conservation Experience*

TEACHING EXPERIENCE

Instructor: Wildlife Management - The Pennsylvania State University, 1998

Teaching Assistant: Ornithology - The Pennsylvania State University, 1996-1997

PUBLICATIONS

Gutiérrez RJ, AS Cheng, DR Becker, S Cashen, et al. 2015. Legislated collaboration in a conservation conflict: a case study of the Quincy Library group in California, USA. Chapter 19 *in*: Redpath SR, et al. (eds). Conflicts in Conservation: Navigating Towards Solutions. Cambridge Univ. Press, Cambridge, UK.

Cheng AS, RJ Gutiérrez RJ, S Cashen, et al. 2016. Is There a Place for Legislating Place-Based Collaborative Forestry Proposals?: Examining the Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project. Journal of Forestry.

ATTACHMENT B

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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June 3, 2019

Andrew Graf
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Subject: Comments on the Strauss Wind Energy Project (EIR No. 18EIR-00000-0001)

Dear Mr. Graf,

We have reviewed the April 2019 Draft Supplemental Environmental Impact Report (DSEIR) for the Strauss Wind Energy Project ("Project") located in an unincorporated area of the County of Santa Barbara ("County"). The Project proposes to construct 30 wind turbine generators with an electrical generating capacity of 102 megawatts (MW) in addition to a substation, maintenance facility, switchyard, electrical transmission line, new access roads, and upgrades to the existing Pacific Gas & Electric (PG&E) facilities across the 5,887-acre Project site.

Our review concludes that the DSEIR fails to adequately evaluate the Air Quality impacts. An Environmental Impact Report (EIR) should be prepared that adequately assesses and mitigates the potential air quality impacts that development and decommissioning of the Project may have on the surrounding environment.

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The DSEIR relies on emissions calculated from the California Emissions Estimator Model Version CalEEMod.2016.3.2 ("CalEEMod").[1] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (CEQA) requires that such changes be justified by substantial evidence.[2] Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and

[1] CalEEMod website, *available at*: http://www.caleemod.com/
[2] CalEEMod User Guide, p. 2, 9, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4

"output files" are generated. These output files disclose to the reader what parameters were utilized in calculating the Project's air pollutant emissions and make known which default values were changed as well as provide justification for the values selected.[3]

When we reviewed the Project's CalEEMod output files, we found that the several of the values inputted into the model were not consistent with information disclosed in the DSEIR. As a result, the Project's construction emissions are greatly underestimated. An EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction of the Project will have on local and regional air quality.

Incorrect Application of Construction Equipment

Review of the CalEEMod output files demonstrates that the Project Applicant incorrectly modeled the expected number and construction equipment types. As a result, construction emissions are underestimated.

The DSEIR provided the following construction equipment list, which breaks down the number of pieces and types of equipment that will be used during each phase of construction (see excerpt below) (Table 2-8, p. 2-40).

Table 2-8. Construction Equipment

Construction Phase	Excavator	D-9 Bulldozer	D-6 Bulldozer	Dump Truck	Compactor	Backhoe	14-H Grader	Gradall	Water Truck	Front End Loader	Scraper	Articulated Dump Truck	Rock Crusher	Concrete Trucks	CMP Roller	Telehandler	Trencher	Padding Machine	Line Truck	120-T Crane	90-T Crane	Prime Mover	Crawler Crane	Pickup Truck	Dump Truck	Generator	Total
Access Roads	1		1	3	1	1	1	1	1																		10
Site Roads	1	2	1	3	2	1	1	1	7	1	2	2	1														25
Foundations	1					1								6	1	1											10
Collection System						1	1										1	1	1								5
WTG Deliveries																1				1	2	1					5
WTG Erection																1				1	2		1				5
Substation	1		1			1								1		1			1		1				1		8
T-Line																			3								3
Testing & Commissioning																								6			6
Reclamation			1	1						1																	3
Office Area																										1	1
Total	4	2	4	7	3	5	3	2	8	2	2	2	1	7	1	4	1	1	5	2	5	1	1	6	1	1	81

* Estimated construction equipment includes O&M building and meteorological tower construction

10.120

However, review of the CalEEMod output files demonstrates that the air model emissions relied on completely different quantities and types of equipment during the phases of construction (Appendix B, p. B-18 – B-20). For example, according to the DSEIR, the Access Roads phase of construction will include

[3] CalEEMod User Guide, p. 7, 13, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4 (A key feature of the CalEEMod program is the "remarks" feature, where the user explains why a default setting was replaced by a "user defined" value. These remarks are included in the report.)

2

a total of 10 pieces of equipment. In contrast, the CalEEMod modeling only includes 6 pieces of equipment during the Access Roads phase of construction (see excerpt below) (Appendix B, p. B-18).

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Access Roads	Crawler Tractors	1	8.00	166	0.43
Access Roads	Excavators	2	8.00	158	0.38
Access Roads	Graders	1	8.00	238	0.41
Access Roads	Rollers	1	8.00	80	0.38
Access Roads	Tractors/Loaders/Backhoes	1	8.00	97	0.37

10.120 *cont.*

Similar inconsistencies occurred during each phase on construction and, as a result, construction emissions are underestimated. Prior to Project approval, the Project Applicant should prepare an updated air model within an EIR.

Underestimated Number of Water Truck Trips

Review of the CalEEMod output files demonstrates that the air model failed to account for all of the proposed water trucks trips during Project construction. As a result, construction emissions are significantly underestimated.

According to the DSEIR, construction will generate approximately 8,832 water trucks during Project construction for a total of 16,189 trucks throughout construction (see excerpt below) (Table 2-9, p. 2-43).

Table 2-9. Estimated Construction Truck Trips

Activity	Month 1	2	3	4	5	6	7	8	9	10	Total
WTG Parts Delivery[2]					140	207	207				554
WTG Foundation Installation[3]			152	51	99						302
Water Trucks[4]		1,344	1,344	1,344	1,344	1,344	1,344	384	384		8,832
Access Road Construction[4]	1,344										1,344
Site Road Construction[5]		320	240	240	240	240	240	240	320		2,080
T-Line[6]						240	240	240	240		960
Meteorological Tower Installation[7]								60			60
Collection System[8]						137	20	20			177
WTG Erection[9]						80	10	10	80		180
Services	100	100	100	100	100	100	100	100	100		900
Project Substation[10]							200	200	200		600
Reclamation										200	200
Total by Month	1,444	1,764	1,836	1,735	1,923	2,348	2,361	1,254	1,324	200	16,189
Total by Day (22 Construction Days per Month)[1]	66	80	83	79	87	107	107	57	60	9	74

10.121

However, review of the CalEEMod output files demonstrates that the Project Applicant failed to model all of the water truck trips traveling to the Project site. The DSEIR acknowledges some water trucks are

3

missing and in order to account for this, the Construction and Operation Emissions Estimate Details report provided in Appendix B claims,

> "Equipment was added to address missing water truck use and missing articulated trucks listed in the Applicant's construction equipment list" (Appendix B, p. B-1).

However, it is completely incorrect to model the water trucks as part of the construction equipment for several reasons.

First, modeling missing trucks trips as part of construction equipment significantly underestimates emissions. According to the CalEEMod User's Guide, "To include water trucks and cement trucks in the analysis, the user needs to first determine if these trucks are off-road or in-road vehicles. If they are only driven off-road, then the user can select the Off-Highway Trucks category in the Off-Road Equipment screen. If the trucks are driven on-road, the user can account for the on-road emissions by entering this information as Additional Vendor Trips on the Trips and VMT screen."[4] Since the water trucks will be transporting recycled water from the Lompoc Regional Wastewater Reclamation Plant, these trucks will clearly be traveling off the Project site to deliver water and should be included as vendor trips. Modeling emissions assuming any water truck trips will be part of the construction equipment is incorrect and will result in an underestimation of construction emissions (p. 2-44). Second, regardless that the Applicant failed to model all water truck trips correctly, it is unclear if the construction equipment actually accounts for all missing water truck trips. As stated above, the Project Applicant fails to accurately model the Project's construction equipment. The proposed construction equipment list provided in Table 2-8 already includes proposed dump and water trucks that would be modeled as off-highway trucks within the CalEEMod modeling (Table 2-8, p. 2-40). However, review of the model demonstrates that there are already several missing off-highway trucks that are part of the proposed construction equipment list.[5] Therefore, since the off-highway construction equipment within the model fails to accurately follow the DSEIR, it is completely unclear where the missing water trucks were added or if these additions actually account for all missing water truck trips. **10.121** *cont.*

Thus, the Applicant cannot simply claim that any missing water trucks are accounted for within the equipment list when the equipment list is incorrectly modeled, and these truck trips should be included as on-road trucks. As a result, construction emissions may be underestimated and should not be relied upon to determine Project significance.

Failure to Assess Impacts from Existing Facility Upgrades

Review of the DSEIR and the CalEEMod output files demonstrates that the emissions associated with the proposed improvements to the existing PG&E facilities were not quantified and, as a result, construction emissions are underestimated. **10.122**

[4] http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3_2_15november2017.pdf?sfvrsn=4, p. 33.

[5] For example, the Access Roads phase of construction fails to model 4 off-highway trucks proposed for that phase and the Site Roads phase of construction models one less off-highway trucks than is proposed in Table 2-8.

4

According to the DSEIR, the Applicant proposes upgrades to the existing PG&E facilities in order to connect a 115-kilovolt transmission line from the proposed Project to PG&E's electrical system (p. S-1 – S-2). The Project's transmission line will extend the Project's switchyard, which is located approximately 0.6 miles away from PG&E's Cabrillo substation within the City of Lompoc (p. 2-7). PG&E's transmission line will connect the Project's switchyard the remaining 0.6 miles to PG&E's Cabrillo substation (p. 2-7 and Figure 2-4b, pp. 86). In order to connect the Project's power to the existing PG&E electrical system, the Project would be required to upgrade the interconnection facilities, reliability network, and distribution (Table 2-5, p. 2-24). According to the DSEIR, all of the construction activities undertaken by PG&E for these upgrades would occur within the existing PG&E right-of-way, which is off the Project site boundary (p. 2-51 and Table 2-5, p. 2-24). While the DSEIR details the construction that PG&E will be required to perform in order to connect the Strauss Wind Energy to the existing Cabrillo Substation, the emissions associated with this construction were not evaluated. While the construction would be undertaken off-site and by PG&E instead of the Project Applicant, since these upgrades are necessary for Project development they should evaluated as part of the proposed Strauss Wind Energy Project. Moreover, it is likely that the PG&E upgrades would occur at the same time as Project construction, therefore, the emissions associated with both Project construction and PG&E upgrades are cumulative and should be evaluated together and compared to Santa Barbara Air Pollution Control District (SBAPCD) thresholds. The failure to do so leaves a large gap in the analysis that may result in a significant impact that was not previously identified. **10.122** *cont.*

Failure to Assess Impacts from Decommissioning Activities

The DSEIR states that the Project will be fully or partially decommissioned at the end of its approximately 30-year life (p. 2-55). However, the DSEIR fails to evaluate the potential emissions associated with the decommissioning of the Project and fails to provide a plan to govern decommissioning activities, leaving a substantial gap within the DSEIR's air quality impact analysis. As a result, the Applicant fails to provide a comprehensive analysis of all potential impacts associated with the proposed Project and thus should prepare a Project-specific EIR.

The DSEIR's air quality analysis is inadequate because it fails to investigate, disclose, or evaluate the potential impacts resulting from decommissioning activities, as well as fails to prepare a decommissioning plan. The Applicant states that the Project's lifetime is approximately 30 years, and thus the site will be either repowered (which requires full or partial decommissioning), renovated or upgraded, or decommissioned after that period (p. 2-55). Decommissioning can include a range of activities such as removal of all structures, foundations, wires and hazardous materials, as well as restoration of site vegetation.[6] The DSEIR summarizes the decommissioning process, stating: **10.123**

> "When the Project is decommissioned, all structures and equipment at the site would be dismantled and removed, and the land surface would be restored to as close to the original condition as possible. Reclamation would be conducted on all disturbed areas to comply with County reclamation policy. The short-term goal would be to stabilize disturbed areas as rapidly

[6] Vermont Law School Institute for Energy and the Environment: Decommissioning Renewable Energy Facilities, p. 1.

5

> as possible, thereby protecting sites and adjacent undisturbed areas from degradation" (p. 2-55).

The DSEIR goes on to state:

> "The leases with local landowners require the Applicant to prepare a reclamation plan for the Project. The County would also require a discretionary permit and a decommissioning and reclamation plan to be developed and implemented. The Applicant proposes that the decommissioning plan would, at a minimum, (1) identify and discuss the proposed decommissioning activities and how they would comply with the applicable regulatory requirements, and (2) describe alternative decommissioning activities" (p. 2-55).

As the above excerpts demonstrate, decommissioning of the proposed Project includes extensive activities. Emissions from the decommissioning activities described above can include truck and equipment traffic emissions, diesel emissions from generator equipment and fugitive dust emissions from land clearing, wind turbine generator and support structure removal, backfilling, dumping, and restoration of disturbed areas. The DSEIR, however, fails to disclose or evaluate the emissions associated with these extensive decommissioning activities. Additionally, the DSEIR fails to ensure that mitigation measures will be implemented to address the potential impact on regional air quality that may result from decommissioning activities. The DSEIR simply states that "similar [Mitigation Measures], if necessary for off-road and on-road engines for fugitive dust control, would be required during any type of major post-Project-life activity" (p. 4.4-15). The Applicant, however, fails to propose or commit to any binding mitigation measures to be enforced during post-Project activities. Finally, the Applicant fails to prepare a decommissioning and reclamation plan, which is required by both the County and leases with local landowners according to the DSEIR (p. 2-55). **10.123** *cont.*

The Applicant assumes that decommissioning would include the dismantling and removal of all Project structures and equipment, as well as restoration and reclamation of all disturbed areas (p. 2-55). Therefore, the Applicant acknowledges that decommissioning will include hauling and grading activities, which will generate criteria air pollutants. Review of the DSEIR and associated appendices demonstrates that the emissions resulting from this activity were not evaluated. The DSEIR only quantified and evaluated the emissions from Project construction and operational activities (see excerpt below) (p. B-3).

6

Strauss Wind Energy Project

Emissions Summary

Project Construction Unmitigated Emissions Totals - Tons

	ROG	NOx	CO	SO2	PM10	PM2.5
CalEEMod Totals	8.83	22.81	14.16	0.04	35.49	4.33
Helicopter	0.76	3.99	0.91	0.24	0.11	0.11
Onsite Unpaved Dust	--	--	--	--	50.16	5.40
Concrete Batching	--	--	--	--	0.10	0.10
Total	**9.58**	**26.80**	**15.07**	**0.28**	**85.87**	**9.94**

Project Construction Mitigated Emissions Totals - Tons

	ROG	NOx	CO	SO2	PM10	PM2.5
CalEEMod Totals	7.73	16.33	17.62	0.04	12.19	1.81
Helicopter	0.76	3.99	0.91	0.24	0.11	0.11
Onsite Unpaved Dust	--	--	--	--	9.71	1.05
Concrete Batching	--	--	--	--	0.10	0.10
Total	**8.48**	**20.33**	**18.53**	**0.28**	**22.11**	**3.07**

Project Operation Emissions Totals

	ROG	NOx	CO	SO2	PM10	PM2.5
CalEEMod Totals lbs/day	1.27	12.57	6.85	0.01	0.65	0.55
Onsite Mobile Sources	0.00	0.00	0.01	0.00	0.00	0.00
Onsite Fugitive Dust	--	--	--	--	62.71	21.03
Project Total lbs/day	1.27	12.57	6.86	0.01	63.36	21.58
CalEEMod Totals tons/year	0.06	0.30	0.21	0.00	0.03	0.02
Onsite Mobile Sources	0.00	0.00	0.00	0.00	0.00	0.00
Onsite Fugitive Dust	--	--	--	--	2.52	0.56
Project Total tons/year	0.06	0.30	0.22	0.00	2.55	0.57

10.123 *cont.*

As you can see in the excerpt above, only Project construction and operational activities were included in the DESIR's evaluation of air pollutant emissions and impacts. The DSEIR fails to evaluate decommissioning activities, and as a result, the Applicant does not provide a necessary, comprehensive assessment of the Project's emissions. Prior to Project Approval, the Applicant must prepare an air quality analysis for decommissioning activities as well as a robust decommissioning and reclamation plan for public review. Both the air quality analysis and the decommissioning and reclamation plan should identify and discuss air pollutant emissions impacts from the proposed decommissioning activities, commit to mitigation measures based upon enforceable performance standards, and describe alternative decommissioning activities.

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing

7

results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,

Matt Hagemann, P.G., C.Hg.

Kaitlyn Heck

8

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Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 – 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

8

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EDUCATION

UNIVERSITY OF CALIFORNIA, LOS ANGELES **B.S. ENVIRONMENTAL SCIENCES & ENVIRONMENTAL SYSTEMS AND SOCIETY** *JUNE 2017*

PROJECT EXPERIENCE

SOIL WATER AIR PROTECTION ENTERPRISE ***SANTA MONICA, CA***

AIR QUALITY SPECIALIST

SENIOR PROJECT ANALYST: CEQA ANALYSIS & MODELING

- Calculated roadway, stationary source, and cumulative impacts for risk and hazard analyses at proposed land use projects.
- Quantified criteria air pollutant and greenhouse gas emissions (GHG) released during construction and operational activities of proposed land use projects using CalEEMod and EMFAC2014 emission factors.
- Utilized AERSCREEN, a screening dispersion model, to determine the ambient air concentrations at sensitive receptor locations.
- Organized reports containing figures and tables that compare the results of criteria air pollutant analyses to CEQA thresholds and that discus results of the health risk analyses conducted for several land use redevelopment projects.

SENIOR PROJECT ANALYST: GREENHOUSE GAS MODELING AND DETERMINATION OF SIGNIFICANCE

- Quantified GHG emissions of a "business as usual" scenario for proposed land use projects using CalEEMod.
- Determined compliance of proposed projects with AB 32, Executive Order S-3-05, and SB 32 GHG reduction targets, with measures described in CARB's Scoping Plan for each land use sector, and with GHG significance thresholds recommended by various Air Quality Management Districts in California.
- Produced tables and figures that compare the results of the GHG analyses to applicable CEQA thresholds and reduction targets.

PROJECT ANALYST: HUMAN HEALTH EXPOSURE ASSESSMENT OF WORKER EXPOSED TO SILICA EMITTED DURING CEMENT SANDING

- Participated in interviews with subject to discuss working conditions and work history. Prepared Memorandum of subject's responses for client's use.
- Calculated the level of worker exposure to cement dust and silica in accordance with the U.S. EPA's Exposure Factor Handbook.
- Compiled and organized witness testimony and peer reviewed data on human health effects from exposure to cement dust and silica.
- Prepared a final analytical report and organized supporting data for use as Expert testimony in environmental litigation.

PROJECT MANAGER: EXPOSURE ASSESSMENT OF ACRYLAMIDE PRODUCTS FOR PROPOSITION 65 COMPLIANCE DETERMINATION

- Calculated the lifetime human exposure to acrylamide for approximately fifteen Proposition 65 cases.
- Analyzed laboratory testing data to determine the level of consumption required to meet the No Significant Risk Level (NSRL).
- Compared consumption levels to public dietary trends to determine if the average person's consumption would exceed the NSRL.
- Prepared final analytical exposure assessment and produced data tables for use in environmental enforcement statute of Proposition 65 cases.

PROJECT ANALYST: MODELING OF UNCOMBUSTEDHYDROCARBONS AND PARTICULATE MATTER BY INDUSTRIAL FIRE

- Prepared AERSCREEN modeling of uncombusted hydrocarbons and particulate matter under different exposure scenarios. Produced tables and figures that compare the results of the AERSCREEN models.
- Organized Memorandums to discuss methodology and results for use as Export testimony in environmental litigation.

Response to Andrew J. Graf

This comment letter includes two attachments with technical comments and qualifications that the commenter solicited from consultants for biological resources (Attachment A) and air quality (Attachment B). Attachments A and B contain detailed technical comments which are summarized or reiterated in many of the Graf comments, with reference to the attachments. Therefore, responses to the comment

summaries refer the reader to the responses to the original, more detailed technical comments contained within the comment letter attachments.

10.1 While various federal approvals are anticipated to be needed for Project implementation, as listed in Draft SEIR Section 2.9.2, the County does not have any statutory responsibilities relevant to NEPA and is not in a position to determine whether environmental review pursuant to NEPA would be required for these federal approvals. The SEIR can be used as a resource by NEPA lead agencies in preparing NEPA documentation needed for federal approvals.

The commenter is incorrect in stating that the Draft SEIR "mandates" that Applicant obtain federal approvals to mitigate biological impacts. The Draft SEIR makes no such mandates and has no authority to do so. The County coordinated with the U.S. Fish and Wildlife Service and other federal agencies during preparation of the Draft SEIR and used that agency's input to prepare the impact analysis for resource impact areas. The County did not "fail" to coordinate with relevant federal agencies. Please note that NEPA includes a provision for cooperation between federal and state/local agencies to reduce duplication among NEPA's requirements and comparable state and local requirements, such as CEQA (50 CFR 1506.2). Federal agencies may utilize the information in the SEIR in preparing their NEPA analysis or in their decisions to issue permits.

There is no need or requirement for the County or any other CEQA lead agency to "certify" that the Applicant receives all required federal permits and approvals. Obtaining such permits and approvals is the Applicant's responsibility. If the Applicant does not receive all required permits and approvals, they will not be able to legally proceed with Project implementation.

The County does not need to wait until all other agencies have issued their approvals before issuing its own approvals. Usually, permits from other agencies are issued after a project receives its primary land use entitlement, which in this case would be the discretionary approvals required from the County. It is for this reason that the County is the "lead agency" for CEQA review since it has the principal responsibility for approving the Project (State CEQA Guidelines § 15367). Permits and approvals from other agencies will likely come after the County's approval of the Project, if it decides to make such an approval.

10.2 The Draft SEIR project description is complete, thorough, and accurate. It describes the whole of the action, including all reasonably foreseeable activities required for Project construction, operation, and maintenance. The Draft SEIR also lists the intended uses of the SEIR in Section 2.9, *Project Approvals*. Responses to more specific comments follow.

10.3 The comment states that the Draft SEIR project description fails to describe construction activities associated with the proposed PG&E upgrades. The State CEQA Guidelines state that an EIR project description must provide "A general description of the project's technical, economic, and environmental characteristics…" (Section 15124(c)) and that the project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact" (Section 15124). Please refer to Appendix B of the Draft SEIR, *Construction and Operation Emissions Estimate Details*, for detailed construction assumptions. Also, please see the response to Comment 10.122.

In accordance with CEQA, the Draft SEIR analyzed proposed construction activities as a whole, being sure to include all aspects of construction, including the PG&E upgrades. Timeframes for Project construction are described in the Draft SEIR project description and those include the PG&E

upgrades (see Section 2.6.1). Details regarding the PG&E upgrades associated with the Project were included in the SEIR project description.

10.4 The Draft SEIR acknowledges that blasting might be required for WTG foundation construction (Sections 2.5.1 and 2.6.11). Blasting is commonly used during construction in areas of rocky substrate. The commenter implies that there may be a significant impact associated with blasting during construction but does not identity any such impact. The SEIR preparers are not aware of any significant impacts that are likely to result from blasting, especially considering the remote nature of both the Project site and the individual WTG locations. The public would not be in the vicinity of any blasting activities and, therefore, there is not a public health impact associated with blasting that is reasonably foreseeable.

10.5 Plans for decommissioning of the Project are too speculative to analyze in detail at this time. Decommissioning of the Project would be more than 30 years away. The Applicant is not required to have a detailed decommissioning plan prepared before the Project has been constructed. Section 15145 of the State CEQA Guidelines clearly indicate that an EIR should not engage in speculation about impacts. Further, in accordance with Section 15146, the degree of specificity of an EIR's impact analysis is limited to the degree of specificity in the description of the underlying activity. There is no plan for decommissioning at this time, so the SEIR's impact analysis is necessarily limited to a general concept for the decommissioning of the Project decades in the future. To do otherwise would be to engage in speculation.

It is also not practical or meaningful to engage in detailed impact analysis for an activity that is so far in the future. Environmental conditions could change in important ways between now and three decades (or more) from now. In addition, environmental regulations and other regulations that might be applicable to decommissioning activities in the future could change in substantive ways by the time the Project is ready to be decommissioned. Further, methods and technologies for undertaking decommissioning activities could evolve in significant ways in the future. For all of these reasons, a meaningful analysis of decommissioning is not possible at this time. Instead, the SEIR acknowledges that decommissioning of the Project is expected in the future but does not attempt a detailed analysis of such ill-defined activities that would occur many years in the future. Appropriate environmental review would occur when a Demolition and Reclamation Plan is submitted in the future and would address the environmental conditions and regulations that would be in place at that time.

While the County's Energy Element promotes life-cycle analysis of a Project, that does not mean that the SEIR should engage in speculative analysis contrary to CEQA's requirements. For the reasons articulated above, there are practical limits to the ability to conduct meaningful analysis of decommissioning at this time. The paragraph cited by the commenter from the LWEP EIR regarding decommissioning is still applicable to the proposed SWEP and a similar paragraph has been added to the Final SEIR. Thank you for pointing this out.

10.6 As required by CEQA, the Draft SEIR lists the anticipated approvals required to implement the proposed Project (see Section 2.9). The SEIR preparers did their best to identify all potential approvals and sought input from the Applicant and agencies in compiling this list. What is most important in this list of permits and approvals is identifying the discretionary approvals of other agencies that will need to rely on the information in the SEIR in issuing their approvals. Other agencies that need to issue discretionary approvals are defined by CEQA as responsible agencies (State CEQA Guidelines § 15381).

The commenter cites a California Public Utilities Commission (CPUC) "Notice of Construction", which was identified in Section 2.5.5 of the Draft SEIR. The comment indicates that this Notice of Construction should be listed as required approval. The Notice of Construction has been added to the Section 2.9 of the Final SEIR.

The Draft SEIR analysis includes impacts associated with the proposed PG&E upgrades (see the response to Comment 10.3 above).

10.7 The commenter indicates that inconsistent descriptions of the Project's size and impacts are presented throughout the Draft SEIR and its supporting documentation. The total wind farm area (total property acreage with the WTGs, the O&M building and the substation, excluding the transmission line and San Miguelito Road) is approximately 2,971 acres and the total Project area (the wind farm area, the transmission line and San Miguelito Road) is approximately 5,887 acres. Both of these numbers are presented throughout the document to reference the different descriptions of the Project area dependent upon circumstances where only the WTG site is described or the larger Project area including the WTG site and transmission line is described. Where needed, the Final SEIR clarifies this. In supporting documentation (i.e., Appendices), other acreage numbers may be referenced for the Project area as these supporting studies may have been conducted for prior site boundaries that were modified at a later stage. Although these numbers do not reflect the final acreage numbers presented in the Draft SEIR, they do not necessarily change the conclusions reached in those supporting studies. All final impact conclusions are presented in the Draft SEIR.

The total acreage of temporary and permanent disturbance has been calculated at 171.5 acres for the Project. The presentation of impact acreages ranging between 171.5 and 190.5 throughout the document have to do with the type of impacts being quantified. Acreage impacts will vary depending on the issue area section. For example, you will find several different acreage impact numbers in the Biological Resources section, depending on which type of impact is being quantified (e.g., vegetation and habitat, aerial impact).

10.8 The commenter asserts that the descriptions of the environmental setting in the Draft SEIR are not described in sufficient detail but does not provide a basis for this assertion. The commenter quotes text from the State CEQA Guidelines but does not indicate how this text is relevant to the assertion that the Draft SEIR environmental setting is insufficient. Responses to more specific comments follow.

10.9 The commenter asserts that the regional environmental setting is not adequately described in the Draft SEIR and cites the lack of description of the Jack and Laura Dangermond Preserve as the basis for this assertion. The commenter quotes text from the State CEQA Guidelines but does not indicate how this text is relevant to the assertion that the Draft SEIR environmental setting is inadequate.

The Draft SEIR provides a detailed description of the biological and ecological resources that exist in the area. This includes descriptions of vegetation (both common and sensitive); habitat; land cover; wildlife of all types; endangered, threatened, rare, and other sensitive species; wildlife migration; and wetlands and other sensitive aquatic features. This a comprehensive description of the biological and ecological resources in the area and provides an adequate basis for assessing the Project's impacts. The Draft SEIR appropriately focuses the description of the environment on the resources that could be significantly affected by the proposed Project and fully describes those

resources. The Draft SEIR does not state or imply that the area surrounding the Project site is "nondescript farmland."

The commenter asserts that the Project would cause significant impacts on the Dangermond Preserve. To respond more fully to this comment, the commenter would need to indicate what type of impact would occur and how that impact would be caused by the proposed Project.

Although the Dangermond Preserve was not specified directly by name, the area was described in the environmental setting. However, the Final SEIR has been revised to include Dangermond Preserve.

10.10 The Draft SEIR describes environmental conditions and environmental resources that exist throughout the area affected by the proposed Project, including the area of the PG&E upgrades. However, the Draft SEIR uses maps to show where resources are located after they've been described. This is efficient, user friendly, and effective. Where information about resources is presented quantitatively, those quantities include the area of the PG&E upgrades as well as other areas where Project facilities would be constructed. The comment provides no example indicating that important environmental resources in the area of the PG&E upgrades were missed in the impact analysis.

10.11 The commenter asserts that the SEIR does not accurately and adequately describe the area affected for "numerous" biological resources. Responses to more specific comments follow.

10.12 This comment reiterates Comment 10.69. Please see the response to that comment.

10.13 This comment reiterates Comments 10.70 through 10.72. Please see the responses to those comments.

10.14 This comment reiterates Comment 10.73. Please see the response to that comment.

10.15 The text quoted by the commenter from the Environmental Thresholds and Guidelines Manual is not a significance threshold, rather it is direction for conducting the impact analysis. The commenter goes on to describe that a Storm Water Quality Management Plan (SWQMP) must be prepared if a project would have a significant storm water quality impact. As discussed under Impact WAT-1, the Project will be required to prepare a SWQMP and a Storm Water Pollution Prevention Plan (SWPPP), which will require the design and implementation of best management practices (BMPs) to reduce potential water quality impacts. Adherence to the existing regulations governing SWPPP and BMPs will ensure that impacts from polluted runoff are avoided and that sensitive riparian and wetland resources are protected from such runoff. By law, SWPPPs must be prepared by professionals who are specifically licensed to prepare such plans in accordance with Clean Water Act regulations. The Draft SEIR cannot describe the specific BMPs that will be required for the Project because the SWPPP has not yet been prepared and BMP design is very project- and site-specific. SWPPPs are prepared at a point when much more detailed construction plans are developed, which typically is sometime after project approval. Existing regulations for SWPPPs require that BMPs include all feasible measures to avoid adverse storm water quality impacts.

10.16 This comment asserts that the Draft SEIR fails to adequately disclose and analyze all sign impact. Responses to more specific comments follow.

10.17 Please see the responses to Comments 10.120 through 10.123.

10.18 This comment reiterates Comments 10.120 and 10.121. Please see the response to those comments.

10.19 This comment reiterates Comment 10.122. Please see the response to that comment.

10.20 This comment reiterates Comment 10.123. Please see the response to that comment.

10.21 See the responses to Comments 10.67 through 10.119 regarding S. Cashen's comments on the Draft SEIR.

10.22 This comment reiterates Comments 10.76 through 10.78 regarding Gaviota tarplant. See the responses to those comments.

10.23 This comment reiterates Comment 10.78. Please see the response to that comment.

10.24 This comment reiterates Comment 10.79. Please see the response to that comment.

10.25 This comment reiterates Comments 10.80 and 10.81. Please see the responses to those comments.

10.26 This comment reiterates Comments 10.82 through 10.84. Please see the responses to those comments.

10.27 This comment reiterates Comment 10.85. Please see the response to that comment.

10.28 This comment reiterates Comments 10.86 and 10.87. Please see the responses to those comments.

10.29 This comment reiterates Comment 10.88. Please see the response to that comment.

10.30 This comment reiterates Comments 10.89 through 10.93. Please see the responses to those comments.

10.31 This comment reiterates Comment 10.89. Please see the response to that comment.

10.32 This comment reiterates Comment 10.90. Please see the response to that comment.

10.33 This comment reiterates Comment 10.91. Please see the response to that comment.

10.34 This comment reiterates Comment 10.92. Please see the response to that comment.

10.35 This comment reiterates Comment 10.93. Please see the response to that comment.

10.36 See the response to Comment 10.5 regarding decommissioning.

10.37 This comment reiterates Comment 10.97. Please see the response to that comment.

10.38 This comment reiterates Comment 10.101. Please see the response to that comment.

10.39 The agency responsible for issuing permits pursuant to Section 404 of the Clean Water Act (CWA) is the U.S. Army Corps of Engineers (USCAE). An EIR is not required to identify and analyze the Least Environmentally Damaging Practicable Alternative (LEDPA). Rather that is a type of alternative that must be identified by the USACE in making a decision to issue an Individual Permit pursuant to CWA Section 404. The LEDPA is not relevant to CEQA's requirements for preparation of an EIR and the County does not need to identify the LEDPA for the proposed Project. Please see the analysis under Impact BIO-3 (Wetlands, Seeps, and Springs, and Features Subject to Regulation by the USACE, Santa Barbara County, or CDFW) for impacts to waters and wetlands of the U.S. MM BIO-9 is proposed to minimize or avoid direct and indirect impacts and would require the preparation and implementation of a Wetland Avoidance and Riparian Habitat Restoration Plan. MMs BIO-1 through BIO-3, BIO-11c, and BIO-11d are also required to avoid or minimize impacts to

jurisdictional resources. These measures require development and implementation of a Worker Education and Awareness Program, minimizing the amount of ground disturbance, clearly marking disturbance limits and environmentally sensitive habitats in the field, and biological monitoring and reporting. With the implementation of these measures, impacts would be mitigated to a less-than-significant level (Class II).

10.40 The County's Energy Element does not state that a full life-cycle analysis of alternative energy needs to be part of an EIR, and this is also not a requirement of CEQA. The Energy Element states that the full life-cycle environmental effects of alternative energy use need to be considered by the County. Section 4.13.5 of the Draft SEIR (p. 4.13-18) states that wind energy projects have a high net energy payback and low greenhouse emissions. The SEIR's analysis of the Project's consistency with the Energy Element is valid. The fact that the environmental impacts of the decommissioning phase of the Project cannot be analyzed in detail at this time does not invalidate the SEIR's conclusion that the Project would be consistent with the Energy Element. See the response to Comment 10.5 regarding decommissioning. A full policy consistency analysis for the project including with the Energy Element will be provided at a later date in the staff report to the Planning Commission.

10.41 Please see the response to Comment 10.4 above.

10.42 The comment asserts the Draft SEIR mitigation measures are inadequate. Response to more specific comments follow.

10.43 The referenced avoidance and protection measures listed in Section 2.5.5 are considered part of the proposed Project and are treated as such in the SEIR. The SEIR considers these measures but does not rely on them to reduce the Project's significant impacts. A review of the impact analyses in Chapter 4 of the SEIR shows that the Project's avoidance and protection measures are not relied upon to reduce or avoid impacts. Instead, the SEIR evaluates the impacts of the overall Project, including all of its constituent parts, and presents mitigation measures to reduce or avoid significant impacts even if this mitigation is similar to or duplicative of the Project's avoidance and protection measures. The mitigation measures presented in the SEIR are more detailed than the corresponding avoidance and protection measures in Section 2.5.5, making them more effective in ensuring that significant impacts would be reduced.

10.44 Section 4.5 of the Draft SEIR provides a robust mitigation strategy for impacts to biological resources. The commenter provides no specific examples of how the SEIR fails to incorporate CDFW's suggested mitigation measures. In addition, as the commenter states, the measures and mitigation strategies identified in CDFW's scoping letter are recommendations, and ultimately it is the County's responsibility to develop mitigation that satisfies its own responsibilities under CEQA. The County has incorporated much of CDFW's suggestions and CDFW may impose additional requirements on the Project through the permitting processes for which it is responsible.

10.45 This comment reiterates Comment 10.103. Please see the response to that comment.

10.46 This comment reiterates Comment 10.105. Please see the response to that comment.

10.47 This comment reiterates Comment 10.106. Please see the response to that comment.

10.48 This comment reiterates Comment 10.107. Please see the response to that comment.

10.49 This comment reiterates Comment 10.108. Please see the response to that comment.

10.50 This comment reiterates Comment 10.109. Please see the response to that comment.

10.51 This comment reiterates Comment 10.110. Please see the response to that comment.

10.52 This comment reiterates Comment 10.111. Please see the response to that comment.

10.53 This comment reiterates Comment 10.112. Please see the response to that comment.

10.54 This comment reiterates Comment 10.113. Please see the response to that comment.

10.55 This comment reiterates Comment 10.114. Please see the response to that comment.

10.56 This comment reiterates Comment 10.115. Please see the response to that comment.

10.57 This comment reiterates Comment 10.116. Please see the response to that comment.

10.58 This comment reiterates Comment 10.117. Please see the response to that comment.

10.59 This comment reiterates Comment 10.118. Please see the response to that comment.

10.60 This comment reiterates Comment 10.119. Please see the response to that comment.

10.61 The commenter states that no scientific data is presented to support the conclusion that implementation of a SWPPP and SWQMP will effectively reduce potential water contaminants, including erosion, sediment and other pollutants, on the grounds that project-specific BMPs are not presented, and without these project-specific BMPs it is impossible to properly evaluate the impact. The commenter references Mitigation Measure GEO-2 (Grading and Drainage Plan), which does list BMPs, and states that this measure is not mentioned or analyzed in the Hydrology and Water Quality section.

By law, SWPPPs must be prepared by professionals who are licensed to prepare such plans in accordance with Clean Water Act regulations. The Draft SEIR cannot describe the specific BMPs that will be required for the Project because the SWPPP has not yet been prepared and BMP design is very project- and site-specific. SWPPPs are prepared at a point when much more detailed construction plans are developed, which typically is sometime after project approval. Existing regulations for SWPPPs require that BMPs include all feasible measures to avoid adverse storm water quality impacts. Implementation of and adherence to a SWPPP that conforms to the California General Construction Permit is generally considered enough to prevent violation of water quality standards, as is compliance with other similar legal requirements the intent of which is to prevent contamination of water.

The same applies to the SWQMP. As stated in the comment, Santa Barbara County Significance Guidelines presume that implementation of BMPs will reduce water quality impacts to a less-than-significant level. However, it is not the case that all project-specific BMPs, and their expected specific effectiveness, must be listed in the EIR. BMPs can be more-effectively developed at the time construction plans are developed. Until such time, only a general list of typical BMPs could be developed, and these could be changed by specific construction details. Santa Barbara County does require certain minimum elements that must be in a SWQMP, which would be reviewed and approved by Santa Barbara County before construction. These include identification of pollutant sources, design and placement of project-specific BMPs intended to address the pollutants, and inspection and maintenance of BMPs over the life of the project.

A Grading and Drainage Plan (referred to in the text as a grading, erosion-control, and drainage plan) is not listed as a mitigation measure in the Hydrology and Water Quality section of the Draft

SEIR because it is a standard Santa Barbara County requirement. In this case, the SEIR text does list a series of general BMPs required by the County. Additional general BMPs are listed in the Santa Barbara County Grading Code. The purpose of these requirements is to prevent contamination of surface water. The grading and drainage plan would be prepared by a registered civil engineer and reviewed and approved by Santa Barbara County prior to construction.

Given these requirements, it is reasonable to conclude, without listing specific BMPs (many of which cannot be effectively developed prior to the site design), that water quality impacts would be reduced to a less-than-significant level. Mitigation Measure GEO-2 and the Hazards and Hazardous Materials mitigation measures also address issues that relate to and would help mitigate water quality impacts. However, these mitigation measures are mainly oriented to other issues and are not necessary to arrive at this Hydrology and Water Quality significance conclusion (Class III).

10.62 Please see the responses to Comments 10.15 and 10.61.

10.63 Please see the responses to Comments 10.15 and 10.61.

10.64 This comment raises objections to two of the mitigation measures recommended for short-term construction noise. The comment requests changing MM NOI-2 to "require all Project activities within 1,600 feet of non-participating residences" to adhere to a schedule of 8:00 a.m. to 5:00 p.m. Mitigation Measure NOI-2 has been revised in the Final SIER to include these stipulations.

The comment also requests changing MM NOI-6 to clarify when notification should be provided to nearby residences. The text of MM NOI-6 indicates that "unusually loud" activities include helicopters, blasting or pile driving, and these activities would warrant notification. MM NOI-2 has been revised to indicate that the use of helicopters, blasting, or pile driving shall not occur within 1,600 feet of non-participating residences and the MM outlines provisions to reduce noise if activities are within 1,600 feet of non-participating residences.

10.65 No significant impacts related to blasting have been identified; therefore, mitigation related to blasting is not needed. The measures suggested in the comment primarily consist of existing requirements. As indicated in Section 4.1.2 of the Draft SEIR, the impact analysis assumed that applicable laws, regulations, and policies of the County and other jurisdictions with authority over the Project would be applied as required. Please see the response to Comment 10.4.

10.66 As demonstrated in the responses to the commenter's preceding comments, the Draft SEIR is not "legally inadequate" nor does it include any "legal errors" as the commenter contends. All of the Project's significant impacts have been identified in the Draft SEIR and the information presented by the commenter does not provide compelling evidence to the contrary. In preparing and circulating the Draft SEIR, the County has adequately fulfilled its responsibilities under CEQA.

Attachment A: Biological Resources

10.67 See the response to Comment 10.7 regarding Project size.

10.68 The exact length of existing roads that would require widening is not currently known, but the analysis conservatively assumes that all existing would require widening and grading. There are existing roads to many of the transmission pole sites. The referenced SEIR figures do not show these existing roads that provide access to individual pole sites.

10.69 Section 4.5 of the SEIR and the supporting documentation in Appendix C identify the potential for bats, including special-status bats, to roost in the Project area. In addition, MM BIO-14e provides a detailed mitigation strategy to locate roosts near Project activities, and disturbance-free buffers to avoid impacts. It is not necessary to undertake a comprehensive survey for all bat roosts within the Project site, as roosts can vary from year to year. Rather, the appropriate approach is to conduct pre-construction surveys for roosts in the vicinity of planned activities and implement avoidance measures.

The bat roosting surveys referenced by the commenter were pre-construction surveys conducted for the LWEP before that project was abandoned. These surveys were required by that project's authorization from the County. The surveys are described in detail in Appendix A-15, *Lompoc Wind Energy Project Final Spring and Autumn Bat Migration Pre-Construction Survey Technical Report,* of the SWEP Biological Technical Report in Appendix C-1 of the SEIR. Although no roosts were identified, potential roosting habitat for several species was noted on site.

10.70 As described in Section 4.5.1.3 of the SEIR, avian surveys including eagle surveys were conducted with the concurrence of the USFWS Migratory Bird Division staff. See also Appendix C-8 for the results of surveys completed after the publication of the Draft SEIR. The County has coordinated with the USFWS during the preparation of the SEIR, and firmly believes that adequate data collection has occurred at the Project site over the past 10+ years. The SEIR acknowledges that impacts to golden eagles could occur, and has identified this impact as significant and unavoidable (Class I). A robust mitigation strategy is proposed to minimize risk to eagles and other birds which includes active control technology such as IdentiFlight, which is required to be installed prior to operations, and adaptive management during operations (see response to Comment 9.36).

10.71 The commenter suggests that the avian migration surveys conducted in 2016 were not conducive to detecting golden eagle activity; however, 10 individual eagles were observed during the surveys. Golden eagles were also identified on site during 2008 surveys. Golden eagle was a target species of an aerial raptor survey conducted in November 2016. The results of these surveys are described in *MFR No. 3, Autumn 2016 Aerial Raptor Survey* (Appendix A-18 of the SWEP Biological Technical Report in Appendix C-1 of the SEIR). See also Appendix C-8 for the results of avian surveys completed after the publication of the Draft SEIR, including new aerial raptor nest surveys.

Regarding weather conditions at the time of the autumn 2016 avian migration surveys, Table 2 of the report referenced by the commenter indicates that the single-point count survey conducted on 11/23/16 was ended early due to weather conditions. Conditions for the other surveys were conducive to detecting the target species. The County believes that the body of data that has been collected on site during surveys for the LWEP, SWEP, and other observations reported on the eBird website and provided by Audubon members is sufficient to analyze impacts from the proposed Project.

10.72 See the response to Comment 10.70 regarding eagle surveys.

10.73 The SEIR has been revised describe that presence/absence surveys rather than abundance surveys have been conducted on site (see page 4.5-27). However, note that the SEIR does consider all coast buckwheat mapped on site as potentially occupied habitat. Therefore, the SEIR does not mislead the reader regarding the presence of El Segundo blue butterfly. Regarding the extent of coast buckwheat on site, on page 4.5-22 (in the section referenced by the commenter) the text clearly states "During the spring 2018 rare plant surveys for the SWEP, biologists mapped the locations and

extent of coast buckwheat to better quantify the distribution of El Segundo blue butterfly habitat *within the current Project configuration* (see Figure 4.5-6)." [Italics added for emphasis]. See the response to Comment 10.7 regarding various previous project configurations. The Draft SEIR reports the acreages associated with the current Project configuration, and supporting reports often include areas that are no longer a part of the proposed development footprint.

10.74 The comment deals with indirect impacts to wildlife, particularly the indirect impacts resulting from SWEP's increased impacts to oak woodland and forest as compared to the LWEP. The comment also notes potential indirect impacts of habitat fragmentation and low-frequency turbine noise. The LWEP EIR describes indirect impacts to wildlife in all habitats (not just oak woodlands) in qualitative terms and the SWEP Draft SEIR states correctly that the SWEP indirect impacts would be the same. The comment notes that SWEP's impacts to oak woodlands would be quantitatively greater than LWEP analysis, but this does not affect the qualitative description of indirect impacts. The comment quotes from the Draft SEIR's analysis of impacts to oak trees and woodlands, that the "effects would be substantial." That language refers to direct and indirect effects to oak trees and woodlands, not wildlife, and is not relevant to the commenter's discussion of indirect wildlife impacts. The comment cites literature sources on the potential effects of habitat fragmentation and states that fragmentation should not be characterized as temporary or minor. This point may be correct in some cases, but it is not relevant to the LWEP EIR or SWEP Draft SEIR, which do not characterize it in those terms. Finally, regarding noise (including very low-frequency noise) the potential indirect effects of noise and vibration on wildlife are described in the LWEP EIR and incorporated by reference and summarized in the SWEP Draft SEIR.

10.75 The commenter expresses the opinion that the Draft SEIR does not adequately disclose and analyze indirect impacts to wildlife and the Project would have several significant indirect impacts on wildlife. The County firmly believes the Draft SEIR identifies and adequately mitigates indirect impacts to wildlife. See the response to Comment 10.74.

10.76 The comment reviews Gaviota tarplant's distribution and summarizes impacts described in the Draft SEIR. The commenter disagrees with the Draft SEIR's conclusion that the impacts would be less than significant with mitigation, stating that mitigation measures do not address fragmentation or pollination. Note that Gaviota tarplant occurrence and impacts discussion in the Final SEIR has been updated to include more recent field survey data; the 2019 survey report has been added to the SEIR as Appendix C-9. These two points are expanded in the following two comments. Please see responses to comments 10.77 and 10.78.

10.77 The comment discusses potential habitat fragmentation impacts to Gaviota tarplant, citing Draft SEIR Figure 4.5-4a (Special-status Plant Survey Results), and quotes from the US Fish and Wildlife Service's (USFWS) 5-year Review of the species (citation in footnote 59) regarding self-incompatibility (Gaviota tarplant cannot self-pollinate and therefore must receive pollen from another individual in order to produce seeds), gene flow, and potential detrimental effects to small or isolated plant populations. Note that page 5 of the same USFWS source defines the word "population" as "a group of interbreeding individuals in the biological sense of the word." Footnote 47 in the comment letter correctly points out ambiguous usage of "population" in the rare plant survey results, carried over into the Draft SEIR. The cited USFWS 5-year review recognizes seven "main populations" of Gaviota tarplant, including the Tranquillon Mountain / Sudden Peak population at the Project site.

The SWEP Draft SEIR Section 4.5.1.4, *Endangered, Threatened, Rare, and Other Sensitive Species* summarizes the results of field surveys for Gaviota tarplant on the site and maps the locations on Figure 4.5-4a, cited in the comment. Please also refer to updated text and Figure 4.5-4c in the Final SEIR. The text and figures indicate that Gaviota tarplant is found in separate groupings or patches (ambiguously termed "populations" in Biological Resources Technical Report Addendum No. 1, Appendix C2 of the Draft SEIR). This terminology has been clarified in Final SEIR Section 4.5.1.4. About 34 of these patches are large enough to be depicted on Figure 4.5-4a. About 14 are contiguous patches of roughly one acre to several dozen acres, and about 20 are smaller, some only a few hundred square feet. Many other patches are smaller still and cannot be seen on the figure. Refined surveys and mapping (Figure 4.5-4c of the Final SEIR) indicate many additional small patches of occupied habitat. Together, these patches constitute the Tranquillon Mountain / Sudden Peak population identified in the USFWS 5-year review cited by the commenter. The adverse effects of fragmentation described in the quoted material apply to small or isolated populations. However, the 2018 field surveys identified more than 4.5 million individual Gaviota tarplants on the site and the 2019 surveys identified more than 6.0 million (Final SEIR Section 4.5.1.4, *Endangered, Threatened, Rare, and Other Sensitive Species*). Nothing in the quoted text regarding self-incompatibility, gene flow, or small populations is reasonably applicable to a population numbering more than 4.5 million or 6.0 million individuals.

In the existing patchy Gaviota tarplant distribution (SEIR Figures 4.5-4a and 4.5-4c), gaps between occupied habitat patches are often several hundred feet and in some cases about 2,000-3,000 feet. Project access roads would cross occupied Gaviota tarplant habitat, and some Project turbines and the substation would be located within occupied habitat. SWEP roads would be gravel surfaced, and 22 to 40 feet wide (SEIR Section 2.5.9, *On-Site Access Roads*). The substation would be about one acre (SEIR Section 2.5.2, On-site Substation). In many cases there would be no change to occupied habitat contiguity. In some cases, Project components would create new gaps within occupied habitat patches, but none of these gaps would cause substantial changes from the existing patchy distribution of occupied habitat on the site. The SEIR treats all of these habitat effects as direct impacts to Gaviota tarplant and identifies appropriate mitigation. Further, temporary soil disturbance occurring during Project construction will be subject to revegetation and likely to recover as suitable and occupied Gaviota tarplant habitat; see footnote 52 of this comment letter and citations therein. Surrounding land use (grazing) would remain as it is now. None of the Project-related habitat impacts are expected to cause or worsen the types of adverse population-scale fragmentation impacts addressed in the comment or in the USFWS analysis. Nothing in the comment or the record indicates that Gaviota tarplant habitat fragmentation (separate from the direct impacts to occupied habitat) would be a significant direct or indirect impact of the proposed SWEP.

10.78 The comment addresses potential impacts to Gaviota tarplant pollinators, emphasizing the importance of insect pollinators for its reproduction. The comment asserts that the following language from the SEIR is an unsupported conclusion: "[t]he Project would not substantially eliminate access to food sources or habitat for pollinators of the tarplant because the undisturbed habitat that would surround the finished Project components would continue to support a mixture of grassland, shrubland, and woodland habitats, and would thus continue to provide habitat for pollinators." In fact, the quoted sentence supports its own conclusion by stating that surrounding undisturbed vegetation would continue to provide habitat for pollinators. The conclusion is based on text descriptions of the project in the SEIR Chapter 2, *Project Description*, and acreages in Table

2-1 (Comparison of Lompoc Wind Energy Project and SWEP). The total permanent and temporary Project disturbance acreage on the site is 149.9 acres, or 5 percent of the site. No land use changes are proposed for the remainder of the site. While potential indirect impacts to vegetation and habitat are not raised in this comment, those impacts also are addressed in the SEIR (see response to Comment 10.74). The SEIR properly evaluates potential impacts to Gaviota tarplant pollinators and their habitat, and properly concludes that the Project would not substantially impact them.

The comment points out that wind turbines are likely to kill insects, citing a study of migratory insects in Germany. The comment names four types of insects (classified in the unrelated insect orders flies [Diptera], bees [Hymenoptera], and butterflies and skippers [Lepidoptera]), citing the USFWS. The cited report notes that "several species" in these orders pollinate Gaviota tarplant, but does not name the species. The comment claims that these insects fly at heights where they are susceptible to wind turbine collision (again, citing the study of migratory insects in Germany), even though the species themselves have not been identified and are unlikely to have been identified in the German report. The comment and the literature it cites (1) provide no evidence that Gaviota tarplant pollinators may be vulnerable to turbine strikes, (2) provide no evidence that turbine mortality (if it should occur) could substantially affect overall numbers of one or more Gaviota tarplant pollinators, and (3) provide no evidence that Gaviota tarplant would not reproduce effectively even if one or more of its pollinators suffered substantial population losses by simply relying on one of its several other insect pollinators. The possibility that the Project's wind turbines could substantially affect multiple unrelated pollinator populations to the point that Gaviota tarplant reproduction is substantially compromised is entirely speculative and need not be addressed according to CEQA. (State CEQA Guidelines § 15145)

The comment concludes by raising similar pollination concerns about coast buckwheat, recommending research on pollinator impacts which may inform future adaptive management measures or a need for supplemental mitigation. The recommended research project, while interesting, would not serve to mitigate any potentially significant impact identified in the Draft SEIR or in the comment. The comment speculates that coast buckwheat pollinator(s) could be affected by the wind turbines, but provides no further information (e.g., the species or order of the pollinators, their flight patterns, seasonality, or habitats, or life histories). As above, the possibility that the Project's wind turbines could substantially affect pollinator populations to the point that coast buckwheat reproduction is substantially compromised is entirely speculative and need not be addressed according to CEQA. In the absence of a potentially significant impact, CEQA does not provide the County with the authority to require mitigation in the EIR (CEQA Section 15041).

10.79 The comment identifies inconsistencies between the Draft SEIR and the Biological Resources Technical Report (BRTR, Appendix C-1, dated 2018) regarding potential occurrence of La Purisima manzanita within project footprint areas. The Project site plan and grading footprint have been revised slightly since the BRTR was prepared, and the SEIR analyzes the current site plan. The La Purisima manzanita location is outside the current proposed Project footprint. Section 4.5.1.4, *Endangered, Threatened, Rare, and Other Sensitive Species* and Figure 4.5-4a have been revised to indicate the plant's correct location relative to the proposed Project disturbance area. The comment notes that black-flowered figwort has been identified along the access and transmission line routes, and states that specific impacts to this plant are not identified in the Draft SEIR. Black-flowered figwort would be impacted by transmission line construction as indicated in Draft SEIR Section 4.5.4, under Impact BIO-6 (Other Special-Status Plants) and shown in Figure 4.5-4b. Impacts

to herbaceous plants such as this are evaluated by areal extent rather than numbers of plants. Measure BIO-5 (Pre-construction Rare Plant Surveys and Restoration) would mitigate any potential impacts to either species to less than significant. MM BIO-5 specifies performance criteria for herbaceous plants (such as black-flowered figwort) of 3 acres of occupied habitat to be re-established and protected for each impacted acre. While no impacts to La Purisima manzanita are expected, the measure requires 3 plants to be re-established and protected for each impacted tree or shrub (including La Purisima manzanita).

10.80 The paragraph from the Draft SEIR cited by the commenter clearly states that the LWEP EIR identified over 30 species, and that the list that follows the paragraph focuses only on species that have new information available to add to the LWEP EIR information. Because this is a Supplemental EIR, it is appropriate to focus only on what has changed since the original EIR was published. The SEIR discloses all of the required information for special-status wildlife; however, we have revised the underlined words in this comment to read as "…the additional following species are also now known or expected to occur at least occasionally in the Project area, and could potentially be impacted by Project activities."

10.81 The Draft SEIR was organized in standard manner for such documents and is consistent with direction articulated in Sections 15120 through 15132 of the State CEQA Guidelines. Making references to other sections of the Draft SEIR and to sections of the LWEP EIR is appropriate in order to avoid unnecessary duplication of information and is consistent with CEQA's requirements. The County believes the environmental impacts of the proposed Project are clearly articulated in the Draft SEIR even if that means the reader must sometimes be referred to other sections of the Draft SEIR or to the LWEP EIR.

The comment notes some of the complexities of defining "habitat," using the coast horned lizard as an example. It describes suitable habitat as a combination of vegetation structure, availability of prey animals (ants), and sandy soil conditions. Whereas the BRTR estimates suitable habitat acreage for coast horned lizard based on vegetation type alone, the commenter believes that this approach overestimates actual habitat suitability and may have "obscured the severity of Project impacts to the coast horned lizard." The comment concludes with a recommendation to refine the estimates of total acreage and project impact acreage to habitat for each special-status species.

The comment requests an unreasonable level of analysis. The analysis of potential impacts to special-status wildlife species, including coast horned lizard, provides decision makers with sufficient information to take intelligent account of environmental consequences of the proposed Project and alternatives. Vegetation is a good proxy for habitat suitability for most special-status wildlife species. In the commenter's coast horned lizard example, the LWEP EIR and the SWEP Draft SEIR conservatively estimate impact acreage as the sum of impacts to grassland and scrub habitats. This estimate does not take into account the localized distribution of prey species or sandy soils within those vegetation types. However, native ants may be found in any of these habitats and coast horned lizards can and do occur in scrub habitats where suitably sandy soils are found only in scattered patches. Adding ant distribution and sandy soil locations to the analysis could refine the habitat acreage but would necessitate labor intensive field surveys over thousands of acres. Ant surveys would need to be completed during appropriate seasons, and sandy soil patches could only be mapped on the ground (a GIS overlay of soil types would not capture localized sand patches that would suit coast horned lizard habitat needs). Even if it were completed, this level of analysis would not meaningfully improve understanding of potential coast horned lizard occurrence or

impacts and would be far out of proportion to the species' conservation status, considering its widespread distribution in southern California and that it is not listed, proposed for listing, or a candidate for listing under State or federal Endangered Species Acts. Expanding the level of field data collection and geographic analysis from this single example to all 37 special-status wildlife species potentially occurring on the site (see Draft SEIR Section 4.5.4.2, *Proposed Project Impacts and Mitigation Measures* under Impact BIO-9, Special-status Wildlife) would expand the scope of the SEIR far beyond reason.

10.82 Defensible space was accounted for in developing impact acreages for coast buckwheat, and the acreages presented in the SEIR include defensible space requirements. The text of the SEIR has been revised to better clarify this and more precisely report the impact acreage as 8.3 acres.

10.83 The field surveys for coast buckwheat (i.e., the host plant of the endangered El Segundo blue butterfly, ESSB) were limited to the proposed Project footprint and a 100-foot buffer as well as the 100-foot-wide transmission line corridor and adjacent vehicle access corridor (see Table 4.5-1, Summary of Surveys Conducted at the Project Site). This point has been clarified in Final SEIR Sections 4.5.1.4 and 4.5.4.2. Coast buckwheat is widespread and common in Santa Barbara County and no doubt is much more widespread throughout areas of the property where no inventories were conducted. This point has been clarified in Final SEIR Section 4.5.1.4. Regarding the temporal impact to habitat as coast buckwheat plants mature, Mitigation Measure BIO-13 (Conservation of El Segundo Blue Butterfly) has been revised to require start of revegetation before disturbance of existing habitat, and use of potted nursery stock and management or maintenance efforts to accelerate plant development. Regarding impacts to ESSB larvae, MM BIO-13 has been revised to require conducting disturbance in occupied or potentially occupied habitat during the flight season and monitoring by a qualified ESSB biologist.

10.84 The comment distinguishes occupied ESSB habitat from potential or suitable habitat, and notes that some of the mapped ESSB habitat (Figures 4.5-6a and 4.5-6b, El Segundo Blue Butterfly Habitat) has not been confirmed as occupied. The comment asserts that all occupied habitat on the site would be directly or indirectly impacted by the Project. The comment notes that large habitat patches are more important than small patches and recommends that the SEIR should analyze the Project's impacts to large patches of occupied ESSB habitat near WTGs W2 and W13 and suitable habitat near WTGs E1, E2, and E3. The comment interprets these impacts, identifying indirect impacts to one occupied habitat site and direct impacts to another as well as direct impacts to a suitable habitat patch. The commenter's descriptions of impacts to occupied habitat are exaggerated. In fact, the Project would substantially avoid impacts to the occupied habitat near WTG W13 and directly affect part of the second occupied site near WTG W2, as well as subdivide the second site and probably cause other indirect impacts. The comment is correct that most of the suitable habitat near WTGs E2 and E3 would be removed. Direct and indirect impacts to ESSB habitat are sufficiently described in Draft SEIR Section 4.5.4.2, *Proposed Project Impacts and Mitigation Measures* under Impact BIO-9 (Special-Status Wildlife) and depicted on Figures 4.5-6a and 4.5-6b. As stated in the Draft SEIR, these impacts would be significant without mitigation, and Mitigation Measure BIO-13 (among others) would reduce this impact to less than significant (Class II). The SEIR analysis provides decision makers with sufficient information to take intelligent account of environmental consequences of the proposed Project and alternatives.

10.85 The comment addresses three special-status reptiles: coast horned lizard, silvery legless lizard, and coast patch-nosed snake. The comment indicates that the LWEP EIR and SWEP SEIR did not

quantify habitat in terms of species-specific habitat components for the three species and thus misrepresents the amount of suitable habitat that would be impacted by the Project. Please refer to response to Comment 10.81 regarding complexity of habitat components for coast horned lizard. As described in that response, expanding the field inventories and analysis to account for all multiple habitat components for coast horned lizard (and dozens of other species, including silvery legless lizard, and coast patch-nosed snake) would be far out of proportion to the species' conservation status, would not meaningfully improve the analysis of the species' potential occurrence or impacts and would expand the scope of the SEIR far beyond reason. The comment states that measures identified to mitigate impacts to these species do not address fragmentation, and claims that SEIR mitigation measures "… may reduce the total amount of mortality, a significant amount of mortality is still likely to occur." The commenter's use of "significant" in this context is not consistent with the SEIR's Biological Resource significance criteria. The comment notes that Mitigation Measure BIO-3 (Site Restoration and Revegetation Plan) would restore or revegetate temporarily disturbed areas but that some land disturbance would remain. The LWEP EIR and the SWEP SEIR both describe potential Project impacts to these species (including habitat loss, fragmentation, and mortality) and correctly conclude that impacts to all three reptiles would be less than significant with feasible mitigation identified (Class II). Nothing in the CEQA guidelines directs a conclusion of Class I impacts for these habitat loss, fragmentation, and mortality impacts.

10.86 Impacts to nesting birds, including raptors, are addressed under Impact BIO-8 (Nesting Birds), but the text has been edited to add reference to nesting Cooper's hawks and other special-status birds found on or near the site and to provide additional detail on the types of impacts that could occur. Note also that the text quoted from the LWEP EIR by the commenter is from Impact BIO-9 (Special-Status Wildlife), but the LWEP EIR specifically addresses impacts to nesting birds under Impact BIO-8. Further, Cooper's hawk nesting is described in the LWEP EIR on pages 3.5-79 to 3.5-80. MM BIO-12 requires avoidance measures for nesting birds. This measure requires preconstruction nest surveys, and a 500-foot disturbance-free buffer around active raptor nests. In addition, MM BIO-15a requires micro-siting so that each WTG and transmission tower is located at least 500 feet away from active raptor nest sites.

Regarding the potential for the SWEP to create an "ecological trap" for raptors due to strikes with vehicles and equipment, this scenario is highly unlikely at the SWEP site. The commenter cites the effects that have been recorded at the Altamont Pass Wind Resource Area (APWRA), which supports up to 5,400 wind turbines in an area of known concentrated raptor migration.[1] Repower efforts have been underway for several years in the APWRA to attempt to reduce the substantial adverse level of raptor mortality. There is no data to suggest that the SWEP would have impacts to raptors of the magnitude of what has been recorded at the APWRA. The topography and habitats are not comparable, and over a decade of surveys at the SWEP site have not demonstrated raptor use anywhere near the level of use in the APWRA. Finally, the APWRA supports 180 times more turbines than the SWEP would have. Therefore, there is no evidence to suggest that the SWEP would create an ecological trap for raptors or other birds or bats.

10.87 The commenter states that the only analysis specifically addressing golden eagles is the LWEP EIR's statement that "most golden eagle nests are built in large trees, rock outcrops, or overhanging

[1] ICF (ICF International). 2016. Final Report Altamont Pass Wind Resource Area Bird Fatality Study, Monitoring Years 2005–2013. April. M107. (ICF 00904.08.) Sacramento, CA. Prepared for Alameda County Community Development Agency, Hayward, CA.

ledges….” This is incorrect, and out of context as this passage is referring to nesting and golden eagles have been identified in 2013 nesting approximately 5 miles southeast of the Project site but not within the site. In addition, 2019 surveys completed after the publication of the Draft SEIR documented an active golden eagle nest 500 feet north of the Project area, and another nest site approximately 4 miles northeast of the SWEP along the Santa Ynez River (see Appendix C-8). We refer the commenter to page 3.5-78 of the LWEP EIR, where impacts to golden eagle are described under Impact BIO-10 (Avian and Bat Collisions with WTGs).

As described in Section 4.5.1.3 of the Draft SEIR, the Applicant has implemented avian surveys consistent with the *U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines* (USFWS, 2012) and *Eagle Conservation Plan Guidance: Module 1 – Land-based Wind Energy Version 2* (USFWS, 2013); and surveys were conducted with the concurrence of the USFWS Migratory Bird Division staff. MM BIO-16 requires the Applicant to obtain authorization from the USFWS for potential take of golden eagles, pursuant to the Bald and Golden Eagle Protection Act (BGEPA), or obtain concurrence that authorization is not required. For the purposes of CEQA, the Monitoring and Adaptive Management Plan/Bird and Bat Conservation Strategy described in MMs BIO-16a through BIO-16d would reduce risks to eagles and other birds, but there is no feasible mitigation to reduce impacts below a level of significance. Because the golden eagle is fully protected in California, even one eagle mortality would be significant. Therefore, this impact was considered significant and unavoidable (Class I) for both the LWEP and the SWEP. The comment states that the SEIR should include data and analysis as recommended by the USFWS in its Eagle Conservation Plan Guidance (2012, as cited in the comment) and that the SEIR should estimate the eagle take or territory loss that may result from the project. Regarding golden eagle observations and occurrence in the Project vicinity, please see the LWEP Final EIR Section 3.5.4.2.2 Other Sensitive Wildlife Species and Appendix C-8. The nearest known golden eagle nest site is about 500 feet north of the Project area, about 1,000 feet north of WTG N-7 (see above and Appendix C-8). See General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative, and GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities, for a description of how eagle and other raptor use data were utilized in the development of the SWEP site plan.

While project construction and O&M activities may at times dissuade golden eagles from foraging over the site, there is no reason to expect abandonment of a territory. Additional information such as an estimate of potential golden eagle take would be useful, but not necessary to evaluate significance of potential golden eagle impacts of the Project and identify feasible mitigation. The actual level of potential golden eagle take is not known at this time and cannot be predicted with confidence prior to actual project operations (see SEIR Section 4.5.4, under Impact BIO-10, Avian and Bat Collisions with WTGs and General Response GR-3 Consistency with State and Federal Guidelines for Wind Energy Facilities). The analysis and conclusions in the LWEP EIR and SWEP SEIR provide the needed level of detail required by CEQA and provide decision makers with sufficient information to take intelligent account of environmental consequences of the proposed Project and alternatives. There is no need for the SEIR to include or analyze data as recommended by a non-County regulatory agency for issuance of a non-County authorization.

10.88 The County concluded that impacts to San Diego desert woodrat and American badger would be potentially significant and would require mitigation for the reasons outlined by the commenter. This information has also been added to Final SEIR Section 4.5.4.2 (Impact BIO-9: Special-Status Wildlife) for clarity. However, the County disagrees that the SWEP would have a significant and unmitigable effect on these species. MMs BIO-1 through BIO-3, BIO-11a through BIO-11d, BIO-14c,

and BIO-14d are required to minimize or avoid impacts to special-status mammals. These measures require that workers undergo environmental awareness training, ground disturbance is minimized, habitats temporarily impacted are revegetated following construction, pre-construction wildlife surveys are conducted and animals relocated out of harm's way, disturbance areas and environmentally sensitive habitats are clearly marked in the field, excavations are covered or otherwise prevented from entrapping wildlife, and biological monitoring and reporting. Implementation of these measures would ensure impacts remain less than significant (Class II).

10.89 The comment addresses the analysis of bird and bat mortality in the 2008 LWEP Final EIR which was incorporated into the SWEP Draft SEIR and the discussion of raptor mortality used to identify adaptive management thresholds in Draft SEIR Mitigation Measure BIO-16d (Adaptive Management Plan). The comment recommends revising the morality estimates using more recent analytical methods and cites two scientific papers. However, neither the comment nor the studies it cites provide an applicable approach to estimate future bird mortality for the proposed Project. The analysis and conclusions of the SWEP SEIR provide the decision makers with sufficient information to take intelligent account of environmental consequences of the proposed Project and alternatives.

10.90 The comment indicates that the larger wind turbine rotor blades proposed for the SWEP would extend both higher and lower than the smaller blades of the previously proposed LWEP. As such, the SWEP turbines, while fewer, would each extend over a larger rotor-swept area and could extend farther into flight heights of birds or bats, either above or below the rotor-swept area of the LEWP turbines. SEIR Section 4.5.4.2, *Proposed Project Impacts and Mitigation Measures,* Impact BIO-10 (Avian and Bat Collisions with WTGs) has been revised to include this point. The comment states that the Draft SEIR does not analyze potential effects of SWEP road widths or effects of operating time and turbine cut-in and cut-out wind speed on bird or bat collision risk, but does not indicate any potential that such an analysis would alter the SEIR's conclusion that avian and bat collisions with WTGs would be significant and unavoidable (Class I). A more extensive analysis of bird or bat strikes with regard to turbine operation, could incorporate general trends (such as those cited in the comment) but would not improve site-specific assessment of the expected impact. Please also refer to General Response GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities. Again, the analysis and conclusions of the SWEP SEIR provide the decision makers with sufficient information to take intelligent account of environmental consequences of the proposed Project and alternatives.

10.91 The comment claims that the SEIR does not analyze bird and bat survey data obtained since publication of the LWEP EIR or explain how the data "affected decisions" on turbine selection, turbine siting, or risk analysis. General Response GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities, describes how avian data and other sensitive resources informed the SWEP site development process; see also Appendix C-8. The newer bird and bat data are incorporated in Section 4.5.1 (Environmental Setting) of the SWEP Final SEIR and incorporated as appropriate in Section 4.5.4.2, Proposed Project Impacts and Mitigation Measures. The new data, while useful, does not substantially affect the conclusions of the LWEP EIR as incorporated and updated in the SWEP SEIR. Turbine selection and turbine siting are components of the applicant's proposed Project; it is not appropriate for the analysis in the SEIR to drive the applicant's decisions or to design the Project (please see General Response GR-1, Reasonable range of Alternatives). Rather the purpose of the SEIR is to evaluate the impacts of the proposed Project and identify mitigation measures that reduce those impacts where appropriate. Bird and bat risk

analysis is a USFWS tool and need not be incorporated into CEQA analysis (please see responses to comments 10.87, 10.89, 10.90 and 10.92). The comment incorrectly claims that the proposed Project's risk to birds and bats is not similar to the LWEP. The comment quotes from scientific papers to show that individual larger turbines pose greater risk than smaller turbines, while fewer turbines pose lesser total risk than more turbines. This is the same conclusion presented in the SEIR Section 4.5.4.2 under Impact BIO-10, Avian and Bat Collisions with WTGs. The comment cites a scientific paper regarding impacts of wind energy production on the migratory hoary bat. The hoary bat is not a special-status species. It has been recorded during migration season on the Project site and at Vandenberg Air Force Base. Potential impacts to migratory bats, including hoary bat, are analyzed in LEWP Final EIR under Impact BIO-10: Avian and Bat Collisions with WTGs, and they are summarized, incorporated, and updated with new data in the SWEP Final SEIR.

10.92 The comment states that two USFWS guideline publications "outline the process for conducting risk assessments." These guidelines relate to certain USFWS permitting processes, but not CEQA. See GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities and Appendix C-8 for a discussion of how these guidelines were incorporated into Project site design. The comment notes that the SEIR does not attempt to quantify expected bird or bat collision mortality, and then discusses scientific publications cited in the SEIR. While the two citations do not address bats, the SEIR itself addresses them. The commenter believes that bird and bat mortality can be predicted prior to turbine operation and cites several literature sources. The commenter's discussion of the published references does not alter the SEIR's overall conclusion. Some micrositing strategies (as identified in the commenter's citations and required in Mitigation Measure BIO-15a, Siting) may help to reduce risks for certain birds. Please refer to General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative, and GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities. The analysis and conclusions in the SEIR provide the needed level of detail required by CEQA and provide decision makers with sufficient information to take intelligent account of environmental consequences of the proposed Project and alternatives.

10.93 The comment quotes from the SEIR regarding the "unknown but potentially substantial" number of possible bird or bat mortality, leading to the Class I significance conclusion. The comment then cites recommendations in the USFWS Land Based Wind Energy Guidelines regarding site selection and, in some cases, site "abandonment" (i.e., cancelling a project or selecting an alternate site). The County's role in CEQA review does not include site selection or rejection. However, see GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities and Appendix C-8 for a discussion of how these guidelines were incorporated into Project site design. The purposes, methods, and conclusions of the SEIR and the USFWS Guidelines are entirely different and the SEIR's conclusion cannot be transposed into the USFWS's analysis. The significance conclusion in the LWEP EIR and the SWEP SEIR are properly based on conservative application of CEQA requirements and guidelines and the unknown mortality risk. The applicant or the USFWS may carry out a separate analysis according to the USFWS Guidelines. But the County's CEQA conclusion has no bearing on any conclusion the USFWS may (or may not) reach under its own standards and analysis.

10.94 Please see the responses to Comments 10.15 and 10.61.

10.95 See the response to Comment 10.4 regarding blasting. Blasting was considered as one of the activities that could occur during construction (as identified in the Project Description, Section

2.6.11) and would contribute to temporary noise and vibration effects as discussed in Impact BIO-2a (Construction Impacts to Woodland and Forest), Impact BIO-9 (Special-Status Wildlife), and BIO-13a (Indirect Construction Effects [Wildlife]). Blasting was also a potential component of the LWEP and impacts to wildlife were addressed in that document; see Impact BIO-7 (Common Wildlife) of the LWEP Final EIR. This information has also been added to the Final SEIR under Impact BIO-13a (Indirect Construction Effects [Wildlife]).

10.96 See the response to Comment 10.5 regarding decommissioning.

10.97 See the General Response GR-6 regarding use of a Supplemental EIR. CEQA Guidelines Section 15130 (b) states: "The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact." The SEIR identified the Lompoc Valley as the appropriate geographic scope for the analysis of impacts to biological resources consistent with the LWEP Final EIR. No new information has become available since publication of the LWEP Final EIR that would necessitate developing a different geographic scope. This area is large enough to adequately assess cumulative impacts without becoming speculative. The commenter's assertion that cumulative impacts should be analyzed for all birds and bats that could fly across the SWEP site in combination with all other wind farms potentially encountered along all possible migration routes is beyond the scope of an EIR. A study of this magnitude would require multiple levels of assumption that would ultimately result in a highly speculative conclusion with a low confidence in its accuracy. Therefore, the County maintains that the cumulative analysis presented in Section 4.5 is complete and consistent with CEQA requirements.

10.98 The list of projects in Table 3-1 is a list of proposed, approved, or recently constructed projects known to the jurisdictions within the vicinity of the proposed Project site. It would be impractical and not beneficial to attempt to list all past projects that have occurred in the vicinity. Instead, conditions produced by past projects are represented in the descriptions of existing environmental conditions (baseline) throughout Chapter 4 of the SEIR. The list in Table 3-1 was compiled consistent with State CEQA Guidelines Section 15130(b)(1) and represents the "list" method for the identification of projects that could contribute to cumulative impacts that are similar to those of the proposed Project. For incorporated areas of Santa Barbara County, this list included proposed, approved, or recently constructed projects that were processed by the County Planning & Development. The SEIR preparers also contacted the City of Lompoc and Vandenberg Air Force Base, which are the only other nearby jurisdictions, to request their input for the cumulative projects list. Consistent with CEQA's requirements, these lists were compiled shortly after the Notice of Preparation was published. Additional projects may have since been proposed, approved, or constructed since the SEIR's cumulative project list was compiled, but that does not invalidate the SEIR's list as it is only intended to represent cumulative projects known to the SEIR preparers at the time the list was compiled.

10.99 Section 4.5.6 (Residual Impacts) is the conclusion of residual effects of the Project itself (as it references Section 4.5.4) not the cumulative analysis. The conclusions for the cumulative effects to biological resources are presented in Section 4.5.5 (Cumulative Effects) and address impacts

described by the commenter. Note that the analysis of cumulative effects to wildlife from construction and maintenance was determined to be significant.

10.100 See the response to Comment 10.99 regarding residual effects vs. cumulative effects and the response to Comment 10.97 regarding the appropriate scope of cumulative analysis.

10.101 The Applicant has indicated that their current dust control plan surface treatment would consist of a combination of gravel/asphalt paving or water as a dust palliative. The applicant must submit a dust control plan for approval per MM AQ-2. The County would not approve this dust control plan if it were to include the use of toxic dust palliatives, such as regulated toxic materials and palliatives composed of refined petroleum products and various salt-based palliatives such as magnesium chloride. Additionally, in order to provide additional assurance that all parties understand this requirement, the term "non-toxic" has been added to mitigation measure MM-AQ-2, part b.

10.102 Please see the response to Comment 10.44.

10.103 The commenter asserts that the Draft SEIR defers critical aspects of the mitigation strategy for biological resources. Each of the SEIR mitigation measures cited in the comment provide objective and feasible performance standards which would mitigate the significant effect of the project and, in several cases, which may be accomplished in more than one specified way. MMs BIO-3, BIO-6 through BIO-9, BIO-13, BIO-14, and BIO-17 are addressed in the following responses in response to more specific comments.

10.104 The County, as Lead Agency, must develop an EIR that satisfies CEQA. It is not under the County's authority to interpret other agencies' regulations and make conclusions on behalf of other agencies. The SEIR complies with the requirements of CEQA and satisfies the County's obligations as the Lead Agency in supporting its decision on the Project. As noted in the SEIR and the commenter's letter, the Applicant would also be subject to approvals from other agencies including (but not limited to) incidental take authorization from CDFW under the California Endangered Species Act and USFWS under the federal Endangered Species Act. It is the purview of those agencies to impose conditions of approval on the Project in accordance with their own regulatory requirements, and these conditions may go beyond those required in the SEIR as they are driven by different regulatory authorities. Therefore, the mitigation contained within the SEIR is adequate and appropriate to reduce impacts to the extent feasible in accordance with CEQA.

10.105 The comment addresses several concerns with Mitigation Measure BIO-3 (Site Restoration and Revegetation Plan), including confusion in terminology. Regarding the distinction between revegetation and restoration, MM BIO-3 has been revised for clarification.

Regarding a plant palette, this level of detail is not required in a mitigation measure. Palettes will be developed according to the species composition at each disturbance area, and are subject to County approval. However, the suggested edit to clarify that "coast buckwheat" refers to *Eriogonum parvifolium* and that *E. latifolium* is not allowed in the seed mix has been made.

MM BIO-3 has been revised to clarify mitigation requirements for permanent and temporary impacts to native and non-native vegetation. It has also been revised to require compensatory mitigation for any areas that have not met the restoration success criteria within 5 years (note oak mitigation including timeframe is addressed separately, in MM BIO-4a through MM BIO-4b).

Regarding the performance security, MM BIO-3 has been revised to specify the form of the security and the amount will be based on similar securities required for mine reclamation, according to California Code of Regulations 3803 and 3805.1.

MM BIO-3 has been revised to clarify vegetation success criteria versus performance standards. The measure adequately defines performance standards. Success criteria for the Restoration and Revegetation Plan will be developed by qualified botanists, as stated in MM BIO-3. These success criteria require careful consideration of site-specific details that are beyond the scope of this measure. The commenter states that "Having a County-approved botanist prepare and implement the site revegetation and restoration plan does not ensure the plan will be successful, even if the plan is approved by County staff prior to implementation (as proposed in the DSEIR)." However, the County notes that no restoration plan is guaranteed to be successful. As the commenter states, restoration and revegetation projects are inherently difficult and often fail. Although the science and practice of ecological restoration is still developing, successful completion of restoration and revegetation as evaluated by performance standards in the SEIR, is technically feasible based on present state of the practice. That is why MM BIO-3 specifies performance standards of the plan and requires contingencies if success criteria are not met. In addition, as described above, the requirement to mitigate temporary impacts as permanent if the restoration success criteria are not met within 5 years has been added to the measure. See also the response to Comment 9.15 regarding circulating mitigation plans during the EIR process.

10.106 The commenter believes that Mitigation Measure BIO-6 (Gaviota Tarplant Disturbance) defers the development of the mitigation strategy to consultations with CDFW and USFWS. The comment quotes part, but not all, of the relevant CEQA text. Mitigation Measure BIO-3 does not defer mitigation, although it does include consultation with the two agencies to facilitate a complementary overall approach to mitigating the impact. Mitigation Measure BIO-3 as it appeared in the Draft SEIR included consultation with CDFW and USFWS among a series of other requirements (performance standards), including develop and implement a conservation plan, turbine micrositing, delineation of occupied habitat, seed bank management, compensatory mitigation (with applicable compensation ratios), and monitoring methods. In fact, Mitigation Measure BIO-3 complies to the full list of circumstances quoted in the comment (i.e., it identifies performance standards and identifies the types of actions that would achieve the performance standards). Implementation of those requirements, in and of themselves (without CDFW or USFWS consultations), would reduce the proposed Project's impacts to Gaviota tarplant to less than significant (Class II) as stated in the SEIR. The measure as written is sufficiently detailed to meet CEQA requirements; a detailed description of the required mitigation is neither impractical nor infeasible, and in fact is presented in the measure itself. There is no need to demonstrate otherwise. Note further that, while this measure does not defer to a permitting agency, CEQA does allow deferral to a permitting agency if "compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards." (CEQA Guidelines Section 15126.4(a)(1)(B). Regarding feasibility of compensation habitat, there is sufficient suitable on-site occupied Gaviota tarplant habitat to meet the compensation ratio specified in the measure. Off-site compensation would satisfy the measure, but is presented only as an option. There is no need to evaluate its feasibility because on-site compensation is feasible. Finally, several details of MM BIO-3 have been added or revised for clarity.

10.107 MM BIO-12 has been revised to require a 500-foot survey buffer for burrowing owl unless otherwise authorized by CDFW, consistent with CDFW's comments on the Draft SEIR (see Comment 4.18) and consistent with the 500-foot raptor nest buffer requirement. The measure has also been revised to require a 1-mile buffer from active golden eagle nests unless otherwise authorized by CDFW and USFWS. The buffers suggested by the commenter are larger than required due to the topography at the Project site.

10.108 The comment addresses mitigation for impacts to El Segundo Blue butterfly (ESSB) habitat. Regarding "deferral," as described in the response to Comment 10.105 for MM BIO-3, Mitigation Measure BIO-13 (Conservation of El Segundo Blue Butterfly) does not defer development of mitigation. The measure specifies sufficient performance standards to direct development of the required restoration or enhancement plan, including soil evaluation, location and acreages of restoration/enhancement, and comparison to adjacent occupied or suitable habitat. Please also refer to the discussion of deferral in response to Comment 10.106, the response to Comment 9.15 regarding circulating mitigation plans during the EIR process, the revisions to MM BIO-13 in the Final SEIR, and the discussion of them in response to Comment 10.83. The comment is correct, that ESSB has been found on the site and MM BIO-13 has been revised accordingly. The comment recommends several improvements to MM BIO-13 regarding mitigation ratio, "lag time," location of mitigation sites, and ESSB occupancy, which have been incorporated into the Final SEIR. Regarding uncertainty, although the science and practice of ecological restoration is still developing, successful completion of restoration and revegetation as evaluated by performance standards in the SEIR is technically feasible based on present state of the practice.

10.109 The commenter claims that MM BIO-14a, which requires daily pre-construction sweeps for coast horned lizard needs to specify survey techniques because the species is difficult to detect when buried in sand. The commenter cites a paper reporting on a study of Blainville's horned lizard population status at Marine Corps Base Camp Pendleton.[2] However, neither the commenter nor the referenced study offers a survey protocol that would increase probability of detection during pre-construction sweeps. Therefore, no revisions have been made.

10.110 MM BIO-14b has been revised to identify raking as the survey technique to find legless lizards during pre-construction surveys and to identify the mitigation technique to minimize, rather than avoid, impacts to legless lizard.

10.111 MM BIO-14d has been revised to require pre-construction surveys for badger dens within 3 days prior to construction.

10.112 Based on the results of roosting bat surveys conducted in 2008 as well as the roosting habitats and behavior of species likely present on site, it is unlikely that a maternity roost supporting hundreds or thousands of bats is present in the Project footprint. Habitat for tree-roosting bats is not limited in the Project and surrounding areas, and the Project would not impact any caves that serve as significant roost sites. Impacts to bats from collisions with wind turbines is addressed in the SEIR under Impact BIO-10. The County concludes that direct and indirect impacts to roosting bats are mitigated to the extent feasible, and no additional mitigation is required.

[2] Hollingsworth, B. D. and M. A. Stepek. 2011. Population Status of the Blainville's Horned Lizard (*Phrynosoma blainvillii*) at MCB Camp Pendleton. Technical report prepared for Naval Facilities Engineering Command, Southwest and Marine Corps Base Camp Pendleton. 37 pp.

10.113 MM BIO-14h has been revised to require restoration in accordance with MM BIO-3.

10.114 The comment addresses turbine micrositing. Some micrositing strategies (as identified in Comment 10.92) may help to reduce risks for certain birds. These considerations are accounted for in Mitigation Measure BIO-15a, Siting. See also the response to Comment 10.92 and General Responses GR-1 through GR-3 regarding turbine siting. See also Appendix C-8, which describes how the Applicant incorporated avian data into micrositing the turbines in the Project site plan.

10.115 The Draft SEIR analyzes the Project as proposed to the County and requires mitigation where needed to avoid or reduce adverse environmental impacts. The unguyed meteorological tower is required by MM BIO-15b to protect birds from collision. This requirement is a recommendation that will become a condition of approval if the decision-makers adopt it as part of the Project's Mitigation Monitoring and Reporting Program, should the Project be approved. Therefore, including this requirement in mitigation does not conflict with the Project Description of the SEIR. Regarding turbine micrositing, the comment quotes from the USFWS Land Based Wind Energy Guidelines and claims that the Draft SEIR should explain how the analytical methods (regression analysis) suggested in those guidelines were used to determine the "location of the entire project." Regarding site selection, the commenter seems to misunderstand the Guidelines' suggestion that micrositing considerations could help to determine project locations. The County's role in CEQA review does not include site selection. The requested analysis for site selection is not relevant to MM BIO-15a or BIO 15b. The quoted paragraph from the guidelines states that regression analysis *may* be used, and that micrositing considerations may be useful "on a broader scale, in determining the location of the entire project." Regression analysis is not required by the Guidelines or by the mitigation measure. Micrositing design, while required by Mitigation Measures BIO-15a and BIO-15b, has not been completed (as above, mitigation measures specify future actions to be taken, rather than reiterate project description or other prior actions). As stated in both measures, County staff will inspect the Project plans and site to ensure compliance with both measures as appropriate.

Regarding turbine curtailment at low wind speeds, MM BIO-16d has been revised to include turbine curtailment when wind speeds are 5.0 meters per second or less (or to increase the cut-in speed as needed) as part of the adaptive management strategy, in accordance with the suggested American Wind Energy Association voluntary operating protocol.[3]

10.116 The comment addresses Mitigation Measure BIO-16 (Monitoring and Adaptive Management Plan / Bird and Bat Conservation Strategy). The comment claims that important aspects of the required Plan "have been deferred until after CEQA terminates." Please refer to response to Comment 9.15 regarding circulating mitigation plans during the EIR process. The comment recommends that MM BIO-16 should specify the timing and enforcement mechanism of the required golden eagle take authorization. MM BIO-16 has been revised to incorporate this recommendation. The comment identifies certain requirements of the golden eagle take application process, and states that the SEIR "fails to demonstrate" that Project planning meets these requirements. The purposes of the SEIR and the USFWS take authorizations are entirely different; USFWS permitting procedure

[3] American Wind Wildlife Institute (AWWI). 2018. Bats and Wind Energy: Impacts, Mitigation, and Tradeoffs. Washington, DC. Available at: https://awwi.org/wp-content/uploads/2018/11/AWWI-Bats-and-Wind-Energy-White-Paper-FINAL.pdf

compliance need not be addressed in this CEQA analysis. The Owner/Applicant will address those issues in its application process, as required by MM BIO-16.

10.117 The comment addresses Mitigation Measure BIO-16b (Bird/Bat Mortality Study), which specifies that the study "shall be based on CEC Guidelines (2007) or improved methodologies if appropriate." The comment states that the CEC Guidelines are out of date, but does not identify or recommend updated methodologies. The comment identifies several technical details regarding study design, duration, sample size, data collection, and data analysis. The measure specifies sufficient performance standards to direct preparation of the study. However, MM BIO-16b has been revised to include more recent USFWS study guidelines and incorporate some of the recommended technical considerations. See also the General Response GR-3: Consistency with State and Federal Guidelines for Wind Energy Facilities and Appendix C-8 for a discussion of how the state and federal guidelines were incorporated into Project site design.

10.118 The comment addresses Mitigation Measure BIO-16d (Adaptive Management Plan). The comment points out inconsistences between text of the measure and Table 4.5-6, and points out that bird or bat injuries should be counted as mortalities. Both corrections have been made in the measure. The comment states some concerns about enhanced monitoring that would be invoked at Level 1 but does not recommend revisions. The commenter is concerned that interpreting the cause of bird or bat mortalities may be subjective or may be influenced by conflicting interests. The commenter recommends that the monitors should "independent" and that monitoring data should be publicly available. The measure has been revised to specify that the cause of mortality will be made by a qualified biologist approved by the County, and that carcasses will be made available to the County or agency biologists on request. Monitoring reports will be submitted to the County and may be available on request by the public. The comment quotes from the monitoring section of MM BIO-16d, and asks if the fatality thresholds apply to "actual numbers of carcasses" (not estimate fatality rates as projected from the monitoring data). To confirm, the quoted passage is correct, the Level 1 and Level 2 thresholds apply to the "actual numbers." The comment goes on to ask, "what is the point of conducting statistical analyses to estimate the fatality rates?" The point is to generate a Project-wide estimate, including accurate calculation of standard error and confidence interval. As the commenter states in Comment 10.117, "[f]atality monitoring data are often plagued by large standard errors and wide confidence intervals." Calculating these estimates with their statistical limitations will provide valuable information to the County and resource agencies. Nonetheless, the thresholds are deliberately based on actual field data rather than extrapolated estimates, due to those inherent statistical limitations. Note that Alternative Level 2 thresholds could be triggered by mortality estimates meeting a 90 percent confidence interval (footnote 14). The comment identifies two inconsistences in MM BIO-16d, one regarding percentage of turbines sampled (30 percent is correct) and the other regarding rodent control, which would be initiated (not intensified) under Level 2 Response Options. Both errors have been corrected in the Final SEIR and language prohibiting anticoagulant rodenticides has been added. The comment states that the County has the authority to require curtailment in the event of bird and bat mortality. MM BIO-16d has been revised to remove reference to CDFW and USFWS as the enforcement agencies for turbine curtailment, as the County would require adaptive management, which could include curtailment, in the event of high levels of mortality.

10.119 See the response to Comment 13.14 regarding County-approved biologists. The restoration ecologist may be a Certified Ecological Restoration Practitioner, but this certification is not a requirement because an ecologist may have other qualifications, certifications, and experience

that would ensure they are qualified to complete the requirements of the restoration and weed mitigation.

MM BIO-17 has been revised to require equipment washing prior to entering the site in order to prevent introduction of weeds. Specific weeds in the disturbance areas will be identified via pre-construction surveys (see MM BIO-17(1)) and areas infested with weeds rated high or moderate by Cal-IPC will be treated prior to ground disturbance. MM BIO-17 already addresses eradication versus. control. The measure has been revised to include a 100-foot buffer for weed surveys and control. The commenter also requests the addition of a mechanism for ensuring success of the Weed Control Plan, such as a performance security. The monitoring and ongoing weed management for the life of the Project will be overseen by County staff to ensure the plan is fully implemented. Therefore, a performance security is not necessary.

Attachment B: Air Quality

10.120 The construction equipment list provided in Table 2-8 of the DEIR includes both off-road equipment and on-road equipment. The emissions estimate does reflect this understanding for all construction phases, and the on-road equipment emissions are calculated through the edited trips and mile/trip inputs to CalEEMod. Specifically, for the example given in the comment the 10 equipment items listed under the Access Roads construction phase includes six off-road equipment items (1 – excavator, 1 - D-6 bulldozer, 1 – compactor, 1 – backhoe, 1 – 14H grader, and 1 – Gradall) and four on-road trucks (3 – dump trucks and 1 - water truck). In the case of the access road construction phase, which provides necessary improvements to San Miguelito Road the water truck is assumed by necessity to be an on-road truck. On-road water trucks are covered under the large number of assumed vendor trips, which has a vehicle mix assumption of 50 percent heavy-heavy duty trucks and 50 percent medium heavy-duty trucks. On-site water distribution is conservatively assumed to be completed using off-road trucks. Separate calculations for on-site unpaved road fugitive dust emissions for on-road vehicles and off-road trucks and scrapers, that CalEEMod is not equipped to estimate, have been included to ensure that the fugitive dust emissions from wheeled vehicles (on and off-road) have not been underestimated. The assumption of having on-road off-site water delivery trucks and off-road on-site water distribution trucks is considered to be a conservative assumption for emissions estimation purposes, as off-road trucks have a much higher emissions profile than on-road trucks.

For this project, a comprehensive review of the applicant's construction inputs and the emissions estimate provided by the applicant was performed. This resulted in a large number of corrections to the emissions estimate to ensure that the CalEEMod inputs matched the equipment list, including a clear separation of the off-road equipment and the on-road vehicles. Additionally, substantial revisions to the CalEEMod inputs and additional calculations to address emissions estimating gaps in the CalEEMod program number of issues with the original emissions estimate performed for the Applicant were found and corrected.

10.121 The on-road water trucks delivering water to the project site are assumed to be "vendor trips" in the CalEEMod inputs. Specifically, a total of 16,374 vendor trips were assumed throughout construction, of which 8,832 would be water truck trips. The vehicle mix assumption for vendor trips is 50 percent heavy-heavy duty trucks (HHDT) and 50 percent medium heavy-duty trucks (MHDT). It is unclear if the on-road water delivery trucks would be medium heavy-duty trucks (capacity up to 2,500 gallons) or heavy-heavy duty trucks (capacity has high as 6,000 gallons). The estimate of water use during construction is approximately 38 acre-feet (Section 4.18, p. 4.18-8),

and for the indirect GHG emissions estimate a more conservative quantity of 54 acre-feet was assumed. Using a 50/50 mix of MHDT and HHDT water trucks more than more than 57 acre-feet of water can be delivered to the site.

10.122 The PG&E transmission upgrades are considered as part of the Project as defined in the project description, also see the response to Comment 10.3, and so are not a cumulative project. However, a detailed separate quantitative analysis of the necessary PG&E system upgrades was not able to be performed as the specific equipment and vehicle needs are unknown. Additionally, it is clear that the construction work requirements for the PG&E system upgrades are substantially less in scope than the Project's construction requirements. The PG&E upgrades require smaller structures, are along an existing transmission Line route (so no new access roads), can be accessed directly from paved roads. Finally, the emissions estimate for the Project's 7-mile transmission line were considered to be very conservative and would be expected to cover the minimal emissions occurring from the comparatively minor work performed to complete the PG&E system upgrades. Conservative elements of the Project's transmission line estimates include:

- A conservative number of off-road equipment, 23 separate off-road equipment items that are all operating every day during the 86-day transmission Line construction phase (over 5,500 horsepower of equipment operating each day, with total use of over 1.1 million horsepower hours).
- A conservative number of on-road trips (100 worker trips per day, 18 vendor trips per day and 960 heavy haul trips).
- A conservative amount of medium-lift helicopter use, nearly 1,000 hours of operation and 900 landing/take-offs, for a transmission line that would have access roads cut to haul in the vast majority of construction supplies.

Additionally, the minor PG&E upgrade work, assuming it is not covered by the conservative Project transmission line construction emissions estimates are not of a magnitude to affect the significance findings. Assuming that the PG&E upgrades would have emissions (terrestrial equipment exhaust emissions only since the work area is paved and medium lift helicopters would not be necessary) similar to the Project's transmission line, unmitigated emissions based on a comparison of the route distances (approximately 10 percent), a very conservative assumption, the unmitigated emissions estimated for the PG&E upgrades and the affect to the Project emissions totals would be the following:

Unmitigated PG&E Upgrades Emissions and Project Total Emissions (tons per year)

	NO_X	ROG	PM10	PM2.5	CO	SO_X
Project Total Emissions	20.33	8.48	22.11	3.07	18.53	0.28
PG&E Upgrade Emissions Estimate	0.53	0.05	0.02	0.02	0.32	0.00
Total	20.86	8.53	22.13	3.09	18.85	0.28
Significance Thresholds	25	25	25	25	-	25
Significant?	No	No	No	No	NA	No

Source: Appendix B (Mitigated Emissions Total and 10% of CalEEMod Section 3.9 T-Line Unmitigated Tailpipe Emissions)

This conservative estimate of the PG&E upgrade emissions is well less than would be required to cause an exceedance of any of the emissions significance thresholds. Therefore, the minor PG&E upgrade work does create new Project impacts nor increase the significance of any identified Project impacts.

10.123 Regarding analysis of decommissioning, please see the response to Comment 10.5 above. Please note that it will be the Applicant's responsibility to prepare a decommissioning plan when the time comes and appropriate environmental review will be conducted at that time in association with processing of the required Demolition and Reclamation Plan permit.

A reliable quantitative analysis of Project decommissioning emissions cannot be performed at this time. The exact work requirements and dates for decommissioning activities are unknown. The Project "decommissioning" could include actions such as: repowering with different wind turbines, which would require a separate CEQA action; decommissioning a few turbines at a time over a long period; or many other potential methods and timing options. Speculative analyses under CEQA are discouraged. Additionally, the accuracy of the emission factors for off-road equipment and on-road vehicles at the time of Project decommissioning would be highly suspect given the likely changes in emissions regulations and vehicle and equipment technology within the next 20 to 30 years that are not included in the current CARB emissions factor estimates. However, it can be stated with certainty that the vehicle and equipment emissions factors would be substantially lower than those assumed for the Project's construction given how much lower baseline unmitigated emission factors would be for vehicles and equipment at the time of decommissioning. Therefore, it can be stated with certainty that the decommissioning emissions would be lower than the mitigated construction emissions which were found to be below emissions significance thresholds.

Comment Set 11: Andrew Smith, Land Planner, Environmental Planning and Permitting, Pacific Gas & Electric Company

Pacific Gas and Electric Company®

Andrew Smith, Land Planner
Environmental Planning and Permitting

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Fresno, CA 93710
Office: (559) 263-5237
Email: Andrew.Smith@pge.com

June 14, 2019

County of Santa Barbara Planning and Development
Attn: Kathy Pfeifer, Project Planner
123 East Anapamu Street
Santa Barbara, CA 93109

RE: Strauss Wind Energy Project - Comments to the Draft Supplemental Environmental Impact Report (18EIR-00000-0001)

Dear Ms. Pfeifer:

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report ("DSEIR") for the Strauss Wind Energy Project (SWEP). The County does not have approval authority over PG&E's interconnection facilities associated with the project because PG&E's facilities are under the sole discretionary jurisdiction of the California Public Utilities Commission (CPUC). However, the County's DSEIR properly includes an assessment of the direct and reasonably foreseeable indirect physical changes resulting from the Strauss Wind Energy Project, including PG&E's interconnection facilities and related construction along PG&E's existing Manville 115 kV Power Line.

PG&E has completed, and is in the process of completing, further engineering work on the interconnection facilities, including the power line and related facilities that PG&E will ultimately own, and is providing the following updates to the information contained in the DSEIR related to PG&E facilities. These additional updates provide more specific design details and are within the scope of the PG&E facilities described and analyzed in the DSEIR.

Transmission Line (T-Line) Construction: Although design is preliminary, interconnection of the proposed SWEP-owned 115 kV switchyard to the existing transmission grid will require reconductoring (replacing wires and 12 light-duty steel poles) on a section of the existing Manville Tap 115 kV Power Line, and installing up to three tubular steel poles in the same alignment. Interconnection will also require replacing two structures with taller structures where the SWEP gen-tie crosses the Manville Tap 115 kV Power Line approximately 6000 feet southwest of the new switchyard. The tubular steel poles will be supported on concrete foundations approximately six feet in diameter and up to 35 feet deep. The structures will be approximately 90 feet tall. **11.1**

Temporary Shoo-fly Line: A shoo-fly line is a temporary line built to maintain electrical service while changes are made to an existing line. PG&E will need to install a temporary shoo-fly to the north and west of the existing Manville Tap 115 kV Power Line alignment, approximately 4000 feet long, using approximately 11 temporary wood poles to keep the line in service but away from the construction area. The actual location of the shoo-fly will be determined upon final engineering but will be located within the project study area analyzed in the DSEIR.

In addition, PG&E has the following comments:

2.0 Project Description
General Comment: The PD could better clarify which facilities will be constructed, owned and operated by the applicant and which will be constructed, owned and operated by PG&E.
Section 2.5.3, first sentence, after "The proposed switchyard" add ", to be owned and operated by the Applicant, "
Section 2.5.4, first sentence, after "would be constructed" add ", owned and operated by the Applicant"
Section 2.5.4, 5th paragraph, after "The Applicant would construct" add ", own and operate"
Section 2.5.5, p. 2-24, first line, change 0.6 miles to 0.8 miles to be consistent with other parts of the SEIR.
Same paragraph, last sentence, change Section XI to Section III.

Revise Table 2-5 as follows:

- Delete the Developers Gen Site information, as these are not "Required PG&E Upgrades" that PG&E will be constructing or owning.
- Delete "& PG&E review"
- Add "Modify" before "Under Voltage Load Shedding Scheme" for Divide Substation Description entry.
- Delete all references to pole numbers.
- Under "Distribution Upgrades (DU)," the first "Transmission Line," delete everything except "Install temporary shoo-fly."
- Under "Distribution Upgrades (DU)." the second "Transmission Line," replace text with "Reconductor (replace wires and poles) along the existing Manville Tap 115-kV Power Line for 0.8 miles, and replace two structures to accommodate the crossing of the SWEP gen-tie line and the existing Manville Tap 115 kV line."

11.2

Page 2-24, bottom paragraph, first sentence, delete "possibly" before "poles" and add at end "and construct other upgrades." Add at the end of the paragraph: "With incorporation of the Avoidance and Protection Measures listed below, all impacts from construction of the PG&E upgrades will be less than significant."
Page 2-25, PL-5, after "same approximate size and height as the existing poles" add ", except when necessary to cross other lines,"
Page 2-26, PL-15: second sentence, after "then" add "any necessary regulatory-mandated" and at end of sentence add "as needed" so the entire sentence reads: "If a recorded archaeological site cannot be avoided through power line design, then any necessary regulatory-mandated Phase 1 and 2 subsurface testing will be conducted to evaluate the nature, extent, and significance of the cultural resources, and appropriate monitoring by a qualified archaeologist and Native American monitor will be conducted during excavation activities as needed.
Page 2-26, PL-17, at end of first paragraph, last sentence, replace "evaluation and preservation" with "evaluation, mitigation and/or preservation." Add the following sentence: "If recovery of a fossil or archaeological resource cannot be accomplished in a safe, cost-effective and otherwise feasible manner, the fossil or other resource will be left in place."

Section 2.5.6, p. 2-54, add new paragraph at the end of the Fire section:
As to PG&E's construction of upgrades, the CPUC strictly oversees utility fire safety issues. On October 25, 2018, the CPUC entered an Order Instituting Rulemaking to Implement Electric Utility Wildfire Mitigation Plans Pursuant to Senate Bill 901 (2018), R.18-10-007. The decision implemented SB 901's additions to Public Utilities Code Section 8386 requiring that PG&E and other utilities submit

wildfire mitigation plans. On June 3, 2019, the CPUC approved PG&E's Wildfire Mitigation Plan (Decision 19-05-037) and those of the other state utilities as being consistent with the requirements of SB 901. In a separate decision, the CPUC provided guidance on implementing these plans. (Decision 19-05-036.) Thus, PG&E will not only implement the APMs indicated in Section 2.5.5, but will also comply with the PG&E's Wildfire Mitigation Plan, which "describes the enhanced, accelerated, and new programs that PG&E is and will aggressively continue to implement to prevent wildfires in 2019 and beyond." **11.2** *cont.*

Section 2.8, please clarify that PG&E's upgraded facilities would not be subject to decommissioning.

PG&E suggests you add Section 2.9.3 PG&E Permits and Approvals

- California Public Utilities Commission (CPUC)
    - Approval of advice letter authorizing construction of PG&E upgrades

4.1 Environmental Impact Introduction

Section 4.1.2, add new bullet before last bullet: "PG&E will implement all Avoidance and Protection Measures set forth in Section 2.5.5 for construction of its upgraded facilities and will obtain and comply with all required permits and approvals from other agencies."

Section 4.1.4, add new paragraph: "With implementation of the Avoidance and Protection Measures set forth in Section 2.5.5, all impacts from construction of PG&E's upgrades will be less than significant. No mitigation measures are proposed for PG&E's upgrades." **11.3**

4.2 Aesthetics

Section 4.2.4 at the end of the first paragraph, or somewhere else in the Aesthetics analysis, please include the following information consistent with the conclusions in the PD and at p. 4.7-4 of the Energy chapter:

> PG&E's upgrades, including the 0.8 miles of reconductoring an existing power line, will take place in or near existing facilities or in an existing right-of-way, in an area containing other infrastructure and similar facilities. Poles being replaced will be approximately the same size and height as the existing poles, unless taller poles are needed to cross other lines, and will be located in the same approximate locations. Any visible changes from the existing facilities will be minor and incremental, and will be less than significant. **11.4**

4.5 Biology

Section 4.5.1, first sentence, which includes a description of PG&E's upgrades, please replace "consists of recontouring" with "include reconductoring" so that it reads: "PG&E upgrades, which include reconductoring an existing PG&E power line from the Project's switchyard location to PG&E's Cabrillo Substation in Lompoc."

Section 4.5.4.2, under Overview of Construction Impacts or elsewhere in the chapter as appropriate, please add: **11.5**

> With incorporation of the Avoidance and Protection Measures set forth in Section 2.5.5, biological impacts from construction of the upgrades to PG&E's existing facilities will be less than significant. The upgrades will not impact wetlands or riparian vegetation. Any impacts related to operation and maintenance activities of the upgraded facilities will not change from existing conditions.

4.6 Cultural **11.6**

Page 4.6-3, information appears to be missing concerning fieldwork in the areas of PG&E's planned construction.
Section 4.6.4, p. 4.6-8, suggest adding bullet under the bullet entitled "Transmission Line Pull Sites" to include PG&E's upgrade work:

- **PG&E Upgrades.** Reconductoring and other upgrades to existing facilities would be located in or near existing facilities and in an existing right-of-way. Known cultural resources may be affected by the pole replacement activities. **11.6** *cont.*

Page 4.6-8, Table 4.6.2 – this table should be updated concerning ground disturbance within these locations, based upon available information and any additional fieldwork.
Same section, under CULT-1, p. 4.6-11, please add at end of discussion, before Mitigation Measures:

> PG&E's pole replacement activities could affect known cultural resources. The proposed Avoidance and Protection Measures will ensure that any impacts to these resources will be less than significant.

4.7 Energy

Section 4.7.5, EEU-3, p. 4.7-4, last sentence in first paragraph, delete "possibly" before "poles" since design indicates that pole replacement will be necessary to support the reconductoring. **11.7**

6. Other CEQA Considerations

Section 6.1, at the end of the first paragraph, add: "No significant and unavoidable impacts will result from construction of the PG&E upgrades, as all impacts will be less than significant (Class III)." **11.8**

CPUC Permitting: The DSEIR (at 2.5.5) correctly states that the PG&E interconnection facilities are likely to qualify for an exemption from formal permitting at the CPUC. To clarify, although it is true that the CPUC has discretionary authority over PG&E's project and could require discretionary permitting for PG&E's interconnection facilities in this case, the project appears likely to qualify for an exemption from formal permitting. If exempt, PG&E would comply with a noticing process under the CPUC's General Order 131-D that affords CPUC review and public comment, but this is not a formal discretionary approval by the CPUC. As a responsible agency, the CPUC will be given the opportunity to review the CEQA document to confirm whether impacts associated with the PG&E facilities are less than significant and whether the interconnection work qualifies for exemption from the formal permitting requirements. **11.9**

Thank you for the opportunity to provide these comments.

Sincerely,

Andrew Smith

Andrew Smith
Land Planner, Environmental Planning and Permitting

Response to Andrew Smith

11.1 Thank you for the additional information on the preliminary designs for the interconnection facilities. More detailed information has been incorporated into Final SEIR Section 2.5.5. Although more detailed, this information is consistent with the information in the Draft SEIR.

11.2 Thank you for providing these suggestions for wording clarifications. They have been incorporated into the appropriate sections of the Final SEIR as needed.

11.3 The suggested changes to Sections 4.1.2 have been incorporated into the Final SEIR. The County prefers not to repeatedly make impact significance statements regarding the PG&E upgrades as the significance conclusions in the SEIR are for the impacts of the overall Project, which includes the

PG&E upgrades. However, a statement has been added to Section 4.1.4 indicating that the PG&E upgrades would not contribute to any of the Project's significant and unavoidable impacts.

11.4 The recommended text has been incorporated into Final SEIR Section 4.2.4 with the exception of the suggested significance conclusion for the PG&E upgrades as the SEIR already contains significance conclusions for the Project's visual impacts.

11.5 Wording similar to that suggested by the commenter has been added to the Final SEIR.

11.6 The recommended text has been incorporated into the Final SEIR with the exception of the suggested significance conclusion for the PG&E upgrades as the SEIR already contains significance conclusions for the Project's cultural resource impacts.

11.7 Thank you for this clarification. The text of the Final SEIR has been adjusted accordingly.

11.8 Impact significance conclusions for the proposed Project are already included in the Draft SEIR. Those significance conclusions take PG&E's upgrades into consideration as they are part of the proposed Project.

11.9 Thank you for this clarification. This information is now reflected in Section 2.9.2 of the Final SEIR.

Comment Set 12: Garry George, Clean Energy Director, National Audubon Society

Audubon

June 14, 2019

Ms. Kathy Pfeifer
Planner
Santa Barbara County Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101
kathypm@countyofsb.org

Dear Ms. Pfeifer:

For more than a century, Audubon has built a legacy of conservation success by mobilizing the strength of its network of one million members and supporters, 450 local chapters, 41 Audubon centers, 27 state offices, and dedicated professional staff to connect people with nature and the power to protect it.

Audubon's 2014 Climate science hosted online at www.climate.audubon.org reveals that 314 species of our North American birds are seriously threatened on their breeding and wintering grounds by changes in climate suitability depending on how fast we can reduce our emissions. Transforming our energy sector to emission-free generation by wind, solar and geothermal energy is a key strategy to combat the effects of climate change on our birds while providing jobs and economic benefits to our people, and is a priority for Audubon.

At the national, state and local level in California and elsewhere we have supported policies that drive a rapid deployment of renewable energy as well as the adoption of siting guidelines and other policies to avoid, minimize and mitigate effectively for impacts on birds and other wildlife of that energy.

Audubon's clean energy policy is below:

> *Audubon supports renewable energy that is sited and operated properly to avoid, minimize and mitigate effectively for the impacts on birds, other wildlife and the places they need.*
>
> *Working closely with industry, government agencies, partners, and our Network, Audubon will work to support, expedite and expand the development of renewable energy policies and projects to achieve 50% renewables in the US by 2030.*

12.1

Audubon chapters are certified by Audubon but are separate 501(c)(3) tax-exempt non-profit corporations. We work closely with our chapters on conservation issues.

We are not providing comments on the County's preparation of a Draft Environmental Impact Report for the Strauss Wind Project. We have not reviewed it nor are we familiar enough with the local issues to provide useful comments.

12.2

Santa Barbara Audubon Society is one of our strongest and successful chapters in California and has spent considerable time and resources on preparation of their comments on the Project.

We urge the County the fully consider the comments of Santa Barbara Audubon Society toward the shared goal of a properly-sited wind project that has the support of the community.

Please let us know if we can assist in this mutual goal.

Regards,

Garry George
Clean Energy Director
National Audubon Society
ggeorge@audubon.org

Response to Garry George

12.1 Thank you for expressing your support for renewable energy. Your comments will be shared with the County's decision makers.

12.2 The County has carefully considered the Santa Barbara Audubon Society's comments regarding the Project and prepared responses to those comments. Please see the responses to Comment Sets 8 and 9.

8.5 Responses to Applicant

Daniel Duke, Vice President – Development
BayWa r.e. Wind, LLC

BayWa r.e.

June 14, 2019

Kathy Pfeifer
County of Santa Barbara
Planning & Development
Energy, Minerals & Compliance Division
123 Anapamu Street
Santa Barbara, CA 93101

Re: Applicant Comments on the County EIR No. 18EIR-00000-0001 (State Clearinghouse No. 2018071002), Draft Supplemental Environmental Impact Report for the Strauss Wind Energy Project

Dear Ms. Pfeifer:

Strauss Wind, LLC, an affiliate of BayWa r.e. Wind, LLC, is pleased to submit comments on the Draft Supplemental Environmental Impact Report for the Strauss Wind Energy Project (the "Draft SEIR"), prepared by the County of Santa Barbara (the "County"). Globally, BayWa r.e. has developed and constructed over 2 gigawatts ("GW") and actively provides asset management for over 4 GW of renewable energy assets. BayWa r.e. Wind, LLC is responsible for the group's North American activities in the wind sector. The company has been active in the United States since 2001 and is pleased to bring our extensive experience to the Strauss Wind Energy Project ("Project").

At the outset, we would like to commend the County and their consultants for their significant efforts in the preparation of the Draft SEIR, which is a thorough and detailed document. As the first wind project in Santa Barbara County, this is a landmark project, and a significant opportunity for the County to play a key role in the achievement of critical state and regional renewable energy goals. The County demonstrated its commitment to achieving these goals back in 2009 through the approval of the Lompoc Wind Energy Project ("LWEP") located on the same site as the Project. The County's decision to certify the previous EIR and approve the LWEP was upheld in court, but that project was never ultimately built.

As described in greater detail below, since its acquisition of the Project, the Strauss Wind team has put forth significant effort to further reduce its environmental impacts. We also recognize that the County has similarly devoted extensive effort and resources to ensure a rigorous and complete environmental review process. We are thankful for these efforts and look forward to continue working with the County.

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BayWa r.e.

Below, we submit several general comments on the Draft SEIR. We also submit technical comments in redline format (Attachment A), which are organized by Draft SEIR section, and two technical memos in support of our comments (Attachments B and C).

General Comments

A. Alternatives Analysis

1. Strauss Wind fully supports the Environmentally Superior Alternative (Modified Project Layout Alternative)

Strauss Wind has reviewed the description of the Modified Project Layout Alternative and the supporting analysis. In an effort to further reduce the Project's impacts while still meeting the project objectives, Strauss Wind fully supports the selection and implementation of this alternative.

Although this alternative will have negative economic impacts on the Project, Strauss Wind has agreed to accept them in order to realize the alternative's additional environmental benefits, as outlined in the Draft SEIR. Turbine locations WTG E-7 and E-8 are located in a very productive wind resource area within the site. The elimination of these locations, combined with an overall reduction from 30 WTGs to 29 WTGs, results in a substantial negative economic impact to the Project. However, the Strauss Wind team has continually pursued project design options that reduce environmental impacts to the maximum extent possible. After careful evaluation, the Strauss Wind team has determined that this alternative will still meet all of the stated project objectives. But any further reduction of the Project's generating capacity will fail to meet those objectives. 13.1

As described in the Draft SEIR, the Modified Project Layout Alternative results in the reduction of 18 environmental impacts compared to the proposed layout. Several of the key benefits of this alternative that the Strauss Wind team recognizes and fully supports include the following:

- **A reduction in impacts to oak trees**. Since the Project's early design stages, the Strauss Wind team has continually worked with the County to reduce impacts to oak trees, and therefore impacts to the birds and other species which utilize this habitat. Early iterations of the Project's grading plan estimated the loss of up to 1,749 oak trees. Revisions initially reduced that number to approximately 1,509 trees. From there, the Strauss Wind team was able to reduce impacts down to 607 oak trees in the proposed layout's design. The Modified Project Layout Alternative, fully supported by the Strauss Wind team, further reduces the impacts down to 225 oak trees. This represents an 87% reduction in the impacts to oak trees from the Project's initial design. The Strauss Wind team will continue to identify opportunities to reduce impacts to oak trees during pre-construction planning efforts. Our team has also reviewed the extensive mitigation measures related to oak tree protection and replacement in the Draft SEIR and is committed to the

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implementation of these measures to further protect oak trees during construction and to compensate for any unavoidable impacts.

- **A reduction in impacts to nesting birds**. The significant reduction in impacts to oak trees and oak woodland habitat, as well as the reduction to 29 WTGs, results in an appreciable reduction of impacts to nesting birds and other species that utilize this habitat.

- **A reduction in impacts associated with avian and bat collisions**. The reduction to 29 WTGs results in a reduction of impacts associated with avian and bat collisions. The Strauss Wind team has fully complied with all relevant state and federal wind energy guidelines, including the *California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development* (CEC and CDFW 2007), the *U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines* (USFWS, 2012), *Eagle Conservation Plan Guidance: Module 1 –Land-based Wind Energy Version 2* (USFWS, 2013). All avian and bat surveys were conducted with the concurrence of the USFWS Migratory Bird Division staff. The Strauss Wind team has also reviewed the extensive mitigation measures related to avian protection in the Draft SEIR and is committed to the implementation of these measures to further reduce potential impacts to avian species during the Project's construction and operation. **13.1** *cont.*

- **A reduction in impacts to state and federally endangered species and designated critical habitat**. This alternative will result in the reduction of impacts to the state and federally endangered Gaviota tarplant, the federally endangered California red-legged frog, and designated critical habitat for both species. In addition, impacts to other special-status species will likewise be reduced.

- **Elimination of all impacts within the Coastal Zone**. Under this alternative, all grading and disturbance within the Coastal Zone would be eliminated, and the Project would not be subject to the County's Coastal Land Use Plan.

2. Strauss Wind supports the Alternate Surface Transport Route

Strauss Wind has reviewed the description of the Alternate Surface Transport Route and the supporting analysis in the Draft SEIR. As described below, Strauss Wind supports the selection and implementation of this alternative with one minor modification that will further reduce traffic-related impacts in the City of Lompoc, and provided this route can be approved by the California Department of Transportation (CalTrans) and the City of Lompoc. **13.2**

As described in the Draft SEIR, the Alternate Surface Transport Route would deviate from the proposed transport route at the intersection of CA-1 and Santa Lucia Canyon Road. The route travels south along Santa Lucia Canyon Road, which becomes Floradale Avenue. The route then proceeds south along Floradale Avenue, making an easterly turn at W Ocean Avenue. The route

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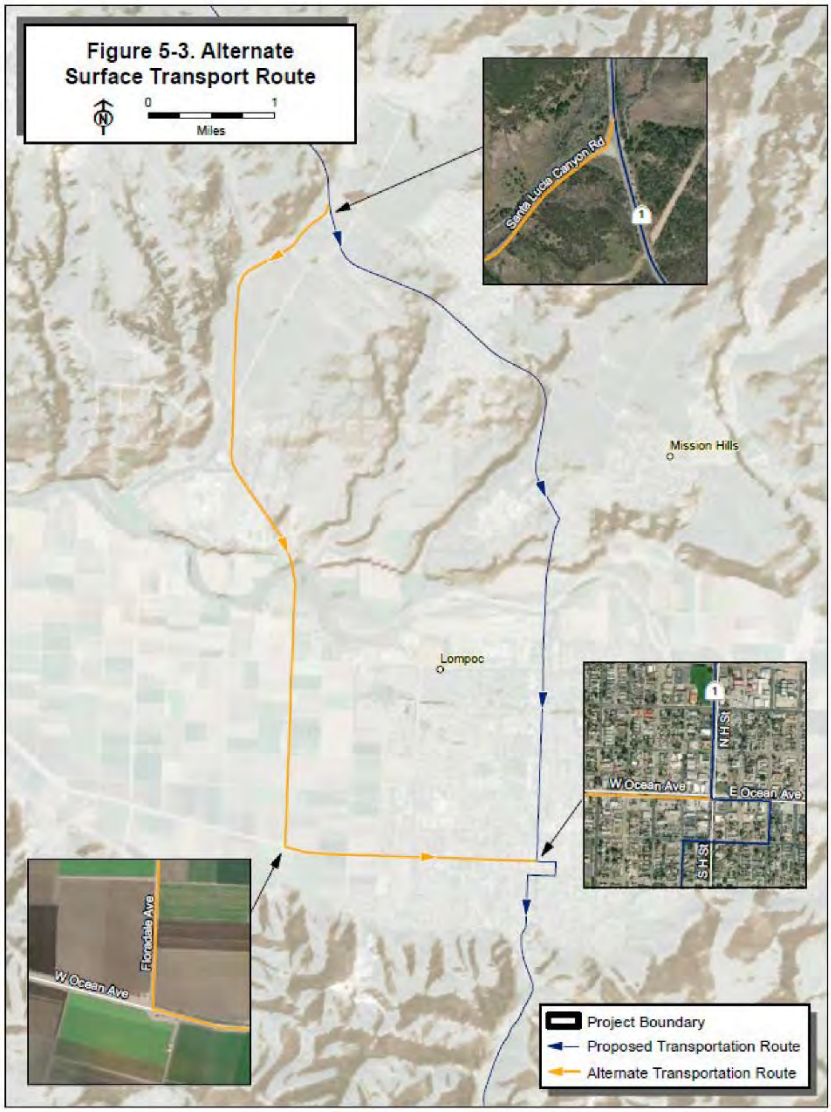
would then proceed east along W Ocean Avenue, entering the City of Lompoc and connecting with the portion of the proposed transport route, turning south on South F street, West on East Cypress Ave, and then south on South I Street. This Alternate Surface Transport Route is shown on Figure 5-3 of the Draft SEIR, which is depicted below for reference. **13.2** *cont.*



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The Strauss Wind team reviewed this proposed alternate route in the field with the Project's transportation logistics team and also received feedback from the City of Lompoc Public Works Department. Based on those efforts, the Alternate Surface Transport Route was deemed generally feasible. However, the Strauss Wind team identified an opportunity to further reduce impacts within the City by implementing a more direct route utilizing W. Ocean Ave and turning immediately south on South I Street (which becomes San Miguelito Road once outside of the City of Lompoc), avoiding the circuitous route of South F Street to Cypress to I Street. Strauss Wind's proposed Minor Modification to the Alternate Surface Transport Route is depicted in Figures A and B below.

13.2 *cont.*

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Figure A: Strauss Wind's Proposed Minor Modification to the Alternate Surface Transport Route

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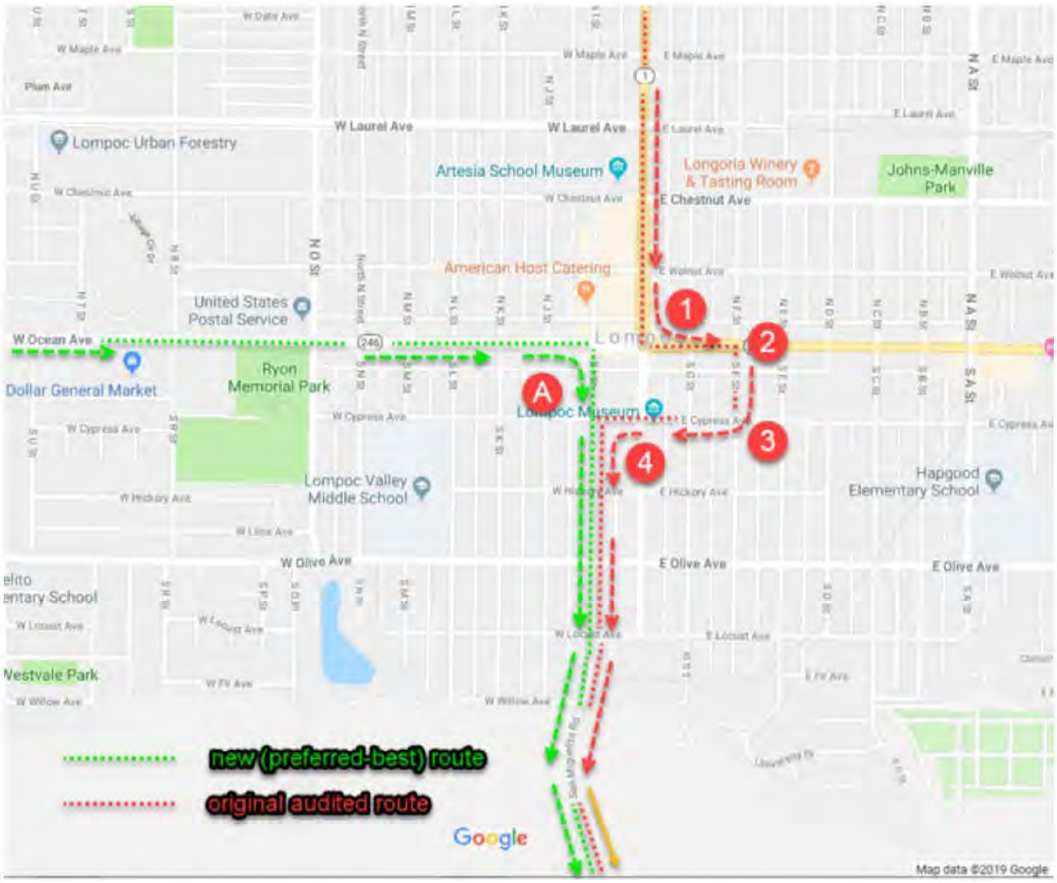
Figure B: Strauss Wind's Proposed Minor Modification to the Alternate Surface Transport Route, Compared to the Draft SEIR's Original Proposed Transport Route



This Minor Modification to the Alternate Surface Transport Route would require the removal of three to four trees at the intersection of W Ocean Ave and S I Street. Further, one street light, two traffic lights and one traffic sign would have to be temporarily removed. This Minor Modification to the Alternate Surface Transport Route includes the following benefits:

- Reduction of approximately .44 miles of the Alternate Surface Transport Route.
- Avoidance of traffic disruptions at four intersections within the City of Lompoc (South H Street and West Ocean Ave., West Ocean Ave. and South F Street, South F Street and East Cypress Ave., and East Cypress Ave. and South I Street). Intersections 1 and 2 are among the busiest in the city, far busier than West Ocean and South I Street.

13.2 *cont.*

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- Avoidance of multiple temporary impacts to City infrastructure and private properties at West Ocean Ave. and South F Street, South F Street and East Cypress Ave., and East Cypress Ave. and South I Street, including the temporary removal of several traffic lights, street signs and lights, a bus stop with waiting booth, fencing, and multiple trees.

At this point, the Strauss Wind team is in active discussions with both CalTrans and the City of Lompoc regarding the transportation alternative described above. However, the load capacity of the bridge on Santa Lucia Canyon Road over the Santa Ynez River has not been confirmed by CalTrans to be suitable for the transportation of any or all of the wind turbine components, and the City of Lompoc has not officially approved this route. Therefore, at the current time, the following scenarios are possible:

1. The bridge on Santa Lucia Canyon Road is suitable for all component truck loads (blades, tower, nacelle) as proposed in the Alternate Surface Transport Route, and:

   a. The City approves the turn from W Ocean Ave. to South I Street: All oversize trucks will use the Minor Modification to the Alternate Surface Transport Route described above; or

   b. The City does not approve the turn from W. Ocean to South I Street: All oversize trucks will use the Alternate Surface Transport Route described in the Draft SEIR.

2. The bridge on Santa Lucia Canyon Road included in the Alternate Surface Transport Route is suitable for the blade truck loads, but *not* the tower or nacelle trucks loads, and:

   a. The City approves the turn from W. Ocean Ave to South I Street: All blade trucks will use the Minor Modification to the Alternate Surface Transport Route described above; and all tower and nacelle trucks will use the original transport route described in the Draft SEIR project description; or

   b. The City does not approve the turn from W. Ocean to South I Street: All blade trucks will use the Alternate Surface Transport Route as described in the Draft SEIR; and all tower and nacelle trucks will use the original transport route described in the Draft SEIR's project description

3. The bridge on Santa Lucia Canyon Road is not suitable for blade truck loads: All trucks will use the original transport route described in the Draft SEIR's project description.

13.2 *cont.*

The Strauss Wind team supports the Minor Modification to the Alternate Surface Transport Route, provided approval from both Caltrans and the City of Lompoc can be obtained.

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Therefore, based on the issuance of the required approvals, we suggest that these options are presented in the Final SEIR in order of the following preferences:

1. The Minor Modification to the Alternate Surface Transport Route (as proposed here by the Strauss Wind team) **13.2** *cont.*
2. The Alternate Surface Transport Route described in the Draft SEIR
3. The original transport route described in the Draft SEIR's project description

3. The Alternative Switchyard Location would not meet the Project's objectives, would not be feasible, and would have significant impacts not analyzed in the Draft SEIR

Strauss Wind understands that the Alternative Switchyard Location alternative is intended to reduce environmental impacts compared to the Project's proposed switchyard location. However, we respectfully submit that this alternative does not meet the feasibility test under CEQA, would bring little or no environmental benefit, would substantially delay emergency response, and could unintentionally increase the Project's impacts. The proposed switchyard location was selected over the alternative hilltop location described in the Draft SEIR after careful consideration of a number of factors, including impacts to emergency response time and safety, as well as visual and aesthetic impacts in the City of Lompoc. These factors are described in detail below.

The Alternative Switchyard Location alternative would not be feasible and would fail to meet the project objectives. PG&E has included the proposed switchyard location in its current studies and is obligated under the project's Large Generation Interconnection Agreement ("LGIA") to interconnect the Project at this location. The PG&E team has been actively engaged for months in design work for its scope of work based on the LGIA and current studies for the proposed switchyard location described in the Draft SEIR, not the alternative location. Asking PG&E to amend the LGIA, re-study the alternative location, and re-start its design work to place the switchyard at the alternative location on the hilltop would require a change in the point of interconnection for a non-technical reason. This is not consistent with the interconnection procedures. More importantly, even if it were possible to re-evaluate this location, doing so would add at least 6 - 9 months to the Project's schedule—making it impossible to meet the Project's objectives, which include meeting timelines under the existing power purchase agreement. See Draft SEIR at p. 2-2 (Project Objectives). **13.3.**

a. Visual Impacts

The alternative switchyard location would also have aesthetic impacts. Section 5.5.3 of the Draft SEIR (Alternative Switchyard Location) provides a cursory comparative analysis between the alternative switchyard and proposed switchyard, but it appears to gloss over the potential impacts associated with the development of the alternative. For example, the Draft SEIR minimizes the **13.4.**

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potential receptors of alternative switchyard-related impacts and expresses uncertainty regarding the visibility of the facility from public vantage points: "the switchyard…would likely be visible from some public roads and residential areas in Lompoc, short portions of SR-1 and San Miguelito Road, and a few residences along San Miguelito Road." Despite expressing a lack of confidence regarding the visibility of the alternative switchyard location from public vantage points in the surrounding area, the Draft SEIR is able to conclude that the alternative switchyard location would result in less-than-significant impacts: "the alternative switchyard location is not likely to result in new significant visual impacts given the partial screening…provided by intervening terrain and the use of existing power line poles." Meaningful analysis and support, in the form of visual simulations, exhibits detailing the location of switchyard components and visibility from public vantage points, and/or a viewshed analysis, is needed to support the Draft SEIR's claim that selection of the alternative switchyard would result in less-than-significant impacts and reduced visual impacts at KOP 14 when compared to the visual impacts of the proposed switchyard at KOP 2. Absent support, a less than significant determination and assertion that the Alternative Switchyard Location as viewed from KOP 14 would result in substantially reduced visual impacts when compared to the Proposed Switchyard at KOP 2 lacks validity.

Given the prominent ridgeline location of the Alternative Switchyard Location and the resulting wide viewshed, development of the alternative could result in potentially significant impacts to existing views and visual character at KOP 14. The Alternative Switchyard would also be located in a landscape inventoried as displaying moderate visual quality and natural character. According to Section 4.2 of the Draft SEIR, receptors at KOP 14 may be of greater sensitivity than motorists at KOP 2 due to "hills [that] retain a predominantly natural character" that were assessed at displaying moderate visual quality. In addition, KOP 14 receptors were determined to have high visual sensitivity to changes in the landscape and extended view durations. Based on the brief analysis prepared for the Alternative Switchyard Location in Section 5 (Alternatives) of the Draft SEIR, there is no indication of how (or if) viewer sensitivity and exposure factored into the assertion that development of the Alternative Switchyard Location would not result in new significant visual impacts at KOP 14. It is unclear if viewer sensitivity and exposure at KOP 14 was considered in the Draft SEIR when forming the conclusion that the Alternative Switchyard Location would result in substantially reduced impacts when compared to the anticipated impacts of the Proposed Switchyard at KOP 2. **13.4** *cont.*

To illustrate the severity of visual effects associated with development of the Alternative Switchyard Location, a visual simulation of the alternative was prepared by Dudek (Strauss Wind's environmental consultant) from KOP 14 (i.e., East Olive Avenue in Lompoc). Project data required to prepare the visual simulation was obtained from the Project applicant and baseline images from KOP 14 towards the Alternative Switchyard Location were taken by Dudek in May 2019. The baseline photograph from KOP 14 and visual simulation of the Alternative Switchyard as experienced from KOP 14 are included in Attachment B to this letter, along with a detailed review and comments from the Aesthetics section of the Draft SEIR.

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As depicted in Attachment B in the visual simulation prepared by Dudek, the Alternative Switchyard would be visible from KOP 14. Specifically, development of the Alternative Switchyard would require the removal of several mature trees on the visible ridgeline to the south-southwest and as a result, would noticeably alter the existing horizon line. In addition, and according to Figure UD-2, Scenic Ridgelines and Roads, of the City of Lompoc General Plan Urban Design Element, the specific ridgeline on which the Alternative Switchyard is proposed has been designated by the City of Lompoc as a Scenic Ridgeline. The removal of mature trees and modification of a ridgeline identified as scenic by the City of Lompoc would result in a marked change in existing visual quality and character. For example, in the existing view offered at KOP 14, trees are scattered atop ridgelines to the south and southwest and contribute to the quality of the existing view (identified as moderate in the Draft SEIR) and a "predominantly natural" visual character. In addition to tree removal, development of the Alternative Switchyard would contribute structural complexity to existing views and introduce new forms and lines atop the visible ridgeline. As the removal of existing trees and development of the Alternative Switchyard, would not adequately protect the ridgeline, the apparent conflict with an established City of Lompoc General Plan policy must be disclosed and considered in the evaluation of impacts to existing views and visual character at KOP 14. **13.4** *cont.*

The Draft SEIR is also silent on transmission line upgrades that would be required to facilitate operation of the Alternative Switchyard at the Lompoc Hills location. For example, the Draft SEIR does not disclose that existing poles visible on the ridgelines from KOP 14 would need to be replaced and/or upgraded to accommodate necessary transmission line reconductoring. The installation of replacement or upgraded poles may result in wider and taller lines that would display a darker silhouette than poles currently visible from KOP 14. The Draft SEIR does also not disclose that any existing poles visible from KOP 14 would require relocation to accommodate necessary interconnection poles for the Alternative Switchyard and whether any relocation efforts would require grading. Due to the angle of the available view at KOP 14, grading on slopes to the south/southwest would create new color contrast due to areas of lighter exposed soils that would be viewed alongside dark vegetation. In addition, if pole relocation from the ridgeline and grading is required, then new pole locations may require the construction of new access roads that would ostensibly create visible color and line contrast. Lastly, the Draft SEIR should clarify whether needed reconductoring associated with selection of the Alternative Switchyard would require wider pole replacement and new access roads to those locations in the project area landscape (i.e., replacement of poles beyond those visible from KOP 14). These potential design issues and related visual effects must be clarified in the SEIR aesthetics/visual resources analysis in order to make a meaningful comparison of impacts related to the proposed switchyard at KOP 2. **13.5**.

For the reasons described above and based on the anticipated visual contrast depicted in the visual simulation included in Attachment B to this comment letter, development of the Alternative Switchyard Location is likely to result in considerable visual contrast that would be experienced by a moderate to high volume of viewers offered extended view durations at KOP **13.6**.

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14. Further, receptors exposed to views of the alternative switchyard at KOP 14 were inventoried as containing high sensitivity to changes in the landscape. **13.6** *cont.*

b. Impacts to Emergency Response

The Alternative Switchyard Location also has the potential to significantly increase emergency response time and response to outages, and decrease operational flexibility during emergencies which the Draft SEIR does not analyze. The switchyard not only meters the energy produced from the Project, but one of the most important purposes of the switchyard is to electrically protect the Project from faults in PG&E's grid, while also protecting PG&E's grid and the Imerys mine's electrical system from faults in the Project's system. This is done via automated breakers, which physically disconnect two sides of a line in case of a fault within a fraction of a second. Various protection relays and communication equipment are located in the switchyard's control house to automatically monitor the lines in question (in this case the Project's transmission line, the PG&E Manville line city-bound and the Manville line mine-bound) and communicate with other PG&E remote system facilities, which are all critical line operational parameters. Generally, in the case of a breaker trip, after the system is checked and the fault cleared, but before a breaker is reclosed, a visual inspection of the breaker and the surrounding elements is required as a strict safety measure. In order for this visual inspection to occur, quick access to the Project's switchyard and to PG&E's interconnection pole is absolutely necessary. Put simply, while some control can occur remotely, in many cases manual operation must occur within the control house at the switchyard location in compliance with safety regulations, standards, and procedures. **13.7**

c. Communications Access

For the reasons stated above, the proposed switchyard location requires connection to public telecommunication network. This can be established via wired phone and internet service (Frontier, AT&T, etc.) or via radio connection if wired service is not feasible or possible to be extended to the site. For the Alternative Switchyard Location, a new phone and fiber line would have to be built, which would have to come up either from San Miguelito Road, or alternatively a taller radio tower would have to be placed within the switchyard's fenced perimeter, hence requiring the footprint to be increased. A radio tower would likely be 100ft -150 feet tall. The proposed switchyard location as described in the Draft SEIR project description does not require any of this additional construction or increased impact because phone and internet service are available immediately adjacent to the proposed switchyard. **13.8**

The proposed switchyard location as described in the Draft SEIR project description has direct access along an existing flat access road approximately .32 miles from South 7th Street in the City of Lompoc. This access point is current utilized by the City's electrical department and PG&E. Travel time to access the proposed switchyard location along this road would be less than one minute. However, the Alternative Switchyard Location is located approximately two miles from SR-1, or 1.12 miles from San Miguelito Road, and access would occur along roads on steep

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terrain on the Imerys mine facility. Several of these roads have locked gates to maintain cattle grazing activities. During inclement weather conditions the existing mine roads can become impassable even for 4WD vehicles. Given these limitations, even if accessible due to weather situations, response time to the Alternative Switchyard Location is expected to average 20-30 minutes, a substantial (nearly 30 times) increase in critical response time as discussed above in an emergency or outage situation over the proposed switchyard location. **13.8** *cont.*

Strauss Wind has taken into consideration the impacts described above, which were not fully described or analyzed in the Draft SEIR, when it proposed the original switchyard location in the Project Description. **13.9**

Therefore, based on the above, the conclusions regarding the benefits of the Alternative Switchyard Location alternative at page 5-26 of the Draft SEIR should be clarified to reflect the additional impacts discussed above, and this alternative should not be selected.

4. The selection of any alternative or project scenario not meeting the stated Project Objectives will eliminate the substantial economic opportunities for the County and the Project's significant environmental benefits

As described in section 5.5.1 of the Draft SEIR, under the No Project Alternative, the Project would not be constructed. However, what is not stated clearly is the selection of any alternative or project scenario not meeting the stated project objectives in Section 2.2 of the Draft SEIR will have the same effect; the Project would not be constructed, and the significant beneficial environmental and economic benefits of the Project would also not occur.

The devastating effects of climate change and greenhouse gas emissions (GHG) are well documented and understood. The state of California has recognized these effects, and through its legislated Renewables Portfolio Standard, retail sellers of electricity are required to source 60% of their electricity from renewables such as wind by 2030, and 100% by 2045. Likewise, the County of Santa Barbara has supported and prioritized efforts to reduce the effects of climate change and GHG emissions since the Board of Supervisors adopted the "Santa Barbara County Climate Change Guiding Principles" in 2009. The Energy and Climate Action Plan (ECAP) is a significant part of the County's demonstrated commitment to reducing GHG emissions. Approval of utility-scale renewable energy projects, such as this Project, is a specific action recommended in the County's ECAP (Measure RE 4, Utility-Scale Renewable Energy Projects) and is also consistent with State of California renewable energy and GHG emissions reduction regulations and goals. While the framework for supporting renewable energy development exists within Santa Barbara County, only one project has been approved to date totaling 40 MW. This ranks Santa Barbara County near the bottom of the state's 58 counties, even though the wind and solar resources are present. Implementation of the Project would more than double this figure and demonstrate a stronger commitment to meeting California energy needs in an efficient, sustainable, and environmentally sound manner. **13.10**

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Not only has Santa Barbara County recognized renewable energy development as a key action to combat climate change, but so has nearly every other major U.S. and international environmental and intergovernmental organization, from the United Nations (UNFCCC) to the Audubon Society. For example, the Audubon Society's Birds and Climate Change report states that nearly half the bird species in the U.S. are at risk of extinction by the year 2080 due to the effects of climate change, with many of these species occurring in California and Santa Barbara County. Additional renewable energy projects, including properly sited wind projects are acknowledged by Audubon as an important part of the strategy to combat climate change. The Project site has been identified as a suitable site for a utility-scale wind project for the past 20 years. The LWEP was approved at this site in 2009. As a result of significant advances in wind turbine technology and a focus by the Strauss Wind team to reduce the environmental disturbance footprint of the Project and comply with accepted wind siting guidelines, the Strauss Wind team has been able to improve previous iterations of the Project significantly. The majority of the WTG locations proposed for the Project occur in the same locations as proposed by LWEP, but only at of fraction of sites previously approved (65 approved under LWEP and 29 under the Project's Environmentally Superior Alternative). The process of reducing environmental impacts through careful and thoughtful design while still maintaining the generating capacity of the Project is something that the Strauss Wind team is very proud of. In addition, the Project will be held to highest of standards in complying with the extensive mitigation measures outlined in the Draft SEIR and numerous other local, state, and federal permits. **13.10** *cont.*

The clean renewable energy produced by the Project would avoid approximately 212,000 metric tons of CO_2 emitted into the atmosphere each year, the equivalent of eliminating 519,000,000 vehicle miles per year, or eliminating the burning of 491,000 gallons of oil per year. Over the estimated 30-year life of the Project, this equates to the elimination of 6,360,000 metric tons of CO_2, the elimination of over 15.5 billion vehicle miles, and the elimination of burning over 14.7 million gallons of oil.

In 1969 (50 years ago this year), Santa Barbara County experienced one of worst environmental disasters in U.S. history, when an oil spill off the coast spewed an estimated 3 million gallons of oil into the ocean, creating a 35-mile long oil slick, killing thousands of birds and marine wildlife. By comparison, the Project would equate to the elimination of nearly 5 times the amount of oil of the 1969 spill, and over 100 times the amount of the 2015 Refugio State Beach oil spill which poured 142,800 gallons of crude oil into the ocean devastating birds and sensitive coastal resources.

Under the No Project Alternative or other scenario resulting in the Project not proceeding or not meeting the project objectives, the County and the state of California would fail to realize these significant environmental benefits of a clean renewable energy project. **13.11**

As outlined in the Draft SEIR Project Objectives, the Project also presents an opportunity to contribute to the long-term economic viability of agricultural uses in Santa Barbara County, including grazing and dry land farming, by developing an agriculturally compatible land use to

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supplement income from traditional agricultural activities. The Project will also provide Santa Barbara County and the City of Lompoc with additional tax revenues and local jobs benefiting their communities. It is estimated that the Project will create approximately $50 million in local tax revenue over the life of the Project and will create a new source of local jobs during construction and operation of the Project. This local tax revenue would make the Project among the top 10 tax payers in the County. The Project will also provide significant ancillary benefits during construction, including increased use of local businesses in Lompoc during construction.

13.11 *cont.*

Under the No Project Alternative or other scenario resulting in the Project not proceeding, the County and the City of Lompoc would fail to realize these significant benefits.

Additional technical edits and comments are provided in Attachment A, and supporting information is provided in Attachments B and C. Again, the Strauss Wind team appreciates the County's efforts on a complete and thorough Draft SEIR. We look forward to continuing to work closely with your team and assisting Santa Barbara County in taking an important step forward in its commitment to clean energy.

Sincerely,

Daniel Duke

Vice President – Development

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Attachment A

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Attachment A

TECHNICAL COMMENTS OF STRAUSS WIND, LLC, ON THE COUNTY OF SANTA BARBARA'S DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE STRAUSS WIND ENERGY PROJECT

Visual Resources (4.2)

Please see Comment Letter above and Attachment B for technical comments on visual resources. **13.12**

Air Quality (4.4)

4.4-15: MM AQ-2 states that on-site WTG access road segments to each WTG shall be graveled or paved prior to beginning installation of the WTG and the associated collection system.

This language as written is unclear. We suggest clarifying language to confirm the specific segments of "access road" that are intended to be covered by this measure. **13.13**

Suggested Revision:
"Segments of the on-site WTG access road segments to each WTG shall be **adequately compacted**, graveled or paved prior to beginning installation of that WTG ~~**and the associated collection system**~~, **to minimize fugitive dust emissions."**

Biological Resources (4.5)

Multiple pages: The Strauss Wind team would like further clarification on what the County considers a "County approved biologist". We understand this requirement to mean that biologists working on the project will have to work under the direction and supervision of a "County approved biologist". Please confirm. **13.14**

4.5-1: There is a minor typographical error in first paragraph under section 4.5.1. "Recontouring" should be changed to "reconductoring". **13.15**

4.5-22: The statement that "condors are expected to visit the Project area" is not accurate. It is not consistent with the available data, overstates the potential for the species to be present at the site, and relies on speculation. Telemetry data collected and organized since 2005 by the US Fish and Wildlife Service and US Geological Survey indicates that only two individuals have ventured close to the Project since 2005. In fact, over 99% of telemetry occurrences are located over 15 miles north and 21 miles east of the project site. While this may not represent all condors, based on known flight patterns, the probability is extremely low that condors would fly over the project site regularly. For these reasons, the possibility of use of the project site by California condors should be characterized as "possible" or "may occur". **13.16**

1

Suggested revision:
"Nonetheless, the site and surrounding area supports suitable foraging habitat, and given the current population trends and the proximity to the Project site (condors are known to travel over 50 miles during foraging events), **it is possible that** condors ~~are expected to~~ **may** visit the Project area at least on occasion over the course of the Project lifespan." **13.16** *cont.*

4.5-25: The statement that the Southwestern willow flycatcher "has a high potential to occur in the project area" is not accurate. Suitable habitat is not present. A habitat assessment was completed for both the least Bell's vireo and southwestern willow flycatcher and submitted to the USFWS in early 2018 when the USFWS provided concurrence on the project's avian survey protocol. The focused habitat assessment identified a lack of suitable habitat across the project site for these riparian bird species and requested concurrence from the USFWS that protocol surveys would not be required. On April 30, 2018, the USFWS concurred with the habitat assessment and confirmed that protocol surveys would not be required. **13.17**

Suggested revision:
"~~Although~~ **Because** willow flycatchers have not been observed during Project surveys, ~~the nearby records~~ and **there is a lack of** presence of suitable habitat, ~~suggest that~~ this species ~~has a high potential~~ **is unlikely** to occur in the Project area."

4.5-45: MM BIO-3 suggests an 80% restoration success. The Strauss Wind team understands that the percentage cover criteria should be based on the habitat being impacted and what percentage cover of natives the impacted habitat has. Please clarify that this language is meant as an example of potential standards of restoration success dependent on the percentage cover of natives and not a strict requirement regardless of the habitat impacted. **13.18**

4.5-61: MM BIO-9 requires that "if any jurisdictional feature is permanently lost, it shall be mitigated by the creation of the same type of feature in the Project area at an aerial ratio of 3:1." The Strauss Wind team recommends adding additional flexibility to the mitigation approach to allow for preservation, enhancement, and/ or creation at mitigation ratios as required by other state and federal agencies with jurisdiction over these features. **13.19**

Suggested Revision: "if any jurisdictional feature is permanently lost, it shall be mitigated by ~~the creation of the same type of feature in the Project area at an aerial ratio of 3:1~~**the preservation, creation, and/or enhancement of the same type of feature in the Project area at a minimum ration of 1:1 or as required by CDFW, RWQCB, and the USACE.**"

4.5-63: MM BIO-5 requires pre-construction surveys for rare plants, bryophytes, and lichens. Note that the Strauss team has completed multi-year rare plant surveys in 2017, 2018, and 2019. This should satisfy all pre-construction survey requirements. In addition, bryophyte **13.20**

2

and lichen surveys should only be required in suitable habitat within the disturbance limits of the project. **13.20** *cont.*

4.5-64: We seek general clarification regarding the requirement in MM BIO-6 to submit the ITP and BO to the County. CDFW and the USFWS are the responsible authorities for issuing the ITP and the BO and for ensuring compliance with the permit conditions. The County can recommend that we pursue these permits as they have in this mitigation measure, but the County should not have a specific role in reviewing the permits or the conditions of approval of these permits. We also propose a revision to clarify the roles and responsibilities of the various agencies.

13.21

Suggested Revision:
"The Project owner/operator shall **~~retain a qualified botanist approved by the County, USFWS, and CDFW to~~** obtain an Incidental Take Permit (CDFW) and Biological Opinion (USFWS) for impacts to Gaviota Tarplant. . . . Plan Requirements. The Project owner/operator shall submit the Gaviota Tarplant Mitigation Plan**~~, CDFW ITP, and USFWS Biological Opinion~~** to the County along with the detailed grading plan. The detailed grading plan, showing the limits of the grading shall be reviewed and approved by County staff prior to approval of the final plans."

4.5-67: As written, MM Bio-11a is not clear and overly broad. Halting work due to any species that is found within a 300' radius from a WTG site, footings access roads, staging, parking and lay down should only apply to special status species and not all types of wildlife. As written, this applies to all common types of wildlife (e.g., common lizards, ground squirrels, and field mice).

Suggested Revision:
"The Applicant shall retain a County-approved biologist to perform a wildlife survey prior to ground disturbance, including grading and the excavation of the WTG sites. The biologist shall survey the surrounding area (where access allows) out to a 300-foot radius from the WTG site, the WTG footings, access roads, and staging, parking, and lay down areas prior to grading. Surveys shall be completed **~~daily~~** before the start of initial vegetation clearance or ground disturbance in any affected area. If any **special-status** wildlife species are found, they shall be relocated to similar habitat at least 300 feet away from construction activity." **13.22**

4.5-69: We seek clarification regarding the implementation of MM BIO-14d. Specifically, we seek clarification that this should not include all birds. For example, non-native birds (e.g., European starlings, or house sparrows) should not require buffers or protections. Section 3503 of the California Fish and Game Code protects nests or eggs of any bird except as otherwise provided by the Code. Section 3513 refers to the federal MBTA for the list of take-protected covered birds. We assume that this list also determines which species' nests and eggs would be covered. The Strauss Wind team suggests that this mitigation measure be revised to specifically define which birds are covered by nest buffers and other protections. **13.23**

3

We also seek clarification that this measure should only apply to active nests. If the nest fails, construction should be able to proceed. We also seek clarification on what will be considered an active nest (e.g., being constructed or with eggs or nest-dependent juveniles; unused nests are not considered to be active nor are failed nests). **13.23** *cont.*

4.5-74: The discussion on bats requires mitigation for purported impacts not supported by the best available science. As the Draft SEIR reflects, there have been no maternity roosts documented in or near the proposed Project's disturbance area. It is unclear how there can be significant impacts to roosting bats if there are no maternity roosts documented on site. Thus, MM BIO 14j is not warranted and should be deleted. **13.24**

Suggested revision:
"To date, no maternity roosts have been documented in or near the proposed Project disturbance area. ~~**Nonetheless, MM BIO 14j is required to reduce significant impacts to roosting bats.**~~"

4.5-76: We suggest "active den" in MM BIO-14d be defined as a "den having a dirt apron with fresh diggings and tracks." **13.25**

4.5-77: MM BIO-14f requires surveys for vernal pool fairy shrimp without a distinction as to where these surveys are required. These surveys should only be required within suitable habitat. **13.26**

Suggested revision:
"The Applicant shall retain a qualified, County-approved biologist to conduct protocol surveys for the federally threatened vernal pool fairy shrimp **within suitable habitat** each year of construction, in areas subject to Project disturbance."

4.5-79: MM BIO-14h as written does not address pre-construction surveys outside of rainfall events. Additional flexibility is required under this measure as suggested below, or clarification is needed to confirm that pre-activity surveys can be completed during construction noted in the bottom paragraph of page 4.5-79.

Suggested revision:
"Prior to site mobilization, the Applicant shall retain a qualified biologist approved by the County and CDFW to conduct the following: **13.27**

a. Conduct a pre-construction survey ~~**during the appropriate time of year when this species can be detected (i.e., during periods of suitable rainfall that result in pooling or the formation of other aquatic habitat)**~~ to determine the presence of western spadefoot toad and related habitat."

4.5-80: MM BIO-14j states, "The qualified biologist must hold appropriate permits from the CDFW to handle bats and conduct roost evictions." There should not be a need to handle bats, and we believe no permit is required to manage the area to encourage bats to leave a site. We suggest that this sentence be removed from MM BIO-14j. **13.28**

4

4.5-82: MM Bio-15a requires micrositing of turbine and transmission poles up to 500 feet from "critical biological resources identified in pre-construction surveys". The Strauss team has already completed this exercise through the careful design of the project in compliance with state and federal guidelines, and in our efforts to site the project facilities in areas that reduce impacts to the maximum extent possible. In addition, micrositing based on a preconstruction survey is not feasible as these surveys would occur within 30 days of construction and the site plan would have been finalized prior to this survey period. Multiple preconstruction surveys and permit conditions are included in the Draft SEIR to ensure the protection of biological resources referenced in MM BIO-15a. The Strauss team recommends removing this mitigation measure. **13.29**

4.5-83: As written, Mitigation Measure BIO-16 states that the Applicant must obtain a golden eagle take permit. As a preliminary matter the Strauss Wind team takes very seriously potential impacts to eagles. However, these permits are voluntary as a legal matter, and eagle take permit is a discretionary permit from another federal agency and it is outside of SWEP's control and the County's control as to whether (or when) the USFWS would issue such a permit. This measure should be revised to clarify that it requires the SWEP to consult with the USFWS, and if appropriate, that SWEP will submit an application for a take permit. Whether the USFWS ultimately grants a permit under the Bald and Golden Eagle Protection Act is at the discretion of the USFWS only. **13.30**

Suggested revision:
"Additionally, the Owner/Applicant will ~~**obtain**~~ **consult with the USFWS and, if appropriate, will submit an application for** golden eagle take authorization from USFWS under the federal Bald and Golden Eagle Protection Act. **If submitted,** the application for take authorization will incorporate all components of the Monitoring and Adaptive Management Plan that pertain to golden eagles and will specify hazard removal measures such as powerline retrofitting to offset potential take of golden eagles."

4.5-83: MM BIO-15b (c) states that "all permanent meteorological towers shall be unguyed". This mitigation measure is in conflict with the Project Description (p. 2-31), which proposes a guy-wired structure that would be constructed with avian protective equipment / diverters. The Strauss Wind team proposed a guyed structure to reduce overall environmental impacts because an unguyed structure will require significantly more ground disturbance than a guyed structure due to the large footprint of the tower, the required pier foundations under each tower leg, a leveled approximately 100 x 80 ft crane pad and a 16 ft wide access road with 10 ft wide shoulders on each side (or 20 ft on one side) for crane travel. Such additional ground disturbance likely would increase impacts to sensitive resources, including the Gaviota tarplant without any appreciable benefit to avian species. As described in the Project Description, bird diverters specifically designed for meteorological towers would be used to protect birds and bats from collisions. Diverters would be installed at 50-foot (17 meter) spacing on each guy wire. Therefore, Strauss Wind recommends removing this mitigation measure. **13.31**

4.5-86: MM BIO-16d includes thresholds (in Table 4.5-6) for non-listed and non-sensitive species that are not consistent with the best available science and accepted adaptive management practices for wind projects. Specific adaptive management thresholds would **13.32**

5

be part of the project's Bird and Bat Conservation Strategy or Eagle Take Permit Application required elsewhere in MM BIO 16. Therefore, Strauss recommends removing the thresholds for these non-listed and non-sensitive species, many of which are very common. **13.32** *cont.*

Cultural Resources (4.6)

4.6-14: MM CULT-10 should be revised to add flexibility in the data collection methodology options, recognizing that canine forensic surveys may not be the preferred approach in all circumstances due to their known error rates. MM CULT-10 should also be revised to remove the use of Horizontal Directional Drilling, which is infeasible for several reasons: (a) it is cost prohibitive when trying to achieve avoidance because the jack and bore pits have to be located substantially away from archaeological sites; (b) directional boring indirectly impacts archaeological resources because, in order to determine the depth of the directional bore, archaeological test excavations need to be conducted along the entire alignment to determine depth of deposits; and (c) data recovery is still required if significant archaeological deposits are encountered in the directional boring jack and bore pit. Should significant archaeological deposits be identified that cannot be mitigated through normal means (i.e., data recovery), directional boring may be chosen as an avoidance alternative if other means are infeasible (such as capping the site in the collector line alignment and boxing utilities above ground). **13.33**

Suggested revision:
"**If appropriate,** Canine forensic surveys at sites with conditions indicating habitation features and domestic artifact and food remains, where human burials may be more likely to occur. . . . ~~**Horizontal Directional Drilling (HDD) Plan. Once the depths of sites subject to collection line impacts are identified, the use of HDD would have to place conduit at least two feet below the maximum depth of the resource. Impacts to the resource at junction boxes or trench entry and exit points will require data recovery mitigation.**~~"

Hydrology and Water Quality (4.12)

4.12-10: MM WAT-1 requires that all construction water come from the City of Lompoc's Regional Wastewater Reclamation Plant. The Project Description on p. 2-42 includes a reference to construction water source from an on-site well and/or the City of Lompoc. Environmental justifications for this flexibility are provided on p. 2-44 of the Project Description. Use of an on-site well for construction water further eliminates the 8,832 water truck trips that would travel through the City of Lompoc and on San Miguelito Road. With 16,189 total truck trips estimated for the Project, sourcing water on-site would eliminate over half of the truck trips associated with the Project, thereby even further reducing air quality impacts, traffic impacts, and visual impacts than what is disclosed in the DSEIR. This is another example of the Strauss Wind team working to reduce environmental impacts. **13.34**

6

The analysis within Impact WAT-4 on page 4.12-9 of the Draft SEIR inadvertently used the incorrect well location and therefore analyzed the incorrect groundwater aquifer when drawing its conclusions.

Please see Attachment C which provides additional technical support and a recommended modification to MM WAT-1to:

a) Allow development and use of on-site wells for construction water in addition, or as an alternative, to off-site sources; and **13.34** *cont.*

b) Require the Applicant to perform water supply monitoring at any nearby existing off-site wells, and to provide water of suitable quantity and quality, as needed, to replace any loss in production at the wells.

c) The mitigation would take effect during construction and continue postconstruction through such time as water levels in the groundwater reservoir have recovered.

Land Use (4.13)

4.13-9 (multiple pages/also in Visual Impact section): There are some inaccuracies in how the Draft SEIR describes the FAA approval process. The applicant does not submit a lighting plan to the FAA. The final turbine locations are submitted to FAA and a final lighting plan is received from FAA. The Applicant has no control over this federal permitting process. Please correct the text throughout the DSEIR accordingly. **13.35**

4.13-8: Impact LU-1b states that impacts to trees are a new impact for the SWEP, but this is incorrect. The LWEP also would have had impacts to trees (albeit lesser impacts than the SWEP), so this is not a new impact.

Suggested revision:
"This impact is ~~**new**~~ **potentially greater** with the SWEP **than with the LWEP**. **While** the EIR for the LWEP did not identify significant impacts to trees or inconsistencies with County tree protection policies or ordinances**, a detailed tree inventory was not completed by the previous applicant or PG&E**. **For SWEP a very detailed tree inventory and analysis in close coordination with the County was conducted and through repeated design and engineering improvements, impacts to oak trees were continuously reduced.** The reason SWEP would **appear to** have **more** ~~**significant**~~ impacts to trees, ~~**whereas the LWEP would not,**~~ **compared to the LWEP,** is due to differences in design and layout of the two projects**, a significantly more advanced engineering design for SWEP, and substantially increased data collection**." **13.36**

Noise (4.14)

4.14-12: The construction hours and notification process described in MM NOI-2 are overly burdensome and would cause undue administrative process. The mitigation measure should be revised to clarify that notification for after hours or weekend work is only **13.37**

7

required for construction locations with a distance of 1,600 feet or less from non-participating residences.

Suggested revision:
"Construction Hours. All Project construction activities, including those that involve use of heavy equipment (i.e., greater than 2-axle vehicles) along San Miguelito Road, shall be limited to between the hours of 7:00 a.m. to 10:00 p.m., Monday through Friday **only if located within 1,600 feet of a non-participating residence**, unless otherwise approved by the County~~**, except that construction at the project site at locations at least 1,600 feet from non-participating residences shall be limited to 7:00 a.m. to 6:00 p.m.**~~ Work at the switchyard site shall be limited to 7:00 a.m. to 9:00 p.m. Temporary noise barriers shall be installed at the switch yard site to shield the nearest residences from on-site construction noise. Work may occur within the WTG sites after hours or on weekends and holidays, **except that such work located within 1,600 feet of a non-participating residence is** subject to at least 48 hours written authorization from the County, and weekend and holiday work shall be limited to 8:00 a.m. to 5:00 p.m. **in these areas.** Requests for weekend and holiday work **located within 1,600 feet of a non-participating residence** shall be submitted to the County for approval in advance shall include a description of the activity to occur, including equipment usage and duration. All complaints received regarding weekend and holiday work shall be immediately submitted to the County." **13.37** *cont.*

4.14-14: We seek clarification that the pre-construction noise measurements submitted by the Strauss Wind Team satisfies the pre-project noise measurement requirements of this mitigation measure **13.38**

Alternatives (5.5)

5-7: The word "potentially" should be inserted before "feasible" in the second line. An EIR must present potentially feasible alternatives; final determinations regarding feasibility are made when the lead agency considers the proposed project. **13.39**

Suggested Revision:
"Four alternatives have been selected for evaluation, including the No Project Alternative. These alternatives were selected because they are capable of achieving most Project objectives, are **potentially** feasible, and have the potential to reduce significant impacts associated with the proposed Project."

Summary (S)

S-3: Minor typo in the second-to-last dashed bullet on the page. **13.40**

Suggested Revision:
"- Unknown numbers of special status and non-sensitive birds and bats ~~are~~ could be at risk of dying through collisions with the WTGs over the duration of the Project."

8

Attachment B

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MEMORANDUM

To:	Daniel Duke, BayWa r.e.
From:	Josh Saunders, Visual Resources Specialist, Dudek
Subject:	Review of the Draft SEIR Aesthetics/Visual Resources Analysis for the Strauss Wind Energy Project
Date:	June 11, 2019
cc:	David Hochart, Dudek
Attachment:	A: KOP 14 Existing View and Visual Simulation of Alternative Switchyard Location

Dudek has reviewed the aesthetics/visual resources analysis prepared by the County of Santa Barbara and included in the Draft Supplementation Environmental Impact Report (Draft SEIR) for the Strauss Wind Energy Project (County EIR No. 18EIR-00000-0001; SCH No. 2018071002). This memorandum summarizes Dudek's review of the Draft SEIR Aesthetics/Visual Resources section and identifies flaws regarding the thoroughness of the analysis. Specifically, the evaluation of the Alternative Switchyard Location lacks sufficient information to conclude that selection of this alternative would result in substantially reduced aesthetic impacts when compared to the significant and mitigable (Class II) impacts identified for the proposed switchyard at KOP 2. Accordingly, the Draft SEIR evaluation as it pertains to the Alternative Switchyard Location does not allow for a meaningful evaluation with the proposed project which is required in accordance with the California Environmental Quality Act (see CCR 14, Chapter 3, Article 9, and Section 15126.6). As such, the Draft SEIR evaluation of the Alternative Switchyard Location is flawed and the alternative must be reevaluated.

In addition, this memorandum identifies flaws associated with the analysis prepared for KOP 13 and lack of a clear nexus associated with views effects at KOP 4: Jalama Beach and Mitigation Measure (MM) VIS-3.

1 Impact Assessment Methodology

Section 4.2.4.1, Impact Assessment Methodology, summarizes the "basic approach" developed for evaluation of the Lompoc Wind Energy Project (LWEP). This section explains that the methodology used to analyze the Strauss Wind Energy Project (SWEP or Project) is the same as that used for the LWEP. While the stated methodology explains the various factors contributing to scenic quality determinations and the concept of visual sensitivity, view duration and distance are simply identified as "viewing circumstances" associated with scenic quality. Consideration of view duration in the impact assessment is extremely limited in the Draft SEIR and the concept of viewer response does not appear in the methodology. Viewer response is composed of two elements: visual sensitivity and view duration/viewer exposure. In addition to proximity of project components from viewing location, sensitivity and duration/exposure combine and provide a means to predict how viewers might react to visual changes in the landscape brought about by a Project. Because the methodology is silent on viewer response and contains limited (i.e., three) references to view duration, it is unclear what role (if any) viewer exposure/view duration has in the brief Draft SEIR impact assessment related to the Alternative Switchyard Location. Because the Draft SEIR asserts that selection of the Alternative Switchyard Location and visual effects at KOP 14 would be substantially less than the significant but mitigable (Class II) effects identified for the Proposed Switchyard at KOP 2, Section 4.2.4.1 should

13.41

be revised to clarify the role of viewer duration and viewer response in the assessment methodology and in Section 4.2.4.3, SWEP Impact Discussion by KOP. **13.41** *cont.*

2 Draft SEIR Evaluation of the Proposed Switchyard and Alternative Switchyard Location

In Section 4.2.4.2, Summary of LWEP Impacts and Mitigation Measures, the Draft SEIR asserts that selection of the Alternative Switchyard Location would substantially reduce the significant but mitigable (Class II) aesthetics impacts of the proposed switchyard as experienced by SR-1 motorists KOP 2. While the Alternative Switchyard Location would avoid the visual impacts that would occur at KOP 2 (the alternative switchyard location is not visible from KOP 2), the Alternative Switchyard Location has a larger potential viewshed (due to its prominent ridgeline location) and wider exposure to residential and recreational viewer groups in the area. In addition, the Draft SEIR states that the sensitivity of viewers at KOP 14 is greater than that of mobile receptors at KOP 2. Specifically, viewer sensitivity is rated as "high" at KOP 14 and "moderate" at KOP 2 (see Draft SEIR pages 4.2-12 and 4.2-8). Accordingly, the heightened sensitivity of KOP 14 receptors should be considered the Draft SEIR's evaluation of potential effects to existing views and visual character associated with development of the Alternative Switchyard Location. Development of the Alternative Switchyard Location and more specifically, necessary grading of the ridgeline visible from KOP 14 and the introduction of new switchyard and transmission line features, would result in noticeable line, color and texture contrasts that would be experienced by local receptors. Further, development of the Alternative Switchyard Location would require the removal of existing trees from the ridgeline visible in south/southwestward views at KOP 14. Given these factors and the viewshed of anticipated effects, selection of the Alternative Switchyard Location is unlikely to substantially reduce the significant but mitigable (Class II) impacts anticipated for the proposed switchyard at KOP 2.

Proposed Switchyard **13.42**

Despite the small footprint of the proposed switchyard, the brief view duration to the facility (components would be within the viewshed of SR-1 motorists for an approximate distance of 0.2-mile) and the presence of existing residential and electrical infrastructure development in the landscape, the Draft SEIR aesthetics analysis concludes that the proposed switchyard's "noticeable industrial character and structural complexity" and "visually prominent" pad would result in significant but mitigable (Class II) visual character impacts at KOP 2.

While the introduction of the proposed switchyard would result in noticeable form, line, and color contrasts in views available from KOP 2, the character of switchyard components is indistinct. As depicted in Figure 4.2-3B of the Draft SEIR, with the exception of thin H-frame poles, the switchyard facility itself is not visually prominent and is easily overlooked due to the presence of proposed transmission line poles and geometric switchyard pad. In regards to the H-frame structures and transmission line structures, these elements display a similar scale, line, and silhouette as existing electrical infrastructure in the area including the thin, vertical poles located adjacent to the switchyard pad. Further, at KOP 2, the proposed switchyard would be experienced by passing motorists for a brief duration in the context of existing alterations in the landscape including single-family residences and a maintained transmission corridor. As depicted in Figures 4.2-3A through 45.2-3C of the Draft SEIR, the transmission corridor extends southwest from SR-1 and creates a seasonal tan colored band in the foreground landscape. In addition to a brief viewing duration from SR-1, the aesthetic impacts of the proposed switchyard would be somewhat softened by the existing visual quality of the landscape that the Draft SEIR describes as being of "moderate" or average

quality. The application of a colorant to the proposed road cuts and facility pad as depicted in Figure 4.2-3C would result in reduced color contrast for these components in the brief views available to southbound SR-1 motorists. However, the Draft SEIR provides no support such as visual simulations in either Section 4.2, Aesthetics, or Section 5, Alternatives, for the assertion that selection of the Alternative Switchyard Location would result in substantially reduced visual impacts at KOP 14 when compared to the visual impacts depicted in the KOP 2 visual simulations. The comparative analysis in both sections is brief and lacks the support necessary to confidently conclude that the Alternative Switchyard Location as viewed from KOP 14 would result in substantially reduced view and visual character when compared to proposed switchyard as viewed from KOP 2.

Alternative Switchyard Location

The aesthetics impacts of the Alternative Switchyard Location are described in Section 5.5.3, Alternative Switchyard Location, of the Draft SEIR. A cursory comparative analysis between the alternative switchyard and proposed switchyard is provided in this section and appears to gloss over the potential impacts associated with development of the alternative. For example, the Draft SEIR minimizes the potential receptors of alternative switchyard-related impacts and expresses uncertainty regarding the visibility of the facility from public vantage points: "the switchyard…would likely be visible from some public roads and residential areas in Lompoc, short portions of SR-1 and San Miguelito Road, and a few residences along San Miguelito Road." Despite expressing a lack of confidence regarding the visibility of the alternative switchyard location from public vantage points in the surrounding area, the Draft SEIR is able to conclude that the alternative switchyard location would result in less than significant impacts: "the alternative switchyard location is not likely to result in new significant visual impacts given the partial screening…provided by intervening terrain and the use of existing power line poles." Meaningful analysis and support in the form of visual simulations, exhibits detailing the location of switchyard components and visibility from public vantage points, and/or a viewshed analysis, is needed to support the Draft SEIR's claim that selection of the alternative switchyard would result in less than significant impacts and reduced visual impacts at KOP 14 when compared to the visual impacts of the proposed switchyard at KOP 2. Absent support, a less than significant determination and assertion that the Alternative Switchyard Location as viewed from KOP 14 would result in substantially reduced visual impacts when compared to the Proposed Switchyard at KOP 2 lacks validity.

13.42 *cont.*

Given the prominent ridgeline location of the Alternative Switchyard Location and the resulting wide viewshed, development of the alternative could result in potentially significant impacts to existing views and visual character at KOP 14. The Alternative Switchyard would also be located in a landscape inventoried as displaying moderate visual quality and natural character. According to Section 4.2 of the Draft SEIR, receptors at KOP 14 may be of greater sensitivity than motorists at KOP 2 due to "hills [that] retain a predominantly natural character" that were assessed at displaying moderate visual quality. In addition, KOP 14 receptors were determined to have high visual sensitivity to changes in the landscape and extended view durations. Based on the brief analysis prepared for the Alternative Switchyard Location in Section 5, Alternatives, of the Draft SEIR, there is no indication of how (or if) viewer sensitivity and exposure factored into the assertion that development of the alternative switchyard location would not result in new significant visual impacts at KOP 14. Alternatively, it is unclear if viewer sensitivity and exposure at KOP 14 was considered in the Draft SEIR when forming the conclusion that the Alternative Switchyard Location would result in substantially reduced impacts when compared to the anticipated impacts of the Proposed Switchyard at KOP 2.

To illustrate the severity of visual effects associated with development of the Alternative Switchyard Location, a visual simulation of the alternative was prepared by Dudek from KOP 14 (i.e., East Olive Avenue in Lompoc). Project

data required to prepare the visual simulation was obtained from the Project applicant and baseline images from KOP 14 towards the Alternative Switchyard Location were taken by Dudek in May 2019. The baseline photograph from KOP 14 and visual simulation of the Alternative Switchyard as experienced from KOP 14 are included as Attachment A to this memorandum.

As depicted in Attachment A, development of the Alternative Switchyard would be visible from KOP 14. Specifically, development of the Alternative Switchyard would require the removal of several mature trees on the visible ridgeline to the south-southwest and as a result, would noticeably alter the existing horizon line. In addition and according to Figure UD-2, Scenic Ridgelines and Roads, of the City of Lompoc General Plan Urban Design Element, the specific ridgeline on which the Alternative Switchyard is proposed has been designated by the City of Lompoc as a Scenic Ridgeline. The removal of mature trees and modification of a ridgeline identified as scenic by the City of Lompoc would result in a marked change in existing visual quality and character. For example, in the existing view offered at KOP 14, trees are scattered atop ridgelines to the south and southwest and contribute to the quality of the existing view (identified as moderate in the Draft SEIR) and a "predominantly natural" visual character. In addition to tree removal, development of the Alternative Switchyard would contribute structural complexity to existing views and introduce new forms and lines atop the visible ridgeline. As the removal of existing trees and development of the Alternative Switchyard would not adequately protect the ridgeline, the apparent conflict with an established City of Lompoc General Plan policy must be disclosed and considered in the evaluation of impacts to existing views and visual character at KOP 14.

13.42 *cont.*

The Draft SEIR is also silent on transmission line upgrades that would likely be required to facilitate operation of the alternative switchyard at the Lompoc Hills location. For example, the Draft SEIR does not disclose whether existing poles visible on the ridgelines from KOP 14 would need to be replaced and/or upgraded to accommodate necessary transmission line reconductoring. The installation of replacement or upgraded poles may result in wider and taller lines that would display a darker silhouette than poles currently visible from KOP 14. The Draft SEIR does also not disclose whether any existing poles visible from KOP 14 would require relocation to accommodate necessary interconnection poles for the alternative switchyard and whether any relocation efforts would require grading. Due to the angle of the available view at KOP 14, grading on slopes to the south/southwest would create new color contrast due to areas of lighter exposed soils that would be viewed alongside dark vegetation. In addition, if pole relocation from the ridgeline and grading is required, then new pole locations may require the construction of new access roads that would ostensibly create visible color and line contrast. Lastly, the Draft SEIR should clarify whether needed reconductoring associated with selection of the alternative switchyard would require wider pole replacement in the project area landscape (i.e., replacement of poles beyond those visible from KOP 14). These potential design issues and related visual effects must be clarified and evaluated in the Draft SEIR aesthetics/visual resources analysis in order to make a meaningful comparison of impacts related to the proposed switchyard at KOP 2.

For the reasons described above and based on the anticipated visual contrast depicted in the visual simulation included as Attachment A to this memorandum, development of the Alternative Switchyard Location is likely to result in considerable visual contrast that would be experienced by a moderate to high volume of viewers offered extended view durations at KOP 14. Further, receptors exposed to views of the alternative switchyard at KOP 14 were inventoried as containing high sensitivity to changes in the landscape.

3 Draft SEIR Evaluation of Tree Removal and Road Modifications at KOP 13

The impact discussion on page 4.2-11 of the Draft SEIR explains that KOP 13 was established on San Miguelito Road to assess the representative visual impact of road widening and tree removal. According to the Draft SEIR, portions of San Miguelito Road would need to be widened and some roadside trees would need to be removed to enable the transport of larger Project elements via oversized vehicles. The KOP 13 discussion acknowledges that viewer volume on San Miguelito Road is low but states that viewers use the road for recreational or scenic purposes and thus have a heightened sensitivity to visual change. Despite this statement, nearby recreation areas are not identified and use of the road for "scenic purposes" is not further explained. Further, the Draft SEIR aesthetics analysis does not indicate whether San Miguelito Road is designated scenic or if the road is used by locals for general scenic viewing opportunities. Clarification of potential viewers on this particular segment of San Miguelito Road is needed to establish the volume of viewers (and their sensitivity) that would be exposed to views of the Project and experience the related significant and unavoidable (Class I) visual impacts identified for KOP 13 in the Draft SEIR.

On page 4.2-12, Figure 4.2-14B is introduced as a conceptual simulation of Project effects as experienced from KOP 13. The visual simulation depicts a steep, bare cut slope and the curving alignment of a widened San Miguelito Road. Based on the depiction of the cut slope in Figure 4.2-14B, the impact discussion concludes that visual impacts would be significant and unavoidable (Class I) at KOP 13. Because the simulation is conceptual in nature, it is unclear what project information was utilized to depict necessary tree removal and road modifications as experienced at KOP 13. The Draft SEIR should be revised to clarify what information was used to prepare the conceptual visual simulation. Further, a conceptual visual simulation that reflects revegetation of the cut slope (identified in the Draft SEIR Aesthetics/Visual Resources section as an "appropriate" mitigation) should be prepared to aid the claim that residual impacts at KOP 13 would remain significant and unavoidable (Class I). In addition, it appears that the cut slope would be included in the Site Restoration and Revegetation Plan (MM BIO-3) and that the area would be hydroseeded with a soil stabilization seed moisture for erosion control. This discussion of "appropriate" mitigation in the Draft SEIR Aesthetics/Visual Resources section and inclusion of MM BIO-3 in the Draft SEIR implies that revegetation of the cut slope visible from KOP 13 would occur and regrowth of the area should be considered in the analysis. In absence of a visual simulation and/or more detailed consideration of revegetation of the cut slope, the conclusion regarding residual visual impacts lacks necessary support and validation. **13.43**

4 Draft SEIR Evaluation of Wind Turbine Visibility at KOP 4 and Mitigation Measure VIS-3

View effects and impacts to visual character associated with implementation of the Project is evaluated from Jalama Beach (i.e., KOP 4) in the Draft SEIR. As stated in the Draft SEIR (see page 4.2-2), KOP 4 is located approximately 4.1 miles south of the nearest wind turbine that it proposed on the distant Santa Ynez Ridge. The Draft SEIR discloses that "only eight" wind turbines of the Project would be visible to receptors at KOP 4 but visual impacts to views from Jalama Beach would be significant and unavoidable (Class I). Mitigation Measure (MM) VIS-3 (Contribution to County Parks Fund) is identified in the Draft SEIR as appropriate mitigation for Project effects to **13.44**

views from Jalama Beach. As described on page 4.2-16, MM VIS-3 consists of a one-time $100,000 payment to the County to be used by the County Parks Department "exclusively to preserve and enhance the natural beauty of Jalama Beach County Park." While the preservation and enhancement of the County Park is an admirable goal, the Draft SEIR does not disclose how the $100,000 payment was calculated or whether there is an existing program managed by the County (or an existing policy) that establishes a funding apparatus for the visual effects of development projects. Absent this information, the payment included in MM VIS-3 appears arbitrary. In addition, the Draft SEIR must clarify how MM VIS-3 reduces Project-related view impacts at KOP 4: Jalama Beach. As the Project site is not located with the County Park, it is unclear how the measure would reduce the severity of the significant and unavoidable (Class I) impact identified for KOP 4 in the Draft SEIR. Without a meaningful evaluation of how the measure would reduce the specific impact, and in absence of specifics pertaining to potential County Park projects that would be funded by the payment, the appropriateness and success of MM VIS-3 cannot be determined and reliance on this measure is flawed. **13.44** *cont.*

Attachment A

KOP 14 Existing Conditions Photograph and Visual Simulation of Alternative Switchyard

SOURCE: • BayWa r.e. 2019, Dudek 2019

DUDEK

FIGURE 2
KOP 14: East Olive Avenue in Lompoc (Visual Simulation)
Strauss Wind Energy Project

SOURCE: • BayWa r.e. 2019, Dudek 2019

DUDEK

FIGURE 1
KOP 14: East Olive Avenue in Lompoc (Existing View)
Strauss Wind Energy Project

Attachment C

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May 21, 2019

Mr. Jörge Beland
Strauss Wind, LLC
5901 Priestly Drive, Suite 300
Carlsbad, CA 92008

Subject: Comments on Draft SEIR for Strauss Wind Energy Project, Lompoc, Santa Barbara County.

Dear Mr. Beland:

As requested, Cleath-Harris Geologists (CHG) has prepared comments on the Groundwater section (WAT-4) of the Draft Supplemental Environmental Impact Report (DSEIR) for the Strauss Wind Energy Project (SWEP). CHG prepared both the 2017 well feasibility study and the Strauss Well CW2 well construction and testing report referenced in DSEIR section WAT-4.

The DSEIR does not correctly identify the source and quantity of water available onsite to SWEP. Comments and additional information are provided below to clarify these issues and recommend changes to mitigation measure MM WAT-1.

DSEIR WAT-4 Comments

1) *DSEIR page 4.12-9:*

There is one existing well adjacent to the proposed water supply well that could potentially be affected by the water extraction for the Project. Given the results of the well test (Appendix E-2), long-term water level drawdown for operational uses for the SWEP well would be less than one foot. The existing adjacent well is 50 feet deep with a static water level 7 feet below the ground surface (Appendix E-2). A one-foot long term drawdown for operational uses is therefore unlikely to adversely affect the production of this existing well. **13.45**

Comment: The operations and maintenance (O&M) facility water supply well that has been approved for use by Environmental Health Services is over one mile east-southeast of the above-referenced "existing adjacent well" location as shown in DSEIR Figure 2-3b.

2) *DSEIR page 4.12-9:*

Construction water use would be up to 19,000 gallons per day for six months, plus 3,300 gallons for each of the 30 WTG foundations for a total of approximately 11 acre feet. According to the well feasibility study and pump test (Appendix E-1 and E-2), the local aquifer has approximately 40 acre feet of water total, and extraction of 43,200 gallons of water (a little more than two days of construction water) over a 12-hour period caused a 38-foot drawdown in the water level. Based on this evidence, it appears that use of the proposed well for construction-related purposes could cause a significant adverse impact to the water level in existing, adjacent wells. Implementation of MM WAT-1 (Construction Water Source) would require that construction water not be obtained from onsite wells, which would avoid this impact. **13.46**

Comment: The 40 acre-foot capacity shallow alluvial aquifer referenced above and described in DSEIR Appendix E-1 is not at the O&M supply well (CW2) location and is not the proposed source of SWEP construction water. Testing at CW2 confirmed SWEP water supply availability from fractured shale aquifers on the property (see geologic log in Well Completion Report; DSEIR Appendix E-2).

As noted on DSEIR page 2-44 (Construction Truck Trips), *"In order to reduce the number of potential truck trips associated with construction water use during construction, the Applicant would also conduct additional well testing on-site to confirm capacity for construction purposes. If sufficient capacity is present at an on-site well, water would either be pumped directly from the on-site well into water trucks on-site, stored temporarily in a retention basin within the laydown yard, or a combination of both."* New on-site wells are planned in the fractured shale to reduce off-site truck trips and to support construction water use, should the volume of treated wastewater available from the City of Lompoc not be sufficient. The following additional information is provided for consideration during final SEIR preparations.

13.47

Additional Information on SWEP Construction Water Wells

The proposed locations of future construction water wells in addition, or as alternative, to water supplied by the Lompoc Water Treatment Facility are shown in Figure 1. These wells would tap a groundwater reservoir within the siliceous shale of the upper Monterey Formation that is considerably larger than the shallow alluvial aquifer referenced in WAT-4. Geologic cross-sections through the main groundwater reservoir are shown in Figures 2 and 3. The approximate lateral extent of the reservoir on the property is shown in Figure 1. Based on the results of the O&M supply well completed in the upper Monterey Formation (CW2; Figure 1), up to three more supply wells are planned in order to provide the needed production capacity to support construction. Construction water quality should be similar to the approved O&M Supply well (DSEIR Appendix E-2).

Total groundwater storage within the upper Monterey Formation (on-site) is estimated at approximately 1,000 acre-feet, twenty-five times the estimated capacity of the shallow alluvial aquifer analyzed in the DSEIR (p. 4.12-9), and more than sufficient storage for all construction water use. Sources of recharge to the aquifers include percolation of precipitation and stream seepage, along with leakage from adjacent lower Monterey Formation shale and subsurface inflow from off-site. These sources of recharge are not expected to replenish aquifers at the same rate groundwater is being pumped for construction use, but they will allow full aquifer recovery during the post-construction period. **13.47** *cont.*

There appears to be one active well located across San Miguelito Road from the planned SWEP construction water wells (Offsite well; Figure 1). This well may be impacted by construction water pumping. The proposed recommendations below would mitigate potential impacts to this well.

Recommendations

In order to provide an additional, or alternative, source of SWEP construction water, while protecting existing land uses, CHG recommends changing mitigation measure MM WAT-1 (Construction Water Source) to: **13.48**

a) Allow development and use of on-site wells for construction water in addition, or as an alternative, to off-site sources; and
b) Require the Applicant to perform water supply monitoring at any nearby existing off-site wells, and to provide water of suitable quantity and quality, as needed, to replace any loss in production at the wells.
c) The mitigation would take effect during construction and continue post-construction through such time as water levels in the groundwater reservoir have recovered.

Respectfully submitted,
CLEATH-HARRIS GEOLOGISTS

CERTIFIED HYDROGEOLOGIST
SPENCER J. HARRIS
No. HG 633
EXP. 10/31/19
STATE OF CALIFORNIA

Spencer J. Harris, HG 633
Senior Hydrogeologist

Figures attached

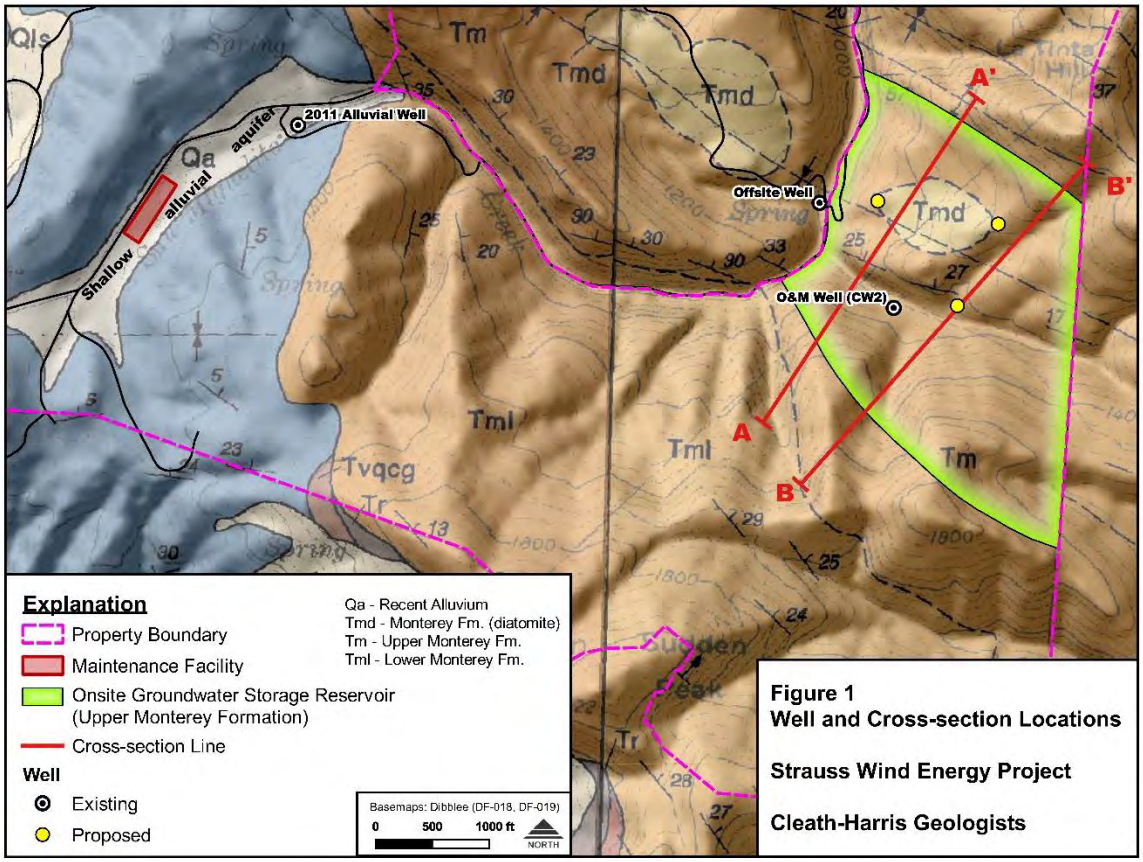
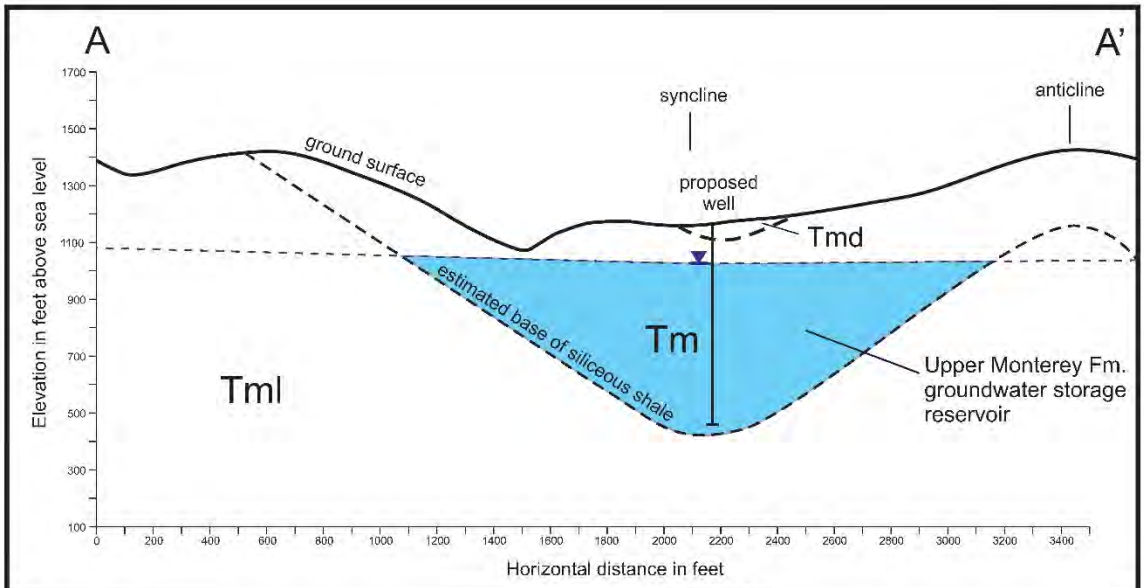


Figure 1
Well and Cross-section Locations

Strauss Wind Energy Project

Cleath-Harris Geologists



Explanation

Tmd - Monterey Fm. (diatomite)
Tm - Upper Monterey Formation
Tml - Lower Monterey Formation

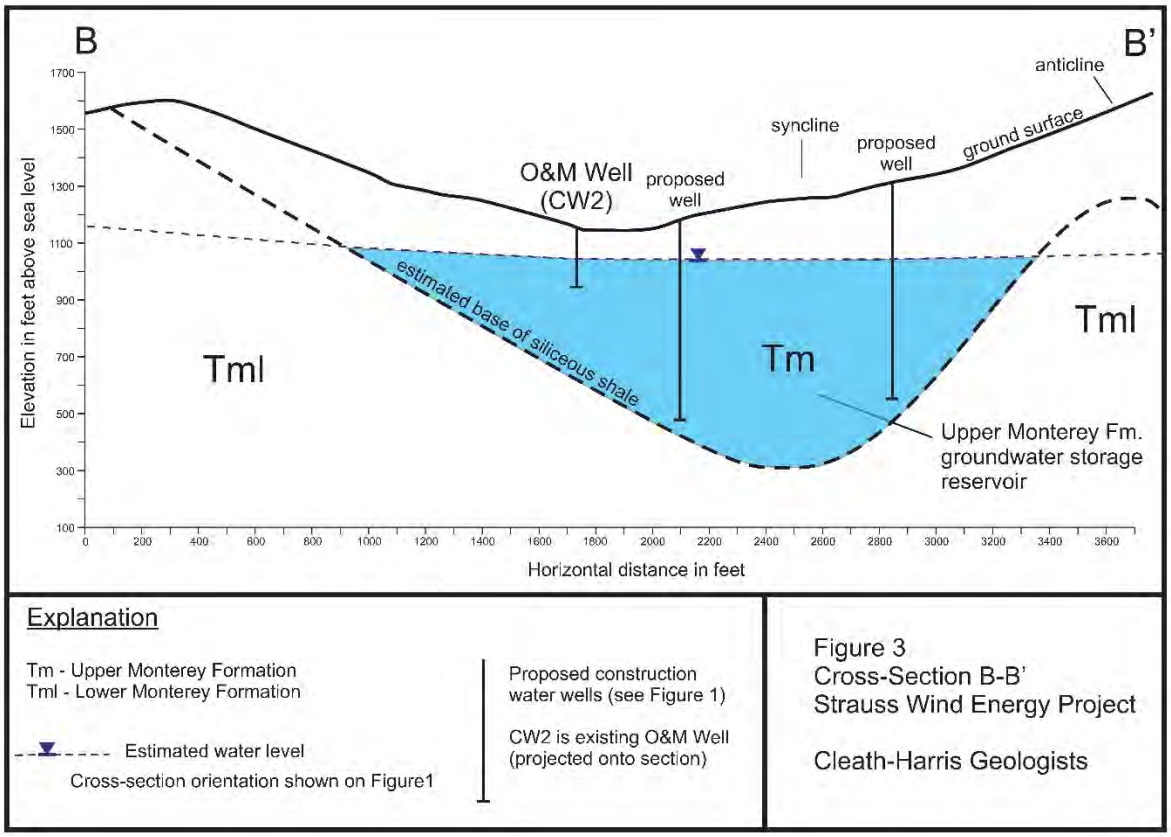
Estimated water level

Cross-section orientation shown on Figure1

Proposed construction water well (projected onto section)

Figure 2
Cross-Section A-A'
Strauss Wind Energy Project

Cleath-Harris Geologists



Response to Daniel Duke, BayWa r.e. Wind, LLC

13.1 Your support for the Modified Project Layout alternative and the Alternate Surface Transport Route alternative will be shared with the County's decision makers.

13.2 After consulting with the City of Lompoc and Caltrans, the proposed modification that you have presented is included in the alternative analysis presented in Chapter 5 of the Final SEIR.

13.3 The information provided in this comment will be shared with the County's decision makers.

13.4 The commenter suggests that the Draft SEIR visual analysis glosses over the potential impacts of the alternative switchyard location and lacks confidence in the assessment of visibility and overall impact conclusion. This is not the case. What the commenter sees as a lack of confidence is simply an expression of uncertainty regarding final switchyard design. The Draft SEIR accurately characterizes the potential visibility of the switchyard from the City of Lompoc, SR-1, and San Miguelito Road (all highly sensitive views), and the simulation provided in the comment (see Comment Figures 1 and 2) supports the visibility assessment that is presented in the Draft SEIR analysis. While visible, the subtle change that would be perceptible along the ridgeline as determined by comparing Figures 1 and 2 for KOP 14 in the City of Lompoc would not introduce substantial visual contrast, nor would it be overtly noticeable to the casual observer. Combined with the elimination of the visual impact at KOP 2 on SR-1 and the minimal viewer exposure along San Miguelito Road, the Draft SEIR's conclusion that the Alternative Switchyard location would result in less-than-significant visual impacts due to reduced or eliminated switchyard visibility and avoidance of a new transmission line descending the ridge to Lompoc is accurate and supported by the simulation provided in the comment.

The commenter also suggests that the Draft SEIR fails to disclose the apparent conflict with a designated scenic ridgeline as shown in Figure UD-2 of the City of Lompoc General Plan Urban Design Element, and states that the Alternative Switchyard Location would result in *"…a marked change in existing visual quality and character."* As noted in Draft SEIR Section 4.2.3.3, the guiding ridgeline protection policy in the Lompoc Urban Design Element is Policy 1.2, which states that *"The City shall seek to protect ridgelines and hillsides which lie in view corridors, including those ridgelines identified on the Scenic Ridgelines and Roads Map (Figure UD-2)."* While the Alternative Switchyard location is sited on a designated ridgeline, the perceived visual change would in fact be subtle when viewed from public vantagepoints (e.g., KOP 14) in the City of Lompoc as noted above and illustrated in the comment visual simulation (comment letter Figure 2). In comparison, the proposed switchyard location would necessitate the extension of the proposed new transmission line (by at least four additional transmission structures) along the highly visible northeast trending designated ridgeline, as illustrated in the simulation presented as Draft SEIR Figure 4.2-15B. Therefore, the adverse visual effects associated with the potential Policy 1.2 inconsistency would be substantially less with the Alternative Switchyard location compared to that which would occur with the proposed Project.

13.5 The commenter also states that the Draft SEIR is silent on the transmission line upgrades that would be required with the alternative switchyard including the upgrading, replacement, and relocation of existing poles; the associated grading; and potentially, new access roads. However, even with additional structure impacts, the overall visual impacts of the Alternative Switchyard location are expected to be less than significant and noticeably less than those of the proposed Project because the construction of a second transmission line along a designated ridgeline would not be required.

13.6 Please see response to Comment 13.5.

13.7 The County Fire Department concurs that the proposed switchyard location has certain advantages over the alternative switchyard location. The proposed location would allow faster access to the switchyard. The alternative location is more remote and would delay the Fire Department's ability to protect it from wildfire or to contain an incident at the switchyard.

13.8 It will be shared with the County's decision makers. The Applicant's objections to the Alternative Switchyard Location alternative are noted.

13.9 It will be shared with the County's decision makers. The Applicant's objections to the Alternative Switchyard Location alternative are noted.

13.10 It will be shared with the County's decision makers. These benefits of the proposed Project will be shared with the County's decision makers.

13.11 These benefits of the proposed Project will be shared with the County's decision makers.

13.12 Please see the responses to Comments 13.4, 13.5, and 13.6 above and the responses to Comments 13.43 and 13.44 below.

13.13 Mitigation Measure AQ-2, subpart f, was written to formalize a stipulation by BayWa r.e. Wind, LLC in the project description provided on April 5, 2018, Section 4.6, page G-34, as follows:

> *Access roads would be gravel surfaced unless extremely steep slopes necessitate paving. When rough grade is achieved, base rock would be trucked in, spread, and compacted to create a road base. Capping rock would then be spread over the road base and roll-*

compacted to finished grade. The width of construction access roads will vary between 22 to 40 feet to accommodate roadway cut and fill, and necessary equipment turning radii and turn-outs. At completion of heavy construction, the road would be regraded to a width of 16 feet for service as a maintenance road. A final pass would be made with the grading equipment to level the road surfaces, and more capping rock would be spread and compacted in areas where needed. In some very steep areas, the road might be paved. Water bars, similar to speed bumps, would be cut into the roads in areas where needed, to allow for natural drainage of water over the road surface and to prevent road washout.

This access road treatment description was not amended by BayWa r.e. Wind, LLC, and this description does not identify that only "segments" of the access roads would be completed in this manner. However, it is understood that BayWa r.e. Wind, LLC is requesting a revision to the on-site road treatment description and proposes to allow unpaved on-site access roads. To address this request Mitigation Measure AQ-2 subpart f., Section 4.4.4, that identifies required on-site access road treatment methods has been removed in its entirety. This has been done for the following reasons:

1. The construction emissions estimate assumes all onsite roads are unpaved, not gravel roads. This assumption is based on the 8.5 percent silt content used in CalEEMod and the separate on-site road travel fugitive dust emission calculations. The silt content assumption would be substantially lower for gravel roads. The construction emissions using this unpaved road assumption did not have particulate (PM10 or PM2.5) emissions that exceeded significance thresholds. Any roads that BayWa r.e. Wind, LLC may gravel or pave at their own discretion or need would results in emissions below those that have been estimated. Additionally, the 2,080 heavy haul trips assumed during the on-site road construction phase, which would not be needed for unpaved road construction, provide an additional emissions estimate safety margin.
2. The operation emissions estimate did assume gravel roads, but corrections to the operation fugitive dust emissions estimate provided in Appendix B indicate that the worst-case daily operation particulate emissions would be below significance thresholds. These corrections include the following:
    a. The on-site road travel calculations have been revised to use an unpaved soil silt content of 8.5 percent.
    b. The soil moisture content for dozing fugitive dust emissions was noted to be 10.4 percent in the text, but was actually calculated using 2 percent, and so was overly conservative. The soil moisture content has been corrected to 7.9 percent in the text and calculations, which is the mean value for overburden soil moisture content given in AP-42 Section 11.9 Table 11.9-3).
3. The subsection f. edits suggested by BayWa r.e. Wind, LLC would be confusing and unnecessary given that any form of road treatment, including unpaved roads, would be allowed for the on-site access roads.

Removing Mitigation Measure AQ-2 subsection f. does not affect the proposed Project's significance findings.

Additionally, this access road design specification is reiterated in more detail in the Draft SEIR project description; Section 2.5.9, as follows:

Numerous dirt roads are present throughout the Project area and maintained by the property owners for agricultural operations. To provide access during construction and operations, 1.76 miles of the existing roads would be improved and widened from their existing widths of 10 to 14 feet, to 22 to 40 feet. These improved roads would be surfaced with gravel. Some road sections would need to be 16 feet wide with 10-foot compacted shoulders on each side or 20 feet on one side to allow crane travel between WTG locations. The roads would remain at the new widths and surfaces.

In addition, approximately 7.05 miles of new roads would be constructed. These new roads would be unpaved except in steep areas ~~constructed as gravel roads except where the roadways are too steep for gravel to provide adequate traction~~, where they would be asphalt paved. Short sections of roadway would also be built in other parts of the Project area. The road work would include trenching and installing underground electrical distribution lines and communication cables. New roads would remain after constructed.

13.14 To be a "County approved biologist," the Applicant must submit the proposed biologist's resume, statement of qualifications, and examples of their work to the County for approval prior to being authorized to work on the Project. The intent of this requirement is to ensure that the County is aware of all lead biologists on the Project and has vetted their qualifications to ensure they have the appropriate skills and experience to implement the required mitigation. The Applicant is correct that all biologists working on the Project must be either a County approved biologist or work under the direct supervision of a County approved biologist.

13.15 The requested revision to Section 4.5.1 has been made.

13.16 As described in Section 4.5.1.4, the California condor population in southern California has been expanding, and if current trends continue, it could occur more regularly in the Project area over the life of the Project. No revisions have been made.

13.17 The habitat assessment for least Bell's vireo and southwestern willow flycatcher, and the USFWS concurrence, has not been provided to the County. However, the Applicant's Biological Technical Report (Sapphos, 2018) states on page 5-2 "Potentially suitable habitat was present for an additional five listed or candidate species, including Lompoc yerba santa (*Eriodictyon capitatum*), California red-legged frog (*Rana draytonii*), **southwestern willow flycatcher (*Empidonax traillii extimus*)**, California condor (*Gymnogyps californianus*), and bald eagle (*Haliaeetus leucocephalus*)." Statements noting potential habitat in the Project area are reiterated in that report on pages 5-10, 5-17, 5-86, in Table 5.1.1-3, as well as in the appendices to the report. This information, along with information from Aspen's site visit and eBird records as described in the SEIR, are the basis of the County's conclusion that this species has potential to occur in the Project area, particularly within habitats along San Miguelito Creek. No revisions have been made.

13.18 MM BIO-3 requires that restored areas support at least 80 percent relative coverage of native; i.e., 80 percent minimum of what was present prior to disturbance. The text of the measure has been revised to clarify this point. This clarification is a performance criterion that is required to be met and not an example. Note that the performance standards will include additional quantifiable targets for measuring revegetation success.

13.19 The County must define an appropriate strategy to mitigate significant impacts. Relying on another agency's approvals is considered deferred mitigation. Jurisdictional features, including wetlands and drainages, are considered sensitive by the County, and therefore, a mitigation ratio of 3:1 is

appropriate to mitigate permanent loss of these features. This mitigation may be "nested" within the mitigation requirements of other agency's permits if those permits require the same or larger mitigation ratio. The requested revision to add preservation and enhancement as other options for fulfilling the mitigation requirements has been made.

13.20 If the 2017, 2018, and 2019 surveys met the requirements of MM BIO-5, then the Applicant can submit the results as pre-construction surveys if ground disturbance occurs within 1 year of the 2019 survey. If ground disturbance would occur more than 1 year after the latest survey, then additional pre-construction surveys would be required. In addition, surveys must have covered 100 percent of the limits of ground disturbance and a 100-foot buffer. The Applicant is correct that bryophyte and lichen surveys shall be conducted in all suitable habitat within the disturbance area and buffer.

13.21 The County retains the requirement to obtain copies of the CDFW ITP and Biological Opinion in order to understand the requirements of other permits in relation to the County's mitigation requirements, and the implementation of all conditions of authorization. In addition, the measure has been revised to require a Gaviota Tarplant Mitigation Plan that must be prepared by a qualified biologist approved by the County, CDFW, and USFWS.

13.22 The requested revision to clarify that only special-status species would be relocated has been made. However, the measure has also been revised to require moving common wildlife out of the work areas as feasible. The requested revision to eliminate daily pre-construction sweeps has not been made; daily pre-construction sweeps are necessary to find any special-status species that have moved into the work areas. This is a standard requirement for projects in open space areas.

13.23 The Applicant refers to MM BIO-14d in this comment and describes clarifications requested regarding nesting birds. MM BIO-14d requires minimization and avoidance measures for American badger. The County assumes the Applicant is referring to MM BIO-12, Avoidance Measures for Nesting Birds. The measure has been revised to refer to native birds; however, active nests are already specifically stated in the nest buffer requirement so that requested change is not needed. MM BIO-12 has also been revised to define active nests as those containing eggs or dependent young.

13.24 The Applicant states that no bat maternity roosts have been documented in or near the Project's disturbance areas, therefore, mitigation is not necessary. However, without current (pre-construction) survey data, this statement is not supported by evidence. Many bats roost in crevices, buildings, and trees, and roosts may be relatively small. The only focused roosting surveys conducted on site were completed in May and June 2008 for the LWEP project configuration. During that survey, biologists "searched for roosting habitat for the subject target bat species by carefully scrutinizing the vegetation and habitat."[1] Potential roosting habitat was observed at multiple locations throughout the site. Therefore, there is potential for maternity roosts on site, and mitigation is required to ensure that adverse effects are avoided or minimized. No revisions have been made.

13.25 The requested definition of active den has been made to MM BIO-14d.

13.26 The requested revision to MM BIO-14f has been made.

[1] Appendix A-15 (Lompoc Wind Energy Project Final Spring and Autumn Bat Migration Pre-Construction Survey Technical Report, December 2008) of the *Biological Resources Technical Report* (Sapphos 2018).

13.27 The requested revision has not been made. Surveys for spadefoot toad must be completed during conditions in which it is detectable, otherwise, the survey results would be negative even if spadefoot are present because the survey cannot detect estivating toads.

13.28 The requested revision to MM BIO-14j has been made because any roost evictions must be completed in coordination with CDFW.

13.29 The County feels that the requirement for micro-siting is an important component to respond to additional data obtained during ongoing and pre-construction surveys. However, the micro-siting distance has been clarified in the Final SEIR that the maximum deviation is up to 100 feet, in accordance with FAA requirements. The FAA approves each WTG's location and only allows a deviation of 100 feet from the proposed location. If a WTG were to be moved more than 100 feet, the Applicant were need to file a new form 7460-1, Notification of Proposed Construction or Alteration, with the FAA for relocated WTG.

13.30 The Project has a high likelihood of impacting golden eagles, and MM BIO-16's requirement to obtain take authorization is an important component of the overall strategy to minimize impacts. However, the measure has been revised to require the Applicant to provide the County with the eagle take authorization *or* a letter from the USFWS stating that take authorization is not recommended for the Project.

13.31 The Applicant's request to remove the requirement for the permanent meteorological tower to be unguyed has not been made. Guyed meteorological tower contribute substantially to bird mortality through collision with guy wires, especially at night when birds may be drawn to avian safety lighting on the towers. The USFWS recommends using free-standing towers such as lattice towers or monopole structures, and even using several shorter unguyed towers instead of one large, lit, guyed tower.[2]

13.32 The Applicant claims that Table 4.5-6 in MM BIO-16d includes thresholds for non-listed and non-sensitive species. However, this table clearly addresses species that are listed, fully protected, sensitive species, and raptors so it is unclear what the Applicant is referring to. In addition, the inclusion of thresholds in MM BIO-16d is appropriate and necessary to satisfy CEQA's requirements for mitigation. The Applicant's request to defer the details of the Adaptive Management Plan to a future date and a future plan or permit is not accepted.

13.33 Mitigation Measure CULT-10 is a flexible approach to data collection and recognizes that sites not yet evaluated will be evaluated to determine, among many things, site depth within its boundaries. Elements of MM CULT-10 recommend ***non-destructive*** exploratory studies such as geophysical surveys and also canine forensics. While it is true that canine forensics have a less than perfect record of identifying human remains in prehistoric contexts, this lack of success has been the result of using canines in areas where no prehistoric resources are known. The SEIR recommends canine surveys only in areas of likely human burials in known cultural resource site areas such as middens and areas of habitation.

Horizontal directional drilling is recommended as an avoidance measure at resources with known depths. Placing the conduits two feet below the maximum known depth of each site would ensure avoidance. It is not necessary that the bore pits be "substantially away" from resources. They may

[2] *Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning,* Migratory Bird Program, USFWS; Falls Church, Virginia; April 2018.

be located adjacent to a resource that has been evaluated. Further, should an important site require data recovery at a junction box or other facility within the resource, then at least the data recovery would be limited to that specific location and not the full extent of trenches across and through a resource, and thus significantly reduce impacts.

13.34 Mitigation Measure WAT-1 has been updated in Section 4.12, *Hydrology and Water Quality*, of the Final SEIR to require monitoring of offsite wells to avoid excessive drawdown of groundwater supplies relied on by nearby properties.

13.35 Necessary revisions have been made in the Final SEIR.

13.36 The impact in question is to Land Use Policies on trees, and the LWEP EIR did not find that the identified impacts to trees rose to the level of a significant impact on Land Use Policies on trees. In SWEP's original design, it proposed to remove over 2,000 trees. This large number led to discussions with County planners, detailed mapping and project revisions, which was not done for LWEP, because LWEP's impacts to trees were anticipated to be relatively minor. Although the estimated number of trees to be removed for SWEP is currently 607 trees, the scale of tree removal for SWEP qualifies as a significant impact on Land Use Policies, unlike LWEP. The impacts to Biological Resources and Land Use Policy are both Class I for SWEP, whereas they were Class II and no impact respectively for LWEP. Minor revisions to Impact LU-1b have been made.

13.37 This comment claims that limitations on construction hours and notification procedures for construction noise would be "overly burdensome" if MM NOI-2 were to be adopted as recommended by the Draft SEIR. Locations along the travel route would experience increased noise because of the traffic due to construction access (Draft SEIR, p.4.14-11). The comment suggests revisions that could lead to construction around the clock, which would attract truck traffic on San Miguelito Road any hour of the day. Because non-participating residences are along San Miguelito Road and within 1,600 feet of the road, the suggested revisions are not accepted.

13.38 This comment seeks to clarify whether the Applicant-sponsored measurements in 2017 to determine the existing background noise levels (Brennan, 2018) would satisfy the requirement in MM NOI-8 for monitoring existing conditions. As the final project configuration has not been approved, it is premature to comment on this during the environmental review period.

13.39 Your suggested edit has been incorporated into the Final SEIR.

13.40 Your suggested edit has been incorporated into the Final SEIR.

13.41 The commenter states that because the methodology (see Section 4.2.4.1) is silent on viewer response and contains limited references to view duration, it is unclear what role (if any) viewer exposure/view duration has in the assessment related to the Alternative Switchyard Location. The commenter goes on to suggest that Sections 4.2.4.1 (Impact Assessment Methodology) and 4.2.4.3 (SWEP Impact Discussion by KOP) should be revised to clarify the role of viewer response and duration in the assessment.

As stated in Section 4.2.4.1, the basic approach *"…requires assessing the existing scenic qualities and viewing circumstances (e.g., viewing distance, angle of view, view duration) and comparing the likely sensitivity and reactions of viewers* [i.e. response] *to the pre- and post-project conditions."* As noted above, viewer sensitivity and reaction can be considered equivalent to viewer response. The methodology discussion of Section 4.2.4.1 goes on to state: *"Visual Sensitivity encompasses an assessment of viewers, viewing conditions, and viewer sensitivity,"* and *"Viewers in public places*

would have varying sensitivities depending on their reasons for travelling or using the public facilities…" while also noting that *"Overall levels of viewer sensitivity are identified as being High, Moderate, or Low."* Therefore, the importance of Viewer Sensitivity (i.e., Viewer Response) is clearly noted in Section 4.2.4.1.

With regard to viewer sensitivity, the assessment of KOP 2 (Proposed Switchyard Location) in Section 4.2.4.3 states: "*The scenic qualities and viewer sensitivity are rated moderate and reflect the transition from the suburban landscape that dominates the southern portion of the City to the relatively natural, rural setting where SR-1 becomes a State-designated Scenic Highway."* The KOP 2 assessment further states with respect to view duration: *"Views of the switchyard site from SR-1 would be relatively brief because of the screening of the site by intervening terrain, vegetation, structures, and increasing rate of speed as southbound travelers head south out of Lompoc."* Similarly, the assessment of KOP 14 (Alternative Switchyard Location) states: *"Viewer sensitivity is rated high since most viewers would be either local residents or people accessing the park for recreation purposes."* And further: *"…view durations would be extended."*

Therefore, both the methodology discussion of Section 4.3.3.1 and the KOP assessments of Section 4.2.4.3 adequately address the concepts and contributions of viewer response and duration, and no changes to the SEIR are warranted.

13.42 The commenter makes a number of points that suggest the Alternative Switchyard Location is unlikely to substantially reduce the significant but mitigable (Class II) impacts anticipated for the proposed switchyard at KOP 2. However, as noted in the response to Comment 13.4, the overall visual impacts of the Alternative Switchyard Location are expected to be less than significant and noticeably less than those of the proposed Project because the visual change that would occur at the Alternative Switchyard Location would be subtle (as shown in the visual simulation provided as Comment 13.4, Figures 1 and 2), and the construction of a highly visible transmission line along a designated ridgeline would be avoided. The reader is referred to the response to Comment 13.4 for a more detailed discussion of the Alternative Switchyard Location.

The commenter also suggests that the analyses of the proposed switchyard location and the Alternative Switchyard Location lack sufficient support (e.g., a visual simulation of the Alternative Switchyard Location from KOP 14) to conclude that the Alternative Switchyard Location, as viewed from KOP 14, would result in substantially reduced visual effects when compared to the proposed switchyard as viewed from KOP 2. However, as noted in the response to Comment 13.4, the Draft SEIR accurately characterizes the potential visibility and visual change that would be associated with both the proposed and alternative switchyard locations, as evidenced in the Draft SEIR visual simulations of the proposed switchyard and associated transmission line extension (Draft SEIR Figures 4.2-3A/3B and 4.2-15A/15B) and the Comment 13.4 visual simulation of the Alternative Switchyard Location from KOP 14 (Comment 13.4 Figures 1 and 2). The reader is referred to the response to Comment 13.4 for a more detailed discussion of the visual effects of the proposed and alternative switchyards.

The remainder of this comment is a restatement of Comment 13.4 and the reader is referred to the discussion presented in the response to Comment 13.4 above.

13.43 The commenter questions the Draft SEIR statement (in the discussion of KOP 13 on San Miguelito Road) that viewers on San Miguelito Road use the road for recreational or scenic purposes and, thus, have a heightened sensitivity to visual change. The commenter also suggests that clarification

is needed as to the potential viewers on this particular segment of San Miguelito Road and asks whether San Miguelito Road is designated scenic and if there are any nearby recreation areas. It is true that the Draft SEIR discussion of KOP 13 states that many of the travelers along this portion of San Miguelito Road (which is not a designated scenic roadway) would use the road for recreational or scenic purposes or would be local residents. Although Miguelito County Park is located approximately two miles from KOP 13, recreational and scenic activities are assumed to be dispersed. The LWEP EIR (in the Section 3.2.5.5, *Operation Impacts*, subsection titled Possible Visual Impacts on San Miguelito Road South of Miguelito County Park, and incorporated by reference in the Draft SEIR) states that:

> "This road [San Miguelito Road] is used by local residents (both participating and non-participating landowners), people driving for pleasure, motorcyclists, bicyclists, runners, and birdwatchers. The number of viewers is low, but their sensitivity to scenic quality is assumed to be high…"

Therefore, the viewer characterization presented in the Draft SEIR is consistent with the LWEP EIR findings and is considered accurate.

The commenter also questions the source information used to prepare the conceptual simulation presented for the tree removal and road modifications at KOP 13 and suggests that regrowth of (cleared) vegetation should be considered in the analysis and the simulation, without which, the conclusion regarding residual visual impacts would lack validation. As noted in the Draft SEIR discussion of KOP 13, due to the minimal information available from which to approximate the anticipated effect, the simulation is considered conceptual. Source information was limited to preliminary GIS files depicting the location of trees to be removed and areas to be graded (and/or widened) along San Miguelito Road. The simulation depicts a reasonable worst-case effect that shows minimal vegetation regrowth because it was determined by the Draft SEIR biologists that the relatively poor quality of the native soils in the impacted areas along San Miguelito Road was such that re-growth would be very slow, causing the affected areas to exhibit the adverse visual effects over an extended period of years. Therefore, the conclusion regarding long-term residual visual impacts at KOP 13 is considered accurate and is supported by the Draft SEIR documentation.

13.44 The commenter provides sound reasoning regarding the appropriateness of Mitigation Measure VIS-3. Therefore, MM VIS-3 has been removed from the Final SEIR because it would not be effective in reducing the significant effects associated with Impact VIS-2 (Views from Jalama Beach County Park).

13.45 The discussion regarding the well has been updated in Section 4.12, *Hydrology and Water Quality*, of the Final SEIR.

13.46 The discussion regarding the well has been updated in Section 4.12, *Hydrology and Water Quality*, of the Final SEIR.

13.47 The discussion of groundwater has been updated in Section 4.12, *Hydrology and Water Quality*, of the Final SEIR.

13.48 Mitigation Measure WAT-1 has been updated in Section 4.12, *Hydrology and Water Quality*, of the Final SEIR to require monitoring of offsite wells to avoid excessive drawdown of groundwater supplies relied on by nearby properties.

8.6 Responses to Individuals

Comment Set 14: Eric Trubschenck

Hi, I am sure the following has been covered in any environmental impact report, but just in case. Has the fact that the whole area of the wind farm is Gaviota tarplant habitat been addressed. Mary Meyers of Ca Fish & Game made a big deal about this habitat when they found few tarplants on my parcel, so how can this big project even go forward ? And was the disturbance of recreational bicycling up Miguelito Canyon addressed ? **14.1**

Eric Trubschenck
Lompoc

Response to Eric Trubschenck

14.1 The Gaviota tar plant population on the Project site is described in Section 4.5.1.4 of the Draft SEIR and impacts on that species are described in the discussions of Impacts BIO-5a and BIO-5b. These impacts are considered significant; however, mitigation measures are presented in the Draft SEIR to reduce the Project's impacts on Gaviota tar plant to a less-than-significant level. Projects can be approved despite significant impacts, but feasible mitigation measures must be adopted to reduce such impacts. The disturbance to recreation activities in San Miguelito Canyon is discussed in Section 4.16, *Recreation*, of the Draft SEIR.

Comment Set 15: Susan Horne (May 5, 2019)

Please include Audubon's recommendations for bird protections in the Lompoc area Wind Farm conditions. **15.1**
Susan Horne
Heath Educator

Response to Susan Horne

15.1 Thank you for your suggestion. Please see the responses to the comments made by the Audubon Society. Please also see General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative.

Comment Set 16: Karen Dorfman

From: karendorfman@cox.net <karendorfman@cox.net>
Sent: Saturday, May 25, 2019 9:54 AM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Bird Safety Concerns & Strauss DSEIR

Dear Ms. Pfeifer,

I care about birds & want to protect them from unnecessary harm. The Strauss applicant has designed the project solely to achieve maximum electrical output from the wind farm. Reducing avian mortality by strategically locating the wind turbine generators has not even been considered. This approach **16.1**

contradicts the State and Federal wind energy guidelines. Most wind farms that have been designed in the last few years have been designed to reduce avian mortality. Strauss should be designed that way too. **16.1** *cont.*

The County should devise a Bird-Friendly Alternative that would move some of the generators off of ridgetops and adjust the number and type of generators to meet the project's energy production goals. The County should hire an expert with experience in designing wind projects that protect birds and produce adequate power. **16.2**

The project as proposed would destroy 607 mature oak trees. I support the Modified Project Alternative that would substantially reduce the destruction of oaks. The DSEIR claims that the proposed project is consistent with the Santa Barbara County Comprehensive Plan Conservation Element. It is not. The mitigations proposed in the DSEIR would not reduce the project impacts to the maximum extent feasible. Constructing a Bird- Friendly Alternative, as previously mentioned, would. **16.3**

The County should do a more thorough investigation of the possibility of transporting the turbine blades by air (heavy-lift helicopter or blimp). The analysis of this option in the DSEIR appears to have been rushed and is inadequate. Transporting the blades by air would drastically reduce the damage to the environment adjacent to San Miguelito Road, including the destruction of 158 mature oak trees. In 2017 Lockheed Martin announced that they had developed a heavy-lift "hybrid airship" which would have a payload capacity of more than 40,000 lbs. This would be more than enough to transport the Strauss turbine blades and would reduce environmental impact significantly. **16.4**

Thank you,
Karen Dorfman
335 Moreton Bay Lane
Goleta CA 93117

Response to Karen Dorfman

16.1 Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines.

16.2 Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-4: Use of More and Smaller Turbines.

16.3 The Draft SEIR describes the impact associated with the loss of oak trees in the discussion of Impact BIO-2a in Section 4.5, Biological Resources. Also, please see General Response GR-5: Removal of Oak Trees. Thank you for expressing your preference for the Modified Project Layout alternative. The commenter does not provide the basis for the assertion that the proposed Project would be inconsistent with the Santa Barbara County Comprehensive Plan Conservation Element. The County's basis for determining that the proposed Project would be consistent with the Conservation Element is provided in Section 4.13.5.1 of the Draft SEIR. Regarding a bird-friendly alternative, please see General Response GR-2.

16.4 The blades of the proposed wind turbine generators would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR. Airships capable of carrying payloads of this weight

are not yet commercially available, including the Lockheed Martin airship referenced by the commenter.

Comment Set 17: Sally and Don Webb (May 25, 2019)

From: Don & Sally Webb <sdwebb@cox.net>
Sent: Saturday, May 25, 2019 9:42 AM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Strauss wind energy project

Dear Sirs:

The applicant has designed the project solely to achieve maximum electrical output from the wind farm. Reducing avian mortality by strategically locating the wind turbine generators has not even been considered. This approach contradicts the State and Federal wind energy guidelines. **17.1**

Most wind farms that have been designed in the last few years have been designed to reduce avian mortality. Strauss should be designed that way too!

The County should devise a Bird-Friendly Alternative that would move some of the generators off of ridgetops and adjust the number and type of generators to meet the project's energy production goals. The County should hire an expert with experience in designing wind projects that protect birds and produce adequate power. **17.2**

The project as proposed would destroy 607 mature oak trees. I support the Modified Project Alternative that would substantially reduce the destruction of oaks. **17.3**

The DSEIR claims that the proposed project is consistent with the Santa Barbara County Comprehensive Plan Conservation Element. It is not. The mitigations proposed in the DSEIR would not reduce the project impacts to the maximum extent feasible. Constructing a Bird-Friendly Alternative, as previously mentioned, would. **17.4**

The discussion in the DSEIR of the closure of San Miguelito Road to public travel beyond Sudden Road is vague, and fails to adequately describe potential impacts to public access and recreation. This stretch of road is regularly used by birdwatchers, runners, bicyclists, and sightseers. The road's quiet, isolated, rural character creates a significant recreational resource. The DSEIR does not discuss the circumstances that might lead to this part of the road being closed to the public during the operational phase of the project. There is no discussion of the closure's likelihood or of the adverse impact such a closure would have on public access and recreation. The DSEIR should state definitively whether or not this section of San Miguelito Road will be closed. If so, the impacts to Public Access and Recreation should be designated as "Class I". **17.5**

The County should do a more thorough investigation of the possibility of transporting the turbine blades by air (heavy-lift helicopter or blimp). The analysis of this option in the DSEIR appears to **17.6**

have been rushed and is inadequate. Transporting the blades by air would drastically reduce the damage to the environment adjacent to San Miguelito Road, including the destruction of 158 mature oak trees. In 2017 Lockheed Martin announced that they had developed a heavy-lift "hybrid airship" which would have a payload capacity of more than 40,000 lbs. This would be more than enough to transport the Strauss turbine blades and would reduce environmental impact significantly.

Sally and Don Webb

621 Cowles Rd

Santa Barbara, CA 93105

Response to Sally and Don Webb

17.1 Thank you for expressing your concerns regarding the Project's impact on birds. Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines.

17.2 Please see General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative. Relocating WTGs off ridgelines was considered as an alternative in Section 5.3 of the Draft SEIR. As discussed in Section 5.4.5, this alternative was eliminated due to its potential to disturb vegetation and wildlife on lower slopes and disturb land on steep side slopes. As described in General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative, most of the proposed WTGs are not located on or very near to prominent ridgelines.

17.3 The Draft SEIR describes the impact associated with the loss of oak trees in the discussion of Impact BIO-2a in Section 4.5. Also, please see General Response GR-5: Removal of Oak Trees. Thank you for expressing your preference for the Modified Project Layout alternative.

17.4 The commenter does not provide the basis for the assertion that the proposed Project would not be consistent with the Santa Barbara County Comprehensive Plan Conservation Element. The County's basis for determining that the proposed Project would be consistent with the Conservation Element is provided in Section 4.13.5.1 of the Draft SEIR. The Draft SEIR presents feasible mitigation measures to reduce all significant impacts as required by CEQA. The Draft SEIR also analyzes a reasonable range of feasible alternatives that would be capable of reducing the Project's significant impacts. Please note that an SEIR is not required to analyze all possible alternatives (State CEQA Guidelines Section 15126.6). Regarding a bird-friendly alternative, please see General Response GR-2.

17.5 Thank you for expressing your concerns regarding the Project's impact on recreation in the area. The Draft SEIR acknowledges and describes the current recreation uses of San Miguelito Canyon, including the recreational activities cited by the commenter. The Draft SEIR analyzes the Project's impacts on recreation in relation to the significance thresholds presented in Section 4.16.3 and makes significance conclusions based on these thresholds.

Section 2.5.9 of the Draft SEIR mentions the possibility of closing San Miguelito Road and Sudden Road beyond their intersection during Project operation. While the possibility for these road closures was proposed by the Applicant, the County has decided not to consider these road closures as part of the proposed Project and the Applicant has agreed to this. Therefore, the text describing the possibility of these road closures as part of the proposed Project has been deleted from Section 2.5.9 of the Final SEIR. These possible permanent road closures are no longer part of the proposed Project.

17.6 The blades of the proposed wind turbine generators would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR. Airships capable of carrying payloads of this weight are not yet commercially available.

Comment Set 18: Randall Moon, Ph.D.

From: Randall Moon <rtmoon@gmail.com>
Sent: Monday, May 27, 2019 11:40 AM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Strauss wind energy project

I am writing to express my concerns regarding this wind energy project. In particular I believe this project will devastate bird populations and that this is not an acceptable outcome. **18.1**

Sincerely,

Randall Moon, Ph.D.

5512 Calle Arena
Carpinteria, CA 93013

Response to Randall Moon, Ph.D.

18.1 Thank you for expressing your concerns regarding the Project's impact on birds. Your concerns will be shared with the County's decision makers.

Comment Set 19: David Grill

From: David Grill <davidgrill1700@icloud.com>
Sent: Friday, May 31, 2019 8:43 PM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: STRAUSS WND FARM

Dear Ms. Pfeiffer,

I hope you retain my letter on this subject from a few months back. However, I wish to re-new some points.

1.) During the arguments on the first wind farm, I read an article from a German scientific magazine which tracked the consequences of a wind farm planted in the Baltic Sea off the German coast. Vibrations from the turbines into the sea floor and the sea chased away all of the local sea mammals.

Representative Salud Carbajol is bragging about his intention to plant a second wind farm off-shore from northern San Luis Obispo County, right in the middle of gray whales and sea otters. How much environmental damage will be done in the name of green energy?

Just as the German turbines are anchored into bedrock under the sea, the Strauss turbines will be anchored into bedrock in our mountains. Will vibrations underground drive away mammals, reptiles, amphibians, echinoderms, mollusks, arachnids, and insects? If all the prey species are driven away, all predator species will also depart. The Strauss wind farm region, of unknown vibrational dimensions, might become a mountainous region sterile of life.

Who knows? Where is the research? We know that wind turbines are skilled at knocking life out of the sky, but does it also evict life out of the earth? **19.1**

2.) The dimension of the turbine blade is greater than stated when the blade's wingtip vortex is included. Each wingtip sheds a violent, spinning vortex to dissipate uncontrolled energy. It is like a thunderstorm dissipating uncontrolled energy by releasing a tornado. Thus the danger of the blade to birds is truly three dimensional, not just two. Any bird flying past the blade but into the vortex is subject to broken bones and death. So how big is the vortex? I do not know. Neither do you. Neither does Strauss. Where is the science for this? **19.2**

3.) When an American bomb falls on an enemy location and damages civilians and their homes, the military calls it "collateral damage". The press calls it reckless and outrageous and criminal. The people of Lompoc are calling Strauss' "collateral damage" an outrage before the fact. **19.3**

4.). Where is all of the wind energy going? It is not going to Lompoc because we generate our own energy , and it is all green energy. We have done this for decades, and without "collateral damage" to man nor beast.

Is this energy for Bakersfield or the San Joaquin Valley? Let them make energy in their own back yards, not ours. Strauss and Representative Carbajol will say the turbine needs the greatest winds for the greatest efficiency. That is just a question about money and profits. Lompoc does not want to boost Strauss' profits at the cost of our flora and fauna. **19.4**

5.) Sacrificing environment for green energy is a moot trade-off. Unless California has zero population growth, we will never have enough energy, regardless of the source. Are all of the green energy people stupid? Are all of the environmentalists stupid? Perhaps, the true issue is money, with green energy and environmentalism merely a smoke screen. Why should Lompoc be ravaged so some other parties get rich? **19.5**

Respectfully Submitted, David Grill 1700 Riverview Terrace, Lompoc, Ca 93436

Response to David Grill

19.1 The comment concerns vibration levels that may be transmitted underground from the WTG tower foundations to animals that inhabit the surrounding soils and rock. Design safety features of the proposed WTGs include monitoring for nacelle vibration (Draft SEIR, p.2-17) with the intent of avoiding and mitigating vibration that could pose a risk of damage to the various WTG components, and procedures would halt WTG operation in the event of excess vibration (Draft SEIR, p.2-18). With these features, the levels of ground-borne vibration propagating from the foundations would be minimal.

19.2 This issue was addressed in the Draft SEIR in Section 4.5.4 under Impact BIO-12. It discusses avian displacement from WTGs, including calculated estimates of the loss of aerial habitat around the WTG blades for each proposed WTG size.

19.3 Thank you for expressing your opinions regarding the proposed Project. Your comments will be shared with the County's decision makers.

19.4 The electrical output of the Project would be exported to the PG&E distribution system via the Cabrillo Substation in Lompoc. The Applicant has an executed power purchase agreement with Marin Clean Energy. Marin Clean Energy serves numerous communities in the greater Bay Area. Please note that City of Lompoc is a member of the Northern California Power Authority and imports most of its electrical energy. Over half of Lompoc's electricity comes from hydroelectric and geothermal power plants (CEC 2018).

19.5 Your opinions regarding "green energy" will be shared with the County's decision makers.

Comment Set 20: Jon Picciuolo

445 Oak Hill Terrace, Lompoc, CA 93436

May 31, 2019

Ms. Kathy Pfeifer
County of Santa Barbara
Planning and Development Department
123 East Anapamu Street,
Santa Barbara, CA 93101

RECEIVED
JUN 03 2019
S B COUNTY
PLANNING & DEVELOPMENT

Re: Strauss Wind Energy Project

Dear Ms. Pfeifer,

The following comments pertain to Proposed Strauss Wind Energy Project Supplemental 18EIR-00000-0001, Section 4.6, Archaeological and Tribal Cultural Resources. My comments are those of a private citizen. I do not represent any agency or organization.

Section 4.6 is deficient and incomplete because it contains no analysis of the potential for vibration-induced structural damage to rock art sites on Vandenberg Air Force Base which are close to the project area. These sites include, but are not limited to, CA-SBA-0503 (Swordfish Cave) and CA-SBA-0655 (Window Cave).

While the Strauss Wind Energy Project's environmental review does address visual and audible impacts to Swordfish Cave and Window Cave, it neglects to address the potential for vibration-induced structural damage. This is of particular concern for Swordfish Cave, a fragile cultural resource with a history of natural deterioration of the cave's interior wall.

Wind turbines are large vibrating cylindrical towers, strongly coupled to the ground with massive concrete foundations, through which vibrations are transmitted to the surroundings, and with rotating turbine blades generating low-frequency acoustic signals which may couple acoustically into the ground. Additionally, the blade-tower interaction is a source of pulses at a low repetition rate, which contain components in the infrasound region. The local and surrounding geology, especially layering, may play an important part in determining vibration transmission. Wind farms do produce discernible harmonic signals which can be detected over considerable distances. **20.1**

Vibration-induced structural damage to rock art sites by wind turbines is a valid concern, as exemplified by California's Desert Renewable Energy Conservation Plan

(DRECP), a collaborative effort between the California Energy Commission, California Department of Fish and Wildlife, the U.S. Bureau of Land Management, and the U.S. Fish and Wildlife Service. Chapter IV.25, Cumulative Impacts Analysis of the DRECP's Draft EIR/EIS (2014), Impact CR-2, states: "Continuous vibrations from wind turbines could damage or degrade rock art sites…" **20.1** *cont.*

I also bring to your attention an error in the environmental review. The Winter Solstice event at Window Cave is a sunset event, not a sunrise event. **20.2**

My background: For many years I have assisted Vandenberg Air Force Base's Cultural Resources Office in a volunteer capacity by monitoring the condition of rock art sites. I'm retired from the U.S. Navy and have academic degrees in Aerospace Engineering and Oceanography.

Sincerely,

Jon Picciuolo

Response to Jon Picciuolo

20.1 Please see the response to Comment 19.1.

20.2 Thank you for the information clarifying Window Cave as a sunset event. This typographic error resulted from a review of the Honda Ridge Rock Art Site (SBA-550) which includes both a sunrise and sunset event but was not within the Project records search area. This has been corrected in the Final SEIR.

Comment Set 21: Leo Solari

Hello,

I strongly support the Strauss Wind Energy project. I accept the concerns of the indigestion people and the birds in this project but i think that it is more important. I think that we can find way to them respond too. I hope that this gets build soon **21.1**

sincerely,

Leo

Response to Leo Solari

21.1 Thank you for expressing your opinion regarding the proposed Project. Your comments will be shared with the County's decision makers.

Comment Set 22: Chiara Volpi

I would also like to add that even though it may be harmful to the birds nearby, every solution will always have some problems. Look at dams, they are terrible for the environment, while at the same time saving it through hydro-electric power. Thanks again! **22.1**

On Fri, May 31, 2019 at 2:19 PM Chiara Volpi <chiara.volpi@students.lascuolasf.org> wrote:
Hello Kathy,
My name is Chiara Volpi. I am a seventh grader at La Scuola Sf International School in San Francisco. I think that it is a great idea to have a wind energy farm. Our planet is slowly dying from the effects of climate change, and even this small contribution can help save it.
Thanks!
Chiara

Response to Chiara Volpi

22.1 Thank you for expressing your opinion regarding the proposed Project and your concerns about climate change. Your comments will be shared with the County's decision makers.

Comment Set 23: Mikal Kirwin

From: Mikal Kirwin <mikalkirwin15@gmail.com>
Sent: Saturday, June 01, 2019 1:32 AM

To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Wind turbine (bird friendly design)

Hello my name is Mikal. I have no background in any type of design nor any engineering work but I have an idea for a bird friendly wind turbine design. (if there isn't a bird friendly design then why have the lompoc populace as well as the Santa Barbra county board fought for the snowy plovers to be protected they *are* birds)
I don't know who else to tell this to that would help other than the person in charge of it so hopefully it helps.

A cylindrical contained turbine (I imagined it to end up looking like a telephone pole but *alot* bigger) tall enough to reach the winds with the speed needed to charge the turbines but the outside could be made of a mesh (teflon?) or metal screen and inside could be several smaller turbines which would increase the production of electricity as well (smaller turbines mean lighter [bet space x would have some awesome lightweight materials that could withstand the wear and tear] the lighter the turbines the less force the wind would have to have to push it) there is a lot of things that can be done to help our planet with out destroying indigenous animal habitats and land that people covet due to its deep historical significance. This land is to some is sacred and the chumash were to protect it and the living things that reside here please try this the resources are here between space x and the AFVB the money has to be there as well instead of buying the destructive ugly turbines take that money and design one with one of the two afformentioned companies. Please if my idea doesn't seem plausible Im sure one of the many engineers that exist in either one of those workplaces would have a great time coming up with one. **23.1**
Thank you for reading this random but helpful(hopefully) letter.
Mikal

Response to Mikal Kirwin

23.1 Thank you for your suggestion. Your idea for a new wind turbine design is not commercially available and so cannot be considered for the proposed Project. Thank you for expressing your concerns regarding wildlife habitat and tribal cultural resources.

Comment Set 24: Paulina Conn

2612 Foothill Rd.
Santa Barbara, CA 93105

June 1, 2019

Santa Barbara County Planning and Development
123 E. Anapamu St.
Santa Barbara, CA93101

RE: Strauss Wind Farm DEIR

Dear County Planning Department,

Please deny the Strauss Wind Farm in Miguelito Canyon. The Draft Environmental Impact Report is inadequate and incomplete. The considerable increase in ambient operational noise, vibrations, and pollution has not been addressed for the effects on underground, on the ground, in the vegetation and in the air wildlife and humans. The project could cause a wildlife desert where diversity now exists. The current and long-term significant adverse impacts on the over 5000 acres of land directly and indirectly for many miles of surrounding area outweigh any benefits. **24.1**

Although wind is considered a beneficial alternative energy source, this particular project, in this location causes too much operational pollution now and over time. It takes out nearly 400 ancient oak trees and other vegetation that is removing CO2 from the atmosphere. CO2 removal benefits the County and the entire planet more than this wind farm does. This project widens and adds roads in what is agricultural land and also part of a sustainable biodiversity wildlife corridor from the ocean into the mountains. This project totally disrupts the natural behavior of the entire native ecology with excessive human intervention and constant human activity. The method of construction is the worst possible causing excessive, unconscionable environmental destruction. **24.2**

Mandated by the Federal Aviation Administration, the 30, 492 feet tall wind turbines will all have night-time synchronized, flashing red lights, visible for miles in the urban and dark, scenic Gaviota Coast areas where the night sky is valued by residents and tourists. The flashing lights will have a devastating impact on night flying bats, owls and others in the food chain. **24.3**

The daytime movement of the blades will kill raptors and other birds. Wind technology must first be designed that is quieter, causes less land vibration and pollution, and does not destroy any wildlife before it is installed anywhere, especially here in Miguelito Canyon. **24.4**

Pacific Gas and Electric (PG&E) has a dubious record for ethics and maintenance of their infrastructure and ecological area where their power lines are strung. They should not be the ones in control of any wind or other energy project, especially not one in such a sensitive area. **24.5**

Please deny the DEIR as incomplete. You have already heard from the Chumash that the DEIR is incomplete. This project should not be built in this location. **24.6**

Sincerely,

Paulina Conn
805 682-5183

Response to Paulina Conn

24.1 Thank you for expressing your opinion regarding the proposed Project. The Draft SEIR meets all of CEQA's requirements and the County does not believe it is either inadequate or incomplete. Impacts associated with noise and vibration are discussed in Draft SEIR Section 4.14. Impacts related to air pollution and water pollution are discussed in Draft SEIR Sections 4.4 and 4.9, respectively. Impacts on vegetation and wildlife are discussed in Draft SEIR Section 4.5. Please note that the proposed

Project's direct disturbance area is approximately 171 acres. The majority of Project site's 5,887 acres would not be directly affected by Project implementation.

24.2 Thank you for expressing your concerns. Section 4.10.4 of the Draft SEIR acknowledges that the loss of oak trees would result in a reduction of plant-based CO2 uptake, but also indicates that the reduction in plant-based CO2 uptake would be substantially lower than the greenhouse gas reductions associated with wind power generation. The Project's adverse effects on wildlife are discussed in detail in Draft SEIR Section 4.5, including effects related to wildlife movement and disturbances from human activity. The commenter does not indicate why the proposed "method of construction is the worst possible" so it is not possible to formulate a specific response to this statement; however, the proposed construction methods are conventional and typical of wind energy development projects. Please see General Response GR-5: Removal of Oak Trees.

24.3 As indicated in Section 4.2.6 of the Draft SEIR, the nighttime impacts of the required aviation safety lighting for the wind turbine generators is considered a significant and unavoidable impact. The effects of nighttime lighting on bats and birds are discussed under Impacts BIO-9, BIO-10, BIO-13b in Section 4.5 of the Draft SEIR. Impacts BIO-9 and BIO-10 are considered significant. Feasible measures have been proposed to reduce these impacts; however, Impact BIO-10 remains significant even with mitigation.

24.4 The Draft SEIR acknowledges that birds and bats would be killed by the wind turbine blades and describes this in the discussion of Impact BIO-10 in the Draft SEIR. This is considered a significant and unavoidable impact of the Project, although a detailed mitigation strategy is proposed in the SEIR to reduce this impact as much as possible. The noise and vibration impacts of the proposed Project are discussed in detail in Section 4.14 of the Draft SEIR and are considered significant. The effects of noise on wildlife are described in the discussions of Impacts BIO-8, BIO-9, BIO-13a, and BIO-13b in Section 4.5 of the Draft SEIR. The commenter doesn't specify the type of "pollution" that would be generated by the Project, but the operation of the proposed wind energy facility would not generate any substantial air or water pollution.

24.5 PG&E Company is only involved in the proposed Project as an interconnection point to the electric power grid. The proposed Project, including the proposed wind turbines and transmission line, would be built, owned, and operated by the Project Applicant. To accommodate the inter-connection of the proposed Project, PG&E would need to replace approximately 0.8 miles of an existing power line (wires and poles) between the Project switchyard and PG&E's existing Cabrillo Substation. PG&E would not be in control of the proposed wind energy project as suggested by the commenter.

24.6 Thank you for expressing your opinions regarding the SEIR and the proposed Project. Your comments will be shared with the County's decision makers.

Comment Set 25: Stephen Ferry

From: Stephen Ferry <stephenjamesferry@gmail.com>
Sent: Saturday, June 01, 2019 4:22 PM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>

Cc: Michael Taaffe <michael.taaffe@us.af.mil>; Tam Taaffe <BIMA55@MSN.COM>; Ken Pearlman <kenpearlman@comcast.net>; Mark Holmgren <maholmgren33@gmail.com>
Subject: Good Article about IdentiFlight

Hi, Kathy,

I received the email below that has a link to a good article about IdentiFlight. I was particularly interested to read that,

> IdentiFlight is now operating at wind farms around the world, even as the company continues to test the system. Duke Energy Renewables' has already purchased 47 units for its Wyoming wind farm. Operations in California, Oregon, Washington, and Utah are also in the process of setting IdentiFlight units, or have done so already. In September 2018, IdentiFlight received its first international purchase for a trial in Germany. Since then, IdentiFlight has been bought for full scale commercial application in a wind farm in Tasmania, Australia, and is being considered for projects in Spain, France, and Sweden. **25.1**

Sounds like IdentiFlight has entered the realm of the practical and operational.

Regards,

Steve

Response to Stephen Ferry

25.1 Thank you for your comment regarding IdentiFlight. The Final SEIR has been revised to require installation of active control technology, such as one more IdentiFlight units, prior to operation of the Project (see revised MM BIO-15b).

Comment Set 26: Tina Brenza

From: Tina Brenza <tbrenza@hotmail.com>
Sent: Monday, June 03, 2019 8:23 PM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Strauss wind energy project

I advocate for proven and substantive bird protections to be codified within the EIR for the Strauss project. Absent that guarantee, the alternative I request will include re-location of the wind turbines off the ridge-line. **26.1**
Thank you,
Tina Brenza

Get Outlook for Android

Response to Tina Brenza

26.1 Thank you for your suggestions and opinion. Please note that the mitigation measures presented in the EIR are recommendations for conditions of Project approval. A robust mitigation strategy for bird protection is proposed in the SEIR, including requirements for installing adaptive control technology and unguyed meteorological towers prior to Project operation, and development and implementation of a Monitoring and Adaptive Management Plan, a Before-After/Control-Impact Study, a Bird/Bat Mortality Study, and removal of carrion near turbines to minimize attracting raptors to the site. Assuming the mitigation measures are adopted as conditions of approval by the decision makers, the Applicant will be required to implement these measures and County will monitor their implementation. Relocating WTGs below ridgelines was considered as an alternative in Section 5.3 of the Draft SEIR. As discussed in Section 5.4.5, this alternative was eliminated due to its potential to disturb vegetation and wildlife on lower slopes. Constructing WTG pads and additional access roads would increase environmental impacts in lower-elevation locations that are more heavily vegetated. It would also require substantially more earth movement than the proposed Project. There is also little evidence to indicate that this would be effective in reducing avian mortality. Further, most of the proposed WTGs are not located on or very near to prominent ridgelines. Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines, which include descriptions of how the site plan incorporated recommendations from biologists and the data collected from onsite avian studies.

Comment Set 27: Jeanette Desmond

From: jen desmond <jendesmond@earthlink.net>
Sent: Monday, June 03, 2019 10:02 AM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: WIND FARMS SEIR

I implore you to consider the welfare of birds; and ask that wind farms be designed to reduce bird mortality. **27.1**

Thank you.

Jeanette Desmond
Camarillo CA
(former resident of Santa Barbara)

Response to Jeanette Desmond

27.1 Thank you for expressing your concerns regarding the Project's impact on birds and its contribution to avian mortality. A robust mitigation strategy for bird protection is proposed in the SEIR, including requirements for installing adaptive control technology and unguyed meteorological towers prior to Project operation, and development and implementation of a Monitoring and Adaptive Management Plan, a Before-After/Control-Impact Study, a Bird/Bat Mortality Study, and removal

of carrion near turbines to minimize attracting raptors to the site. Your concerns will be shared with the County's decision makers.

Comment Set 28: Sally and Don Webb (June 4, 2019)

From: Don & Sally Webb <sdwebb@cox.net>
Sent: Tuesday, June 04, 2019 7:40 AM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Strauss Wind Energy Project

Ms. Kathy Pfeifer
Planner
Santa Barbara County Planning and Development 123 E. Anapamu Street
Santa Barbara, CA 93101

RE: Strauss Wind Energy Project – Comments on Draft Supplemental Environmental Impact Report

Dear Ms. Pfeifer:

I am concerned about the environmental destruction that will be caused by the subject wind farm. The applicant has designed the project solely to achieve maximum electrical output from the wind farm. Reducing bird deaths by strategically locating the wind turbine generators (WTGs) was not even considered. This approach contradicts the State and Federal wind energy guidelines. Most wind farms that have been designed in the last few years in the United States have been designed to reduce avian mortality by properly locating WTGs. Strauss should be designed that way too! **28.1**

The project as proposed would destroy 607 mature oak trees. This is unacceptable! The County should change the project design to be more similar to the Lompoc Wind Energy Project (LWEP) that was approved 10 years ago. The County should devise an Environment-Friendly Alternative that would move some of the generators off of ridgetops and adjust the number and type of generators to meet the project's energy production goals. The County should hire an expert to help with the design who has experience in designing wind projects that protect birds and produce adequate power. **28.2**

The County should require the use of more of the smaller 1.79-MW wind turbine generators already proposed for use by the applicant. Using smaller WTGs would mean smaller blades that could be transported by helicopter or airship. Then San Miguelito Road would not have to be modified, eliminating the destruction of 158 mature oak trees. **28.3**

The County should change the transmission line design to that which was proposed for LWEP. That alone would eliminate the destruction of 62 mature oak trees. **28.4**

Thanks for considering my comments.
Yours truly,

Sally and Don Webb
621 Cowles Rd
Santa Barbara, Ca 93108

Response to Sally and Don Webb

28.1 Thank you for expressing your concerns regarding the Project's impact on birds. Please see General Response GR-3: Consistency with State and Federal Guidelines.

28.2 The Draft SEIR describes the impact associated with the loss of oak trees in the discussion of Impact BIO-2a in Section 4.5. Also, please see General Response GR-5: Removal of Oak Trees. The Modified Project Layout alternative would substantially reduce the number of oak trees that would need to be removed. The commenter does not indicate why the previous Lompoc Wind Energy Project would be preferable to the proposed Project, so it is not possible to formulate a specific response to this statement. Alternatives capable of reducing some of the significant impacts of the proposed Project are discussed in Chapter 5 of the Draft SEIR. Regarding a bird-friendly alternative, please see General Response GR-2.

28.3 The blades of the proposed wind turbine generators, including the 1.79-MW model, would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR.

28.4 Please see General Response GR-5: Removal of Oak Trees. The transmission line alignment was modified after the Project application was submitted to the County in order to reduce the number of oak trees that would need to be removed. The original alignment would have required the removal of an estimated 595 oak trees while the revised alignment would require the removal of 62 oak trees. Please note the Lompoc Wind Energy Project may also have required the removal of oak trees along San Miguelito Road although likely substantially fewer than the proposed Project. Section 2.4.3 of Lompoc Wind Energy Project Final EIR states that because the need for tree removal along San Miguelito Road "cannot be established with certainty until the specific characteristics of the transport vehicles have been determined, the analysis assumes that some road widening, grading, tree removal, and tree trimming would be needed."

Comment Set 29: Charlotte Mountain

From: Charlotte Mountain <mountain.c.i@gmail.com>
Sent: Tuesday, June 04, 2019 7:30 AM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Strauss Wind Energy Project near Lompoc

Hello Kathy,

I am a resident of Santa Barbara County and I oppose the proposed Strauss Wind Energy Project that would be located near Lompoc. Large-scale wind turbine generators are very harmful to environmental health, especially birds. The applicant has designed the project solely to achieve maximum electrical output from the wind farm. Reducing bird deaths by strategically locating the wind turbine generators was not even considered. Additionally, the project as proposed would destroy 607 mature oak trees. The County should not approve this project due to the environmental harms. **29.1**

Sincerely,
Charlotte Mountain

Response to Charlotte Mountain

29.1 Thank you for expressing your concerns regarding the proposed Project. Your comments will be shared with the County's decision makers. The Project's impacts on birds are described in the discussion of Impact BIO-10 in Section 4.5 of the Draft SEIR. This is considered a significant and unavoidable impact of the Project, although a robust mitigation strategy is proposed in the SEIR to reduce this impact as much as possible. The Project's impact on oak trees is discussed under Impact BIO-2a in Draft SEIR Section 4.5. Also, please see General Response GR-5: Removal of Oak Trees. Please note that the Modified Project Layout alternative was included in the SEIR in order to reduce the Project's impacts on oak trees by avoiding the removal of an estimate 382 oak trees (see SEIR Section 5.5.2).

Comment Set 30: Kathleen G. McGuiness

From: Kate McGuinness <katemcguinness888@gmail.com>
Sent: Wednesday, June 05, 2019 9:36 AM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Comment re Strauss Wind Project

Ms. Kathy Pfeifer
Planner Santa Barbara County Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

RE: Strauss Wind Energy Project – Comments on Draft Supplemental Environmental Impact Report

Dear Ms. Pfeifer:

I am concerned about the environmental destruction that will be caused by the subject wind farm. The applicant has designed the project solely to achieve maximum electrical output from the wind farm. Reducing bird deaths by strategically locating the wind turbine generators (WTGs) **30.1**

was not even considered. This approach contradicts the State and Federal wind energy guidelines.

Most wind farms that have been designed in the last few years in the United States have been designed to reduce avian mortality by properly locating WTGs. Strauss should be designed that way too! **30.2**

The project as proposed would destroy 607 mature oak trees. This is unacceptable! The County should change the project design to be more similar to the Lompoc Wind Energy Project (LWEP) that was approved 10 years ago.
The County should devise an Environment-Friendly Alternative that would move some of the generators off of ridgetops and adjust the number and type of generators to meet the project's energy production goals. **30.3**

The County should hire an expert to help with the design who has experience in designing wind projects that protect birds and produce adequate power. **30.4**

The County should require the use of more of the smaller 1.79-MW wind turbine generators already proposed for use by the applicant. Using smaller WTGs would mean smaller blades that could be transported by helicopter or airship. Then San Miguelito Road would not have to be modified, eliminating the destruction of 158 mature oak trees. **30.5**

The County should change the transmission line design to that which was proposed for LWEP. That alone would eliminate the destruction of 62 mature oak trees. **30.6**

Santa Barbara County is a treasure of biodiversity. Don't let the Strauss Wind Project tarnish this jewel! **30.7**

Thanks for considering my comments.

Yours truly,
Kathleen G. McGuinness
744 Cineguitas Rd. Apt C
Santa Barbara, Ca. 93110

Response to Kathleen G. McGuinness

30.1 Thank you for expressing your concerns regarding the Project's impact on birds. Please see General Response GR-3: Consistency with State and Federal Guidelines.

30.2 Thank you for expressing your opinion regarding the proposed Project. Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines for a discussion of project design with respect to avian protection.

30.3 Please see General Response GR-5: Removal of Oak Trees. Alternatives capable of reducing some of the significant impacts of the proposed Project are discussed in Chapter 5 of the Draft SEIR. Relocating WTGs below ridgelines was considered as an alternative in Section 5.3 of the Draft SEIR. As discussed in Section 5.4.5, this alternative was eliminated due to its potential to disturb

vegetation and wildlife on lower slopes. Constructing WTG pads and additional access roads would increase environmental impacts in lower-elevation locations that are more heavily vegetated. It would also require substantially more earth movement than the proposed Project. There is also little evidence to indicate that this would be effective in reducing avian mortality. Further, most of the proposed WTGs are not located on or very near to prominent ridgelines. Please see General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative.

30.4 Thank you for your suggestion. Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines for a discussion of Project design with respect to avian protection.

30.5 The blades of the 1.79-MW wind turbine generators would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR.

30.6 The transmission line alignment was modified after the Project application was submitted to the County in order to reduce the number of oak trees that would need to be removed. The original alignment would have required the removal of an estimated 595 oak trees while the revised alignment would require the removal of 62 oak trees. Please see General Response GR-5: Removal of Oak Trees.

30.7 Thank you for expressing your opinion regarding the proposed Project.

Comment Set 31: Rebecca B. Adams

From: Pete and Becky Adams <adams@teamslack.com>
Sent: Thursday, June 06, 2019 3:45 PM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Strauss DSEIR

I am writing to ask the County to require Strauss to re-do their plan to make it more bird friendly. That would mean moving some of the generators from ridge tops and adjusting the number and type of generators. An expert with experience in designing wind projects that protect birds and produce adequate power should be hired.
I am also concerned about the destruction of 607 mature oak trees and support an alternative that would substantially reduce the number of oaks destroyed.
The closure of San Miguelito Road beyond Sudden road I am afraid will impede access to areas for bird watching and other recreational activities. **31.1**

Please reconsider the Strauss DSEIR to take into consideration not only the electrical output, but also the birds, oaks and access to the area which are involved to come up with a better plan. **31.2**

Sincerely,
Rebecca B Adams

Sent from my iPad

Response to Rebecca B. Adams

31.1 Thank you for expressing your concerns regarding the Project's impact on birds and oak trees. Regarding a bird-friendly alternative, please see General Response GR-2. Alternatives capable of reducing some of the significant impacts of the proposed Project are discussed in Chapter 5 of the Draft SEIR. Relocating WTGs below ridgelines was considered as an alternative in Section 5.3 of the Draft SEIR. As discussed in Section 5.4.5, this alternative was eliminated due to its potential to disturb vegetation and wildlife on lower slopes. Constructing WTG pads and additional access roads would increase environmental impacts in lower-elevation locations that are more heavily vegetated. It would also require substantially more earth movement than the proposed Project. There is also little evidence to indicate that this would be effective in reducing avian mortality. Further, most of the proposed WTGs are not located on or very near to prominent ridgelines. Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines, which include discussions of Project design with respect to avian protection.

The Project's impacts on birds are described in the discussion of Impact BIO-10 in Section 4.5 of the Draft SEIR and the loss of oak trees is described in the discussion of Impact BIO-2a. Also, please see General Response GR-5: Removal of Oak Trees. The Modified Project Layout alternative would substantially reduce the number of oak trees that would need to be removed.

The County has decided not to consider these road closures as part of the proposed Project and the Applicant has agreed to this. Therefore, the text describing the possibility of these road closures as part of the proposed Project has been deleted from Section 2.5.9 of the Final SEIR. These possible permanent road closures are no longer part of the proposed Project. After completion of Project construction, access for bird watching and other recreation activities along public roadways would be restored.

31.2 Thank you for expressing your opinion regarding the proposed Project. Your concerns will be shared with the County's decision makers.

Comment Set 32: Wim Van Dam

From: Wim van Dam <wim.van.dam@gmail.com>
Sent: Thursday, June 06, 2019 1:57 AM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Comments on Draft Supplemental Environmental Impact Report re Strauss Wind Energy Project

Dear Ms. Pfeifer:

I am very concerned about the environmental damage that will be caused by the Strauss Wind Farm. The applicant has designed the project solely to achieve maximum electrical output. Reducing bird deaths by strategically locating the wind turbine generators (WTGs) was not even considered. This approach contradicts the State and **32.1**

Federal wind energy guidelines. Most wind farms that have been designed in the last few years in the United States have been designed to reduce avian mortality by properly locating WTGs. Strauss should be designed that way too!

The project as proposed would destroy 607 mature oak trees, which is unacceptable. The County should change the project design to be more similar to the Lompoc Wind Energy Project (LWEP) that was approved 10 years ago. The County should devise an Environment-Friendly Alternative that would move some of the generators off of ridge tops and adjust the number and type of generators to meet the project's energy production goals. The County should hire an expert to help with the design who has experience in designing wind projects that protect birds and produce adequate power. The County should also require the use of more of the smaller 1.79-MW wind turbine generators already proposed for use by the applicant. Using smaller WTGs would mean smaller blades that could be transported by helicopter or airship. Then San Miguelito Road would not have to be modified, eliminating the destruction of 158 mature oak trees. **32.2**

The County should change the transmission line design to that which was proposed for LWEP. That alone would eliminate the destruction of 62 mature oak trees. **32.3**

Thanks for considering my comments.

Wim van Dam
1240 Quail Ridge Rd
Solvang, CA
93463

Response to Wim van Dam

32.1 Thank you for expressing your concerns regarding the Project's impact on birds. Please see General Response GR-3: Consistency with State and Federal Guidelines.

32.2 The loss of oak trees associated with the proposed Project is described in the discussion of Impact BIO-2a in the Draft SEIR. Also, please see General Response GR-5: Removal of Oak Trees. The Modified Project Layout alternative would substantially reduce the number of oak trees that would need to be removed. The commenter does not indicate why the previous Lompoc Wind Energy Project would be preferable to the proposed Project, so it is not possible to formulate a specific response to this statement. Alternatives capable of reducing some of the significant impacts of the proposed Project are discussed in Chapter 5 of the Draft SEIR. Regarding a bird-friendly alternative, please see General Response GR-2. The blades of the 1.79-MW wind turbine generators would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR.

32.3 Please see General Response GR-5: Removal of Oak Trees. The transmission line alignment was modified after the Project application was submitted to the County in order to reduce the number of oak trees that would need to be removed. The original alignment would have required the removal of an estimated 595 oak trees while the revised alignment would require the removal of 62 oak trees. Please note the Lompoc Wind Energy Project may also have required the removal of oak trees along San Miguelito Road although likely substantially fewer than the proposed Project. Section 2.4.3 of Lompoc Wind Energy Project Final EIR states that because the need for tree removal

along San Miguelito Road "cannot be established with certainty until the specific characteristics of the transport vehicles have been determined, the analysis assumes that some road widening, grading, tree removal, and tree trimming would be needed."

Comment Set 33: Peter Thompson

From: peter thompson <mjtpjt@yahoo.com>
Sent: Friday, June 07, 2019 12:46 PM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Strauss Wind Project

Dear Ms. Pfeifer,

I am an avid bird watcher and would like to comment on the proposal to build the Strauss Wind turbines.

I recently visited the site and it immediately became apparent that these massive turbines placed on the crest of the ridge lines will most definitely result in serious bird mortality, especially during spring and fall migrations.

The question is : has this company offered any serious alternative proposals to mitigate bird deaths? Have they shown that they are willing to address the issue and work with our County to jointly solve this problem? **33.1**

If the answer to these questions is NO then we must ask if this is the kind of company we want working in our community.

Other wind production companies have used advanced techniques to address bird mortality, so it can be done. **33.2**

This project will be breaking new ground in our county and we welcome alternative energy sources, but we need a company that we can trust to carry out a responsible and environmentally sensitive plan. **33.3**

Peter Thompson
Santa Barbara

Response to Peter Thompson

33.1 Impacts from bird mortality are described in the discussion of Impact BIO-10 in Section 4.5 of the Draft SEIR. This is considered a significant and unavoidable impact of the Project, although a detailed mitigation strategy is proposed in the SEIR to reduce this impact as much as possible.

33.2 Regarding a bird-friendly alternative, please see General Response GR-2.

33.3 Thank you for expressing your opinion regarding the proposed Project. Your comments will be shared with the County's decision makers.

Comment Set 34: Jayne Wamsley

From: Jayne Wamsley <jaysuzwams@gmail.com>
Sent: Friday, June 07, 2019 11:38 AM

To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Strauss Wind Energy Project

As a member of the Santa Barbara Audubon Society I would like to express my concerns about the inadequate DSEIR in conjunction with the Strauss Wind Project. **34.1**
I support wind energy, it is an important source of renewable energy *but* it is also important to move slowly, look at all options and build it right from the start. A good example would be the Lompoc Wind Energy Project approved 10 years ago but scaled to protect the local avian population through careful placement and installation of 1.79-MW generators. **34.2**
Another huge concern is the planned destruction of over 600 mature oak trees along San Miguelito Road. We should not be cutting down trees, period! Strauss needs to consider other avenues including helicopters for erecting the wind towers. **34.3**
Please move carefully and keep all options on the table. **34.4**
Sincerely,
Jayne Wamsley
SB Audubon Society

Response to Jayne Wamsley

34.1 The Draft SEIR meets all of CEQA's requirements and the County does not believe it is inadequate. The comment does not indicate why the commenter believes the Draft SEIR is inadequate, so it is not possible to formulate a more specific response.

34.2. The commenter does not indicate why the previous Lompoc Wind Energy Project (LWEP) would be preferable to the proposed Project; however, as discussed under Impact BIO-10 (Avian and Bat Collisions with WTGs) in Section 4.5.4.2 of the SEIR, the proposed SWEP would result in similar types of impacts. Although the SWEP would have fewer WTGs than the LWEP (30 compared with 65), the WTGs would be larger and taller (up to 492 feet tall compared with 397 feet tall) and, therefore, may place the rotor-swept area into the flight paths of birds that would have flown over the LWEP. However, a recent study analyzing a dataset of 1,670 wind turbines in the U.S. between 2008 and 2014 found that breeding bird abundance decreased with smaller turbines, although it also decreased with increasing blade length. In addition, the study estimated each additional turbine leads to the disappearance of three breeding birds, on average (Miao et al., 2019). Therefore, there is no evidence to suggest that the LWEP, with more and smaller turbines, would reduce risk to birds; in fact, the LWEP could actually increase adverse impacts. Nonetheless, both the LWEP and the SWEP were determined to have significant and unavoidable impacts to birds (Class I) even with the implementation of mitigation, and there are no data available that support the idea that any site configuration could reduce impacts to a less-than-significant level. It should also be noted that the mitigation strategy required for the SWEP for avian and bat protection includes three additional components not required of the LWEP: preparation and implementation of a Bird and Bat Conservation Strategy in consultation with CDFW and USFWS, requirement to obtain authorization from the USFWS for potential take of golden eagles, pursuant to the Bald and Golden Eagle Protection Act (BGEPA), and a requirement for the Owner/Applicant to prepare and implement a program to prevent carrion attractants to vultures, condors, eagles, and other large birds by locating and removing carcasses of grazing animals. Please see General Responses GR-2: Bird-Friendly

Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines, which include discussions of Project design with respect to avian protection.

34.3 Please see General Response GR-5: Removal of Oak Trees. The loss of oak trees associated with the proposed Project is described in the discussion of Impact BIO-2a in the Draft SEIR. Approximately 158 would need to be removed along San Miguelito Road to accommodate the transport of turbine blades, not over 600 as stated in the comment. Approximately 607 oak trees would need to be removed overall to implement the Project as proposed. The Modified Project Layout alternative would substantially reduce the number of oak trees that would need to be removed (607 to 225). The blades of the proposed wind turbine generators would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR. Airships capable of carrying payloads of this weight are not yet commercially available.

34.4 Thank you for suggestions regarding the proposed Project. Your comments will be shared with the County's decision makers.

Comment Set 35: Kenneth Pearlman

From: Ken Pearlman <kenpearlman@comcast.net>
Sent: Friday, June 07, 2019 8:41 PM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Strauss Wind Energy Project - Comments on Draft Supplemental Environmental Impact

Dear Ms. Pfeifer:

I am concerned about the environmental destruction that will be caused by the subject wind farm. The applicant has designed the project solely to achieve maximum electrical output from the wind farm. Reducing bird deaths by strategically locating the wind turbine generators (WTGs) was not even considered. This approach contradicts the State and Federal wind energy guidelines. Most wind farms that have been designed in the last few years in the United States have been designed to reduce avian mortality by properly locating WTGs. Strauss should be designed that way too! **35.1**

The project as proposed would destroy 607 mature oak trees. This is unacceptable! The County should change the project design to be more similar to the Lompoc Wind Energy Project (LWEP) that was approved 10 years ago. The County should devise an alternative that would move some of the generators off of ridgetops and adjust the number and type of generators to meet the project's energy production goals. The County should hire an expert to help with the design who has experience in designing wind projects that protect birds and produce adequate power. **35.2**

The County should require the use of more of the smaller 1.79-MW wind turbine generators already proposed for use by the applicant. Using smaller WTGs would mean smaller blades that could be transported by helicopter or airship. Then San Miguelito Road would not have to be modified, eliminating the destruction of 158 mature oak trees. **35.3**

The County should also change the transmission line design to that which was proposed for LWEP. That alone would eliminate the destruction of 62 mature oak trees. **35.4**

Thank you for considering my comments.

Sincerely,

Kenneth Pearlman
33 Sanderling Lane
Goleta, CA 93117

Response to Kenneth Pearlman

35.1 Thank you for expressing your concerns regarding the Project's impact on birds. Please see General Response GR-3: Consistency with State and Federal Guidelines.

35.2 The Draft SEIR describes the impact associated with the loss of oak trees in the discussion of Impact BIO-2a in Section 4.5. Also, please see General Response GR-5: Removal of Oak Trees. The Modified Project Layout alternative would substantially reduce the number of oak trees that would need to be removed. The commenter does not indicate why the previous Lompoc Wind Energy Project would be preferable to the proposed Project, so it is not possible to formulate a specific response to this statement. Regarding a bird-friendly alternative, please see General Response GR-2.

35.3 The blades of the proposed wind turbine generators would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR.

35.4 Please see General Response GR-5: Removal of Oak Trees. The transmission line alignment was modified after the Project application was submitted to the County in order to reduce the number of oak trees that would need to be removed. The original alignment would have required the removal of an estimated 595 oak trees while the revised alignment would require the removal of 62 oak trees. Please note the Lompoc Wind Energy Project may also have required the removal of oak trees along San Miguelito Road although likely substantially fewer than the proposed Project. Section 2.4.3 of Lompoc Wind Energy Project Final EIR states that because the need for tree removal along San Miguelito Road "cannot be established with certainty until the specific characteristics of the transport vehicles have been determined, the analysis assumes that some road widening, grading, tree removal, and tree trimming would be needed."

Comment Set 36: Kathleen Griffith

From: Kathleen A. Griffith <kateygriffith@hotmail.com>
Sent: Friday, June 07, 2019 9:12 PM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Strauss Project Comments

To Whom it May Concern:

Public outcry to the Strauss Wind Turbine Project Draft SEIR is significant enough to indicate that the proposal is unacceptable. Miguelito Canyon residents George Bedford and Jean Beattie raise serious concerns regarding the quality of life impacts to the local residents. Attorneys Rich Adam and Sam Cohen and planning specialist John Callender raise valid legal issues. City of Lompoc environmental specialist Stacy Lawson raises serious logistical concerns on the part of the city. Numerous representatives from the Santa Barbara and La Purisima Audubon Society Chapters address the many dangers to the birds and other creatures. 36.1
In addition, I'd like to point out some other issues that I was not able to find in the Draft SEIR.

Impact on Honey Bees

The electromagnetic fields will adversely impact the local honey bees. Several scientific articles discuss the matter, including "Extremely Low Frequency Electromagnetic Fields Impair the Cognitive and Motor Abilities of Honey Bees" listed on the National Institute of Health website at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5962564/. See abstract below.* 36.2

Lompoc is thriving with honey bees, illustrated by the organization of Lompoc Valley Beekeepers Association and the activity of our members as swarm and hive relocators. We are fortunate to have this boon in bee population given the worldwide threat of their extinction. Given the critical role of honey bees in crop pollination, it would be a travesty to the Lompoc Valley agricultural sector to endanger our honey bee population.

Additionally, honeybees are indicator species for an eco system. The harmful impact of neonicotinoids and glyphosates on bees has been widely reported in the news over the past decade. Now the lawsuits regarding human cancer from these pesticides and herbicides demonstrate the dangers to humans. Likewise, future experience is bound to demonstrate the disruption for human health wellbeing caused by electromagnetic fields.

Impact on Lompoc Valley Economic Vitality

The visual and noise impacts of wind turbines, transmission lines and substation will adversely impact Lompoc's economic vitality, especially in the tourism sector. Lompoc is well established as a wine destination with 36.3

over 38 tasting rooms. The city's growing hospitality industries also include several restaurants known for sourcing local and a successful hotel association. These local businesses all depend on the continued desirability of the Lompoc Valley as a tourist destination. Lompoc's agricultural and rural cultural landscape is part of the allure. It would be compromised by 30 50-story turbines on the ridgeline, a 1-acre substation and 7.3-mile, 115-kilovolt electrical transmission line. This is an industrial wind turbine project seeking an industrial park in an agricultural zone. **36.3** *cont.*

These additional two areas of concern should be taken seriously. Furthermore, placing the substation and electrical transmission lines within close proximity of Lompoc's south side neighborhoods is a public health risk that will result in legal battles for years to come. This Draft SEIR is not acceptable!

Regards,

Kathleen (Kate) Griffith
26 Cambridge Dr.
Lompoc, CA 93436
805-588-0996

*Abstract: Extremely low frequency electromagnetic field (ELF EMF) pollution from overhead powerlines is known to cause biological effects across many phyla, but these effects are poorly understood. Honey bees are important pollinators across the globe and due to their foraging flights are exposed to relatively high levels of ELF EMF in proximity to powerlines. Here we ask how acute exposure to 50 Hz ELF EMFs at levels ranging from 20–100 μT, found at ground level below powerline conductors, to 1000–7000 μT, found within 1 m of the conductors, affects honey bee olfactory learning, flight, foraging activity and feeding. ELF EMF exposure was found to reduce learning, alter flight dynamics, reduce the success of foraging flights towards food sources, and feeding. The results suggest that 50 Hz ELF EMFs emitted from powerlines may represent a prominent environmental stressor for honey bees, with the potential to impact on their cognitive and motor abilities, which could in turn reduce their ability to pollinate crops.

Response to Kathleen Griffin

36.1 Thank you for expressing your concerns regarding the proposed Project. Your comments will be shared with the County's decision makers.

36.2 The paper referenced by the commenter describes a study of the effect of extremely low frequency electromagnetic fields (ELF EMF) from overhead powerlines on honey bees (Shepard et al., 2018). The study found that ELF EMF exposure reduced honey bee learning, altered flight dynamics, and interfered with foraging and feeding. It should be noted that the study focused on ELF EMF levels produced by 400-kilovolt (kV) transmission lines, while the SWEP would include a new 7.3-mile, 115-kV transmission line to interconnect with the Pacific Gas and Electric (PG&E) electric grid. While it is possible that honeybees could be affected by ELF EMF in close proximity to the Project transmission line, the level of exposure would be reduced over that described in the referenced study because it would be a lower-voltage line. In addition, EMFs are highest within 5 meters (16 feet) of the power line (see Figure 1 of Shepard et al., 2018) and, therefore, the affected area is restricted to the immediate vicinity of the line. Given the limited area of elevated ELF EMF, the Project is expected to have minimal impacts on honey bee colonies in the region. WTGs have been shown to produce negligible EMF (e.g., McCallum et al., 2014).

36.3 The visual and noise impacts of the proposed Project are described in Sections 4.2 and 4.14 of the Draft SEIR, respectively. The analysis in these sections indicate that the proposed Project would result in certain significant and unavoidable impacts related to aesthetics, whereas the Project's significant noise impacts can be reduced to a less-than-significant level with the implementation of mitigation measures presented in the Draft SEIR. Please note that the SEIR only evaluates the Project's impact on the environment and does not evaluate the Project's economic impacts. Section 15131 of the State CEQA Guidelines states that the "Economic and social effects of a project shall not be treated as significant effects on the environment."

Comment Set 37: Susan Horne (June 7, 2019)

Ms. Kathy Pfeifer
Planner
Santa Barbara County Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101
kathypm@countyofsb.org

RE: Strauss Wind Energy Project – Comments on Draft Supplemental Environmental Impact Report

Dear Ms. Pfeifer:

I am concerned about the environmental destruction that will be caused by the subject wind farm. The applicant has designed the project solely to achieve maximum electrical output from the wind farm. Reducing bird deaths by strategically locating the wind turbine generators (WTGs) was not even considered. This approach contradicts the State and Federal wind energy guidelines. Most wind farms that have been designed in the last few years in the United States have been designed to reduce avian mortality by properly locating WTGs. Strauss should be designed that way too! **37.1**

The project as proposed would destroy 607 mature oak trees. This is unacceptable! The County should change the project design to be more similar to the Lompoc Wind Energy Project (LWEP) that was approved 10 years ago. The County should devise an Environment-Friendly Alternative that would move some of the generators off of ridgetops and adjust the number and type of generators to meet the project's energy production goals. The County should hire an expert to help with the design who has experience in designing wind projects that protect birds and produce adequate power. **37.2**

The County should require the use of more of the smaller 1.79-MW wind turbine generators already proposed for use by the applicant. Using smaller WTGs would mean smaller blades that could be transported by helicopter or airship. Then San Miguelito Road would not have to be modified, eliminating the destruction of 158 mature oak trees. **37.3**

The County should change the transmission line design to that which was proposed for LWEP. That alone would eliminate the destruction of 62 mature oak trees. **37.4**

Thanks for considering my comments.

Sincerely yours –

Susan Horne

Health Educator

2218 Channing Way, Santa Barbara, CA, 93109

RECEIVED
JUN 07 2019
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PLANNING & DEVELOPMENT

Response to Susan Horne

37.1 Thank you for expressing your concerns regarding the Project's impact on birds. Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines.

37.2 The Draft SEIR describes the impact associated with the loss of oak trees in the discussion of Impact BIO-2a in Section 4.5. Also, please see General Response GR-5: Removal of Oak Trees. The Modified Project Layout alternative would substantially reduce the number of oak trees that would need to be removed. The commenter does not indicate why the previous Lompoc Wind Energy Project would be preferable to the proposed Project, so it is not possible to formulate a specific response to this statement. Regarding a bird-friendly alternative, please see General Response GR-2.

37.3 The blades of the proposed wind turbine generators would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR.

37.4 Please see General Response GR-5: Removal of Oak Trees. The transmission line alignment was modified after the Project application was submitted to the County in order to reduce the number of oak trees that would need to be removed. The original alignment would have required the removal of an estimated 595 oak trees while the revised alignment would require the removal of 62 oak trees. Please note the Lompoc Wind Energy Project may also have required the removal of oak trees along San Miguelito Road although likely substantially fewer than the proposed Project. Section 2.4.3 of Lompoc Wind Energy Project Final EIR states that because the need for tree removal along San Miguelito Road "cannot be established with certainty until the specific characteristics of the transport vehicles have been determined, the analysis assumes that some road widening, grading, tree removal, and tree trimming would be needed."

Comment Set 38: Lori Gaskin

June 7, 2019

Kathy Pfeifer
Planner
Santa Barbara County Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

RE: STRAUSS WIND ENERGY PROJECT – COMMENT ON DRAFT SEIR

Dear Ms. Pfeifer:

Please accept this letter of concern regarding the proposed Strauss Wind Energy Project and the draft SEIR. I have delineated the issues below:

- The applicant has designed the project solely to achieve maximum electrical output from the wind farm. Reducing avian mortality by strategically locating the wind turbine generators (WTGs) **was not even considered**. This approach contradicts the State and Federal wind energy guidelines. Most wind farms that have been designed in the last few years in the United States have been designed to reduce avian mortality by properly locating WTGs. The SWEP must be designed with this in the forefront. **38.1**

- The County should change the project design to be more similar to the Lompoc Wind Energy Project (LWEP) that was approved 10 years ago. The County should devise an Environment-Friendly Alternative that would move some of the generators off of ridgetops and adjust the number and type of generators to meet the project's energy production goals. **38.2**

- The County should require the use of more of the smaller 1.79-MW wind turbine generators already proposed for use by the applicant. Using smaller WTGs would mean smaller blades that could be transported by helicopter or airship. Then San Miguelito Road would not have to be modified, eliminating the destruction of 158 mature oak trees. **38.3**

- The County should hire an expert to help with the design who has experience in designing wind projects that protect birds. **38.4**

- The County should change the transmission line design to that which was proposed for LWEP. That alone would eliminate the destruction of 62 mature oak trees. **38.5**

- The DSEIR claims that the proposed project is consistent with the Santa Barbara County Comprehensive Plan Conservation Element. It is not. The mitigations proposed in the DSEIR would not reduce the project impacts to the maximum extent feasible. Constructing an Environment-Friendly Alternative, as previously mentioned, would. 38.6

- The discussion in the DSEIR of the closure of San Miguelito Road to public travel beyond Sudden Road is vague and fails to adequately describe potential impacts to public access and recreation. This stretch of road is regularly used by birdwatchers, runners, bicyclists, and sightseers. The road's quiet, isolated, rural character creates a significant recreational resource. The DSEIR does not discuss the circumstances that might lead to this part of the road being closed to the public during the operational phase of the project. There is no discussion of the closure's likelihood or of the adverse impact such a closure would have on public access and recreation. The DSEIR should state definitively whether or not this section of San Miguelito Road will be closed. If so, the impacts to Public Access and Recreation should be designated as "Class I." 38.7

- The County should do a more thorough investigation of the possibility of transporting the turbine blades by air (heavy-lift helicopter or blimp). The analysis of this option in the DSEIR appears to have been rushed and is inadequate. Transporting the blades by air would drastically reduce the damage to the environment adjacent to San Miguelito Road, including the destruction of 158 mature oak trees. In 2017 Lockheed Martin announced that they had developed a heavy-lift "hybrid airship" which would have a payload capacity of more than 40,000 lbs. This would be more than enough to transport the Strauss turbine blades and would reduce environmental impact significantly. 38.8

I appreciate you taking these issues into account as you proceed through the planning process.

Sincerely,

Lori Gaskin
514 Miramonte Drive
Santa Barbara, CA 93109

Response to Lori Gaskin

38.1 Thank you for expressing your concerns regarding the Project's impact on birds. Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines.

38.2 Thank you for your suggestion. The commenter does not indicate why the previous Lompoc Wind Energy Project would be preferable to the proposed Project, so it is not possible to formulate a specific response to this statement. Regarding a bird-friendly alternative, please see General Response GR-2.

38.3 The blades of the proposed wind turbine generators would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR. Airships capable of carrying payloads of this weight are not yet commercially available.

38.4 Thank you for your suggestion. Regarding a bird-friendly alternative, please see General Response GR-2.

38.5 Please see General Response GR-5: Removal of Oak Trees. The transmission line alignment was modified after the Project application was submitted to the County in order to reduce the number of oak trees that would need to be removed. The original alignment would have required the removal of an estimated 595 oak trees while the revised alignment would require the removal of 62 oak trees. Please note the Lompoc Wind Energy Project may also have required some removal of oak trees along San Miguelito Road although substantially fewer than the proposed Project. Section 2.4.3 of Lompoc Wind Energy Project Final EIR states that because the need for tree removal along San Miguelito Road "cannot be established with certainty until the specific characteristics of the transport vehicles have been determined, the analysis assumes that some road widening, grading, tree removal, and tree trimming would be needed."

38.6 The commenter does not provide the basis for the assertion that the proposed Project would not be consistent with the Santa Barbara County Comprehensive Plan Conservation Element. The County's basis for determining that the proposed Project would be consistent with the Conservation Element is provided in Section 4.13.5.1 of the Draft SEIR. The commenter also does not state what further feasible mitigation could be imposed on the Project to reduce significant impacts. Alternatives capable of reducing some of the significant impacts of the proposed Project are discussed in Chapter 5 of the Draft SEIR.

38.7 Thank you for expressing your concerns regarding the Project's impact on recreation in the area. The Draft SEIR acknowledges and describes the current recreation uses of San Miguelito Canyon, including the recreational activities cited by the commenter. The Draft SEIR analyzes the Project's impacts on recreation in relation to the significance thresholds presented in Section 4.16.3 and makes significance conclusions based on these thresholds.

Section 2.5.9 of the Draft SEIR mentions the possibility of closing San Miguelito Road and Sudden Road beyond their intersection during Project operation. While the possibility for these road closures was proposed by the Applicant, the County has decided not to consider these road closures as part of the proposed Project. Therefore, the text describing the possibility of these road closures

as part of the proposed Project has been deleted from Section 2.5.9 of the Final SEIR. These possible road closures are no longer part of the proposed Project.

38.8 The blades of the proposed wind turbine generators would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR. Airships capable of carrying payloads of this weight are not yet commercially available, including the Lockheed Martin airship referenced by the commenter.

Comment Set 39: Betty Ferry

From: Betty Ferry <bettykferry@gmail.com>
Sent: Saturday, June 08, 2019 9:41 AM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Comments on Strauss Wind Energy Project DSEIR

Ms. Kathy Pfeifer
Planner
Santa Barbara County Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101
kathypm@countyofsb.org
RE: Strauss Wind Energy Project – Comments on Draft Supplemental Environmental Impact Report

Dear Ms. Pfeifer:

I am concerned about the environmental destruction that will be caused by the subject wind farm. The applicant has designed the project solely to achieve maximum electrical output from the wind farm. Reducing bird deaths by strategically locating the wind turbine generators (WTGs) was not even considered. This approach contradicts the State and Federal wind energy guidelines. Most wind farms that have been designed in the last few years in the United States have been designed to reduce avian mortality by properly locating WTGs. Strauss should be designed that way too! **39.1**

The project as proposed would destroy 607 mature oak trees. This is unacceptable! The County should change the project design to be more similar to the Lompoc Wind Energy Project (LWEP) that was approved 10 years ago. The County should devise an Environment-Friendly Alternative that would move some of the generators off of ridgetops and adjust the number and type of generators to meet the project's energy production goals. The County should hire an expert to help with the design who has experience in designing wind projects that protect birds and produce adequate power. **39.2**

The County should require the use of more of the smaller 1.79-MW wind turbine generators already proposed for use by the applicant. Using smaller WTGs would mean smaller blades that **39.3**

could be transported by helicopter or airship. Then San Miguelito Road would not have to be modified, eliminating the destruction of 158 mature oak trees. **39.3** *cont.*

The County should change the transmission line design to that which was proposed for LWEP. That alone would eliminate the destruction of 62 mature oak trees. **39.4**

Thanks for considering my comments.

Yours truly,

Betty K. Ferry
5557 Camino Galeana
Santa Barbara, CA 93111

Response to Betty Ferry

39.1 Thank you for expressing your concerns regarding the Project's impact on birds. Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines.

39.2 Thank you for expressing your concerns regarding the Project's impact on birds. The Draft SEIR describes the impact associated with the loss of oak trees in the discussion of Impact BIO-2a in Section 4.5. Also, please see General Response GR-5: Removal of Oak Trees. The commenter does not indicate why the previous Lompoc Wind Energy Project would be preferable to the proposed Project, so it is not possible to formulate a specific response to this statement. Regarding a bird-friendly alternative, please see General Response GR-2.

39.3 The blades of the proposed wind turbine generators would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR. Airships capable of carrying payloads of this weight are not yet commercially available.

39.4 Please see General Response GR-5: Removal of Oak Trees. The transmission line alignment was modified after the Project application was submitted to the County in order to reduce the number of oak trees that would need to be removed. The original alignment would have required the removal of an estimated 595 oak trees while the revised alignment would require the removal of 62 oak trees. Please note the Lompoc Wind Energy Project may also have required some removal of oak trees along San Miguelito Road although substantially fewer than the proposed Project. Section 2.4.3 of Lompoc Wind Energy Project Final EIR states that because the need for tree removal along San Miguelito Road "cannot be established with certainty until the specific characteristics of the transport vehicles have been determined, the analysis assumes that some road widening, grading, tree removal, and tree trimming would be needed."

Comment Set 40: Edward Benhart

06/10/2019
Edward and Marian Benhart
3250 San Miguelito Canyon Road
83-270-01
805-736-0140

I am writing this letter on behalf of my wife, my family and myself. I would like to express our concerns regarding the proposal of the Strauss Wind Energy project. We purchased our property with the intention of building a home, motivated by a desire to preserve and protect the remainder of the land. We have invested hundreds of thousand dollars in preparation to build our family's home. We are concerned that the EIR does not sufficiently consider the impact this project will have on our local ecosystem, safety hazards, health hazards, or loss of value for neighboring properties. **40.1**

We do not believe the Environmental Impact Report has proven that it will be safe for our family to live on our property if this project moves forward. Many neighboring properties, our included, have only one exit route. In the event of a fire, this project could create a fire trap which threatens the lives of anyone nearby. I do not want my family, nor any other Lompoc residents, to fall victim to a catastrophe such as was witnessed during the recent Camp Fire. Additionally, we fear that the electromagnetic fields resulting from the use of high voltage wires will cause our family serious health problems. We are also concerned about the increase in traffic that will be caused by this project, especially during construction. This traffic will pose a threat to both our safety and general well-being. **40.2**

We have put countless years and considerable finances into preparing our property and we do not want to see our labor soiled by the risk of it losing value. We have been provided photos of key observation points, but nothing that portrays the project from our point of view. The eyesore of a 495-foot wind turbine, or the accompanying sound, will not be selling points if our family ever decides to sell our property. **40.3**

Finally, we would like further consideration to be put toward the threat to the local ecosystem if this project moves forward. The opportunity to see a deer roam nearby, and hear birds singing in the country air is a goal we had when we purchased this property. The area will no longer be safe for these animals, and those that are injured by the structures will attract unwanted scavenger animals. **40.4** **40.5**

Please take our family's grave concerns into consideration regarding this project. Thank you for your time and consideration.

Sincerely,

Edward Benhart

Edward R Benhart

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JUN 11 2019
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Response to Edward Benhart

40.1 Thank you for expressing your concerns regarding the proposed Project. Please note that the Draft SEIR discusses the proposed Project's impacts on the ecosystem in Section 4.5, Biological Resources, and impacts on health and safety in Section 4.11, Hazards and Hazardous Materials. Potential effects on property value are not evaluated in the SEIR as this is an economic impact rather than an environmental impact. Section 15131 of the State CEQA Guidelines states that the "Economic and social effects of a project shall not be treated as significant effects on the environment."

40.2 The Project's impacts related to fire hazards and emergency services are discussed in Section 4.8 of the Draft SEIR. The Draft SEIR identifies some of these impacts as significant but presents mitigation measures that would reduce impacts to a less-than-significant level. This mitigation includes preparation, approval, and implementation of a Fire Safety Plan for the Project that would reduce the likelihood of an accidental fire, require vegetation clear zones around structures, require fire-fighting equipment on site during construction, and provide for enhanced emergency communications. Exposure to electric and magnetic fields (EMF) is discussed in Section 4.11 of the Draft SEIR and the impact analysis concludes that EMF exposure would not represent a significant impact. Please note that there is no scientific consensus that EMF exposure poses a health risk, as discussed in both the SEIR and the County's Environmental Thresholds and Guidelines Manual. Increased traffic associated with the proposed Project, including locally elevated traffic levels during construction, are described in Section 4.17 of the Draft SEIR. Most of the identified traffic impacts are considered significant but can be reduced to a less-than-significant level with the implementation of the mitigation measures presented in the SEIR.

40.3 The visual simulations presented in Section 4.2 of the Draft SEIR provide key representative views of the proposed Project. It is not feasible to prepare visual simulations from all possible vantage points nor is that necessary in order to characterize the Project's impacts on aesthetics and determine the significance of those impacts. In selecting locations for visual simulations, emphasis is placed on simulating views from public vantage points rather than private property as the County's Environmental Thresholds and Guidelines Manual emphasizes analysis of impacts on public views rather than private views. The visibility of the wind turbine generators and the Project's impacts on the aesthetics of the area are fully described in Section 4.2 and many of those impacts are considered significant. It is unlikely that the turbines would be visible from the residence at 3250 San Miguelito Canyon Road due to intervening terrain; however, views of some turbines may be possible from other parts of the property.

The impacts associated with noise generated by the wind turbines are described in Section 4.14 of the Draft SEIR. The noise impacts on nearby residences can be reduced to a less-than-significant level with the implementation of the mitigation measures presented in the SEIR.

40.4 The proposed Project's impacts on wildlife are discussed in in detail in Section 4.5 of the Draft SEIR. No significant impacts on deer populations are expected but impacts on some species of birds are considered significant. Please see the discussions of Impacts BIO-7 (Common Wildlife), BIO-8 (Nesting Birds), BIO-9 (Special-Status Wildlife), BIO-10 (Avian and Bat Collisions with WTGs), BIO-11 (Avian and Bat Collisions with Power Lines and Meteorological Towers), and BIO-12 (Avian Displacement from WTGs) for detailed analyses on the impacts from the Project on wildlife, including common wildlife and birds.

40.5 Thank you for expressing your concerns. Your comments will be shared with the County's decision makers.

Comment Set 41: Lynn Benhart-Bonham

06/10/2019
Lynn Benhart- Bonham
3250 Miguelito Canyon Road
83-270-01
805-680-1992

I am writing this letter on behalf of myself and my family, regarding the Strauss Wind Energy project.

My parents purchased our family ranch with the intentions of building a family home that would pass down through the generations. Our family has invested hundreds of thousands of dollars toward upkeep and building in preparation for that home. Now we are living with a fear that everything we have worked for is being threatened. **41.1**

One of my greatest concerns regarding this project is the risk of a catastrophic fire. Miguelito Canyon has but one road out; putting these turbines in will put my family at a much higher risk for disaster from a fire tunnel. As a mother, I cannot imagine trying to sleep at night knowing such a significant fire risk could threaten my children. **41.2**

Additionally, we are concerned about the loss of value to our property. The view from our property is what motivated us to choose it. If the turbines are put in, they will seriously obstruct our treasured view. I do not want to live in a home where we look out the windows and see wind turbines. **41.3**

It is crucial to acknowledge that the maps that are lain out in the Environmental Impact report do not include pictures of the turbines from our property, as they are only of the county road. It appears the impact to local residents has not even been considered with the placement of the wind turbines.

Please take the safety and well-being of my family and our neighbors into consideration regarding the wind turbine project. **41.4**

Thank you,
Lynn Benhart- Bonham

LABenham

Response to Lynn Benhart-Bonham

41.1 Thank you for expressing your concerns regarding the proposed Project. Your comments will be shared with the County's decision makers.

41.2 The Project's impacts related to fire hazards and emergency services are discussed in Section 4.8 of the Draft SEIR. The Draft SEIR identifies some of these impacts as significant but presents mitigation measures that would reduce impacts to a less-than-significant level. This mitigation includes preparation, approval, and implementation of a Fire Safety Plan for the Project that would reduce the likelihood of an accidental fire, require vegetation clear zones around structures, require fire-fighting equipment on site during construction, and provide for enhanced emergency communications.

41.3 Potential effects on property value are not evaluated in the SEIR as this is an economic impact rather than an environmental impact. Section 15131 of the State CEQA Guidelines states that the "Economic and social effects of a project shall not be treated as significant effects on the environment." The visibility of the wind turbine generators and the Project's impacts on the aesthetics of the area are fully described in Section 4.2 and many of those impacts are considered significant. It is unlikely that the turbines would be visible from the residence at 3250 San Miguelito Canyon Road due to intervening terrain; however, views of some turbines may be possible from other parts of the property.

41.4 The visual simulations presented in Section 4.2 of the Draft SEIR provide key representative views of the proposed Project. It is not feasible to prepare visual simulations from all possible vantage points nor is that necessary in order to characterize the Project's impacts on aesthetics and determine the significance of those impacts. In selecting locations for visual simulations, emphasis is placed on simulating views from public vantage points rather than private property as the County's Environmental Thresholds and Guidelines Manual emphasizes analysis of impacts on public views rather than private views.

Comment Set 42: Ellen Bonham

06/10/2019
Ellen Bonham
3250 Miguelito Canyon Road
83-270-01
805-588-1610

I am writing this letter on behalf of myself and my family, regarding the Strauss Wind Energy project.

My grandparents purchased our family ranch with the intentions of building a family home that would pass down through the generations. Our family has invested hundreds of thousands of dollars toward upkeep and building in preparation for that home. Now we are living with a fear that everything we have worked for is being threatened. **41.1**

One of my greatest concerns regarding this project is the risk of a catastrophic fire. Miguelito Canyon has but one road out; putting these turbines in will put my family at a much higher risk for disaster from a fire tunnel. As a mother with young children, I cannot imagine trying to sleep at night knowing such a significant fire risk could threaten my children. **41.2**

Additionally, we are concerned about the loss of value to our property. The view from our property is what motivated us to choose it. If the turbines are put in, they will seriously obstruct our treasured view. I do not want to live in a home where we look out the windows and see wind turbines. **41.3**

It is crucial to acknowledge that the maps that are lain out in the Environmental Impact report do not include pictures of the turbines from our property, as they are only of the county road. It appears the impact to local residents has not even been considered with the placement of the wind turbines.

Please take the safety and well-being of my family and our neighbors into consideration regarding the wind turbine project. **41.4**

Thank you,
Ellen Bonham

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Response to Ellen Bonham

42.1 Thank you for expressing your concerns regarding the proposed Project. Your comments will be shared with the County's decision makers.

42.2 The Project's impacts related to fire hazards and emergency services are discussed in Section 4.8 of the Draft SEIR. The Draft SEIR identifies some of these impacts as significant but presents mitigation measures that would reduce impacts to a less-than-significant level. This mitigation includes preparation, approval, and implementation of a Fire Safety Plan for the Project that would reduce the likelihood of an accidental fire, require vegetation clear zones around structures, require fire-fighting equipment on site during construction, and provide for enhanced emergency communications.

42.3 Potential effects on property value are not evaluated in the SEIR as this is an economic impact rather than an environmental impact. Section 15131 of the State CEQA Guidelines states that the "Economic and social effects of a project shall not be treated as significant effects on the environment." The visibility of the wind turbine generators and the Project's impacts on the aesthetics of the area are fully described in Section 4.2 and many of those impacts are considered significant. It is unlikely that the turbines would be visible from the residence at 3250 San Miguelito Canyon Road due to intervening terrain; however, views of some turbines may be possible from other parts of the property.

42.4 The visual simulations presented in Section 4.2 of the Draft SEIR provide key representative views of the proposed Project. It is not feasible to prepare visual simulations from all possible vantage points nor is that necessary in order to characterize the Project's impacts on aesthetics and determine the significance of those impacts. In selecting locations for visual simulations, emphasis is placed on simulating views from public vantage points rather than private property as the County's Environmental Thresholds and Guidelines Manual emphasizes analysis of impacts on public views rather than private views.

Comment Set 43: Jean Beattie

6-11-19

RESPONSE TO THE PROPOSED STROUSS WIND ENERGY PROJECT AND DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT.

ENVIRONMENTAL CONCERNS:

1. DISTURBANCE OF THE POTENTIALLY ACTIVE MT. TRANQUILLON VOLCANO AND THE ACTIVE SANTA YNEZ FAULT ZONE. REMEMBER THE ENTIRE AREA WAS UNDER THE OCEAN IN THE PAST. AT NIGHT I CAN FEEL THE VIBRATIONS OF TRAIN ON THE COAST. WHAT ABOUT THE MASSIVE VIBRATIONS OF 30 MONSTER WIND TURBINS?
2. CONTINUED VIBRATIONS CAUSE WILDLIFE TO LEAVE THE AREA.
3. TURBINS LOCATED IN THE "PACIFIC FLYWAY" A MAIN MIGRATION PATH FOR BIRDS. YOU CAN'T CHANGE MIGRATION – ONLY KILL THE BIRDS. YOU NEED TO CHECK WITH THE CONDOR TRACKING AS A RESIDENT SPOTTED ONE IN HONDA CANYON. APPROX - MAY 27. ALSO IN THE WEEK OF MAY 20 JAMES BEATTIE AND DAVID HOLLISTER WATCHED EAGLES FROM OUR ROAD 200 FT AWAY.
4. KILLING OF BATS WHO EAT MANY HEALTH RELATED BUGS (MOSQUITOS)
5. DESTRUCTION OF A PRISTINE CANYON WITH OAK TREES, TIGER LILIES AND PEACEFUL EXISTANCE!
6. MODIFICATIONS SHOULD BE REQUIRED TO PROTECT BIRDS + BATS!

43.1

RESIDENTIAL CONCERNS:

1. WHERE ELSE IN THE U.S.A. ARE WIND TURBINS DIRECTLY BUILT OVER AND NEAR RESIDENTIAL HOUSING? AND PRIVATE PROPERTY?
2. HEALTH CONCERNS TO RESIDENTS:
   - CONSTANT SOUND
   - EMF EFFECTS
   - HYPNOTIC EFFECTS
   - VIBRATIONS

   IF THE COUNTY APPROVES THIS PROJECT ARE YOU ALSO PROVIDING HEALTHCARE RESULTING FROM YOUR DECISION?
3. LOSS OF PROPERTY VALUES TO OWNERS AFFECTED

IT SEEMS THAT IF RESIDENTS SUFFER THESE THINGS THE COUNTY SHOULD COVER THE FINANCIAL BURDENS RESULTING FROM THEIR DECISION. RESIDENTS ARE INVISABLE IN THIS REPORT!

43.2

MIGUELITO CYN ROAD

NO DETAILED REPORT ON HOW OUR ENTRANCE WILL BE DONE AS THE CORNER IS TOO TIGHT. HISTORY OF OUR BRIDGE NEEDS TO BE COMMUNICATED TO "CHANGERS" AS IT BECAME CLOGGED UP IN THE PAST AND WE HAD TO DRIVE THROUGH 1½ FEET OF FLOOD WATER ON TOP OF THE BRIDGE.

43.3

ONE OF THE BASIC CONCERNS OUR COUNTY SHOULD BE THE PROTECTION OF OUR VOTING RESIDENTS AND THE ENVIRONMENT!!! THE PUBLIC SHOULD BE CONCERNED THAT A FORIEGN COMPANY IS PLANNING TO DAMAGE OUR ENVIRONMENT!

SINCERELY, JEAN D. BEATTIE

3765 SAN MIGUELITO RD.
LOMPOC, CA 93436

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JUN 14 2019
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PLANNING & DEVELOPMENT

Response to Jean Beattie

43.1 The potential for Project-generated vibrations to disturb an extinct volcano are too speculative for the SEIR to assess. Please note that the area is already subject to certain strong vibrations, including regular rocket launches at adjacent Vandenberg Air Force Base as well as periodic earthquakes. For more information about vibrations associated with the proposed wind turbines, please see the response to Comment 19.1.

Please see SEIR Section 4.5.1.3 for a description of bird and bat use in the area, and Impacts BIO-10 (Avian and Bat Collisions with WTGs), BIO-11 (Avian and Bat Collisions with Power Lines and Meteorological Towers), and BIO-12 (Avian Displacement from WTGs) for detailed analyses on the impacts from the Project on migratory and resident birds and bats from collision with Project features and aerial displacement. Condor use in the area is addressed in Section 4.5.1.4 under Occurrence Potential or Regulatory Status Revised Since the LWEP EIR, and condor tracking data was obtained from the USFWS as described in that section. Condors and eagles are among the species considered in the analyses identified above. General habitat impacts are addressed under Impacts BIO-1a (Vegetation and Wildlife Habitat Impacts during Construction) and BIO-1b (Vegetation and Wildlife Habitat Impacts during O&M) and impacts to oaks and oak woodlands are specifically addressed under Impacts BIO-2a (Construction Impacts to Woodland and Forest) and BIO-2b (O&M Impacts to Woodland and Forest). Please see General Response GR-2 regarding a bird-friendly Project alternative and General Response GR-5 regarding removal of oak trees.

43.2 The SEIR preparers have not researched the locations across the United States where wind turbines are located in close proximity to residences; however, there are several examples in California, including wind turbines in the Tehachapi-Mojave area of Kern County, near the community of Ocotillo in Imperial County, and in the San Gorgonio Pass area in Riverside County. Wind turbines have been installed on both private and public property.

The noise and vibration generated by the proposed Project is discussed in Section 4.14 of the Draft SEIR. These impacts are considered significant but can be reduced to a less-than-significant level with mitigation.

The comment raises health concerns, which were also expressed during public review of the LWEP EIR and during the scoping period for this SEIR. Accordingly, a large basis of literature is referenced in the analysis to set the thresholds of significance and the analysis relies on the established literature in determining the levels of ambient noise that should be allowable or achieved for protecting public health and welfare (Draft SEIR, pp. 4.14-5 to 4.14-8). No health-related impacts are anticipated. The SEIR preparers were not able to find any evidence of wind turbine generators having hypnotic effects.

Exposure to electric and magnetic fields (EMF) is discussed in Section 4.11 of the Draft SEIR and the impact analysis concludes that EMF exposure would not represent a significant impact. Please note that there is no scientific consensus that EMF exposure poses a health risk, as discussed in both the SEIR and the County's Environmental Thresholds and Guidelines Manual.

Potential effects on property value are not evaluated in the SEIR as this is an economic impact rather than an environmental impact. Section 15131 of the State CEQA Guidelines states that the

"Economic and social effects of a project shall not be treated as significant effects on the environment."

43.3 The proposed Project would not significantly change the hydrology of the area (see Draft SEIR Section 4.12.4, *Hydrology and Water Quality*). The required Storm Water Pollution Prevention Plan (SWPPP) would include best management practices (BMPs) to prevent erosion that might otherwise lead to the sedimentation of local channels and streams.

Comment Set 44: Alexandra Loos

From: Alex Loos <adornature@outlook.com>
Sent: Thursday, June 13, 2019 8:36 AM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Strauss Wind Energy Project – Comments on Draft Supplemental Environmental Impact Report

Dear Ms. Pfeifer:

I am concerned about the environmental destruction that will be caused by the subject wind farm.

The applicant has designed the project solely to achieve maximum electrical output from the wind farm. Reducing bird deaths by strategically locating the wind turbine generators (WTGs) **was not even considered**. This approach contradicts the State and Federal wind energy guidelines. Most wind farms that have been designed in the last few years in the United States have been designed to reduce avian mortality by properly locating WTGs. Strauss should be designed that way too! **44.1**

The project as proposed would destroy 607 mature oak trees. This is unacceptable! The County should change the project design to be more similar to the Lompoc Wind Energy Project (LWEP) that was approved 10 years ago. The County should devise an Environment-Friendly Alternative that would move some of the generators off of ridgetops and adjust the number and type of generators to meet the project's energy production goals. The County should hire an expert to help with the design who has experience in designing wind projects that protect birds and produce adequate power. **44.2**

The County should require the use of more of the smaller 1.79-MW wind turbine generators already proposed for use by the applicant. Using smaller WTGs would mean smaller blades that could be transported by helicopter or airship. Then San Miguelito Road would not have to be modified, eliminating the destruction of 158 mature oak trees. **44.3**

The County should change the transmission line design to that which was proposed for LWEP. That alone would eliminate the destruction of 62 mature oak trees. **44.4**

Thanks for considering my comments.

Best regards,

Alexandra Loos
PO Box 6114
Santa Barbara, CA 93160

Publicity Chair, Santa Barbara Audubon Society
www.SantaBarbaraAudubon.org

Response to Alexandra Loos

44.1 Thank you for expressing your concerns regarding the Project's impact on birds. Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines.

44.2 The Draft SEIR describes the impact associated with the loss of oak trees in the discussion of Impact BIO-2a in Section 4.5. Also, please see General Response GR-5: Removal of Oak Trees. The Modified Project Layout alternative would substantially reduce the number of oak trees that would need to be removed. The commenter does not indicate why the previous Lompoc Wind Energy Project would be preferable to the proposed Project, so it is not possible to formulate a specific response to this statement. Alternatives capable of reducing some of the significant impacts of the proposed Project are discussed in Chapter 5 of the Draft SEIR. Regarding a bird-friendly alternative, please see General Response GR-2.

44.3 The blades of the proposed wind turbine generators, including the 1.79-MW model, would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR.

44.4 Please see General Response GR-5: Removal of Oak Trees. The transmission line alignment was modified after the Project application was submitted to the County in order to reduce the number of oak trees that would need to be removed. The original alignment would have required the removal of an estimated 595 oak trees while the revised alignment would require the removal of 62 oak trees. Please note the Lompoc Wind Energy Project may also have required the removal of oak trees along San Miguelito Road although likely substantially fewer than the proposed Project. Section 2.4.3 of Lompoc Wind Energy Project Final EIR states that because the need for tree removal along San Miguelito Road "cannot be established with certainty until the specific characteristics of the transport vehicles have been determined, the analysis assumes that some road widening, grading, tree removal, and tree trimming would be needed."

Comment Set 45: John Callender

June 13, 2019

Kathy Pfeifer
Santa Barbara County Department of Planning & Development
123 East Anapamu Street
Santa Barbara, CA 93101-2058

Dear Ms. Pfeifer:

I appreciate the opportunity to comment on the Draft SEIR for the Strauss Wind Energy Project. I also contributed input to the Santa Barbara Audubon Society/La Purisima Audubon Society comments, and it's likely there is some overlap between these comments and those. This letter, though, represents my personal views.

I have comments on the following areas:

- public access
- effects on recreation
- elimination of the 82.5-MW alternative

Public Access

The DSEIR, Project Description, Section 2.5.9, "Public Access", p. 2-34, states:

> During the construction, and possibly during the operational phase of the Project, the Project operator and landowners using San Miguelito Road and Sudden Road beyond their intersection may request the County to close these roads to public travel. Only the landowners involved in the Project and VAFB would use these roads. A turnaround area would be provided at the end of the public road near the entrance of the Project. This Project component would benefit Project safety and security.

This discussion is vague and incomplete, in that it fails to adequately describe

potential impacts to public access and recreation.

The section of road in question is roughly two miles long. It descends to the north and follows the floor of an agricultural valley, passing a large stand of mature eucalyptus trees and ending at the Vandenberg AFB boundary next to the Honda Creek riparian corridor. This stretch of road is regularly used by birdwatchers and sightseers. The road's quiet, isolated, rural character; its proximity to habitat used by sensitive species; and the way it dead-ends at the extensive undeveloped land of Vandenberg AFB (which tends to minimize other uses of the road), all combine to create a significant recreational resource.

Among the shortcomings in this part of the document are the following:

- The DSEIR does not explain how closing the public road would benefit project safety and security. **45.1**
- There is no discussion of how the County would decide whether or not to close the road if a request that it do so were made.
- There is no discussion of the closure's likelihood.
- There is no discussion of the adverse impact such a closure would have on recreation.

The closure of San Miguelito Road beyond Sudden Road would "contribute to the long-term loss or degradation of a recreational use." According to the County's discussion of "Significance Thresholds" (p. 4.16-1), this loss of public access would constitute an adverse impact in the "Recreation" category. It should be included in the SEIR's list of impacts.

Effects on Recreation

A significant failing in the Draft SEIR is that the document does not adequately address recreation impacts during the project's operational phase, after initial construction is complete. The Draft SEIR mentions those impacts in the following passage (Section 4.16.4, "Environmental Impacts and Mitigation Measures", pp. 4.16-2 and 4.16-3):

> Following the 10-month construction schedule, San Miguelito Road would be fully accessible to recreational groups such as the LVBC, LVDC, and SBAS. Birding activities at Miguelito County Park and along San Miguelito Road would no longer be affected by the temporary construction-related noise impacts. Therefore, the physical use of the Project area would remain fully accessible to informal recreation (i.e., cycling, running, birding, sightseeing) during Project operation.

This treatment of post-construction recreational impacts is inadequate. The site's recreational value is not just about physical access, but about the unique characteristics of the site. That recreation would no longer be affected by construction-related impacts during the operation phase is true, but it is misleading for the document to imply that construction-related noise and access restrictions would be the only significant adverse impacts for informal recreation. **45.1** *cont.*

Currently the site has a quiet, rural character, with a relative lack of traffic and activity and access to species that are sensitive to human presence. During the operational phase of the project those characteristics of the site would be dramatically altered. It would be the scene of intensive, large-scale energy production and transmission, with wind turbine generators, pad-mount transformers, a substation control building, switchyard, O&M facility building, meteorological towers, and transmission line poles. There would be a dramatic increase in human activity.

This change to the site's character would create a significant ongoing recreation impact. It should be listed as such in the SEIR.

82.5-MW Project Alternative

Three out of the eight Class I (significant and unavoidable) impacts of the project are due in whole or in part to the widening of San Miguelito Road. Because of that, the SEIR should explore in detail ways to avoid those impacts, including by exploring alternatives (besides the No Project alternative) that do not require road widening. **45.2**

One of the alternatives that was initially considered was the "82.5-MW Wind

Energy Project" alternative. This alternative is based on the environmentally superior alternative identified for the original LWEP EIR. That alternative did not require widening of San Miguelito Road.

Section 5.4.1 of the Draft SEIR discusses the decision-making process that led to that alternative being eliminated from the current project's SEIR. That discussion is vague, leaving unclear what specific reason or reasons were the basis for eliminating the alternative. The Draft SEIR says:

> Although this alternative was previously analyzed, there are reasons why this alternative either would not be feasible today, would not meet Project objectives, or would result in certain adverse impacts that would not occur with the proposed Project. This alternative would not generate the 102 MW of power intended by the proposed Project, which would not allow the Project to meet the terms of its Power Purchase Agreement and would likely have an adverse effect on the financial viability of the Project.

45.2 *cont.*

The wording of the first sentence in this passage is remarkable. From a logical standpoint it fails to identify any specific reason why the alternative actually was eliminated. Instead it merely raises the possibility that any of three types of reasons may have been involved.

This explanation is inadequate. The elimination of the 82.5-MW project alternative was a hugely consequential act — arguably the most consequential act in the document's creation. Because of the many Class I impacts associated with the San Miguelito Road widening, the 82.5-MW alternative, if it were included, would likely have been identified as the environmentally superior alternative. Accordingly, the discussion of its elimination should clearly state how that decision was made, rather than using fuzzy wording that obscures, rather than clarifies, the basis of the decision.

By treating the applicant's stated goal of a 102-MW facility as representing "the fundamental underlying purpose of the Project" (Draft SEIR, p. 5-2), and eliminating all alternatives that would produce less power, the SEIR falls short of adequately presenting a "range of reasonable alternatives… which would

feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project" (State CEQA Guidelines §15126.6(a), as quoted in the Draft SEIR p. 5-1). The county cannot simply act as the applicant's agent, making the achievement of the applicant's preferred goal an absolute requirement. The county has a duty under CEQA to represent the interests of the public, including by analyzing reasonable alternatives that reduce adverse impacts, even when those alternatives are less profitable for the applicant.

The Draft SEIR presents three possibilities for why the reduced-power alternative might have been eliminated from detailed analysis (infeasibility, failure to meet Project objectives, or adverse impacts that would not occur with the proposed Project), but (again) does not explain how those possible reasons actually factored into the decision. Each of those possible reasons deserves a more specific and careful discussion than the Draft SEIR provides. **45.2** *cont.*

The Draft SEIR raises the possibility, but does not specifically state, that an 82.5-MW project would be **infeasible** today. This conclusion is questionable. An 82.5-MW project was considered feasible at the time the County certified the LWEP EIR in 2009. What has changed during the past 10 years that makes such a project infeasible today? The SEIR should discuss this in more detail.

The Draft SEIR also raises the possibility, but does not specifically state, than an 82.5-MW project would "**not meet project objectives**." Under CEQA guidelines, though, an alternative does not need to meet all of a project's objectives, but only most of them. An 82.5-MW version of the project would produce 81% of the power of the proposed 102-MW version. Why would an alternative that produces 81% of the power of the proposed project not be able to meet most of the project's objectives? The SEIR should explain in more detail.

Finally, the Draft SEIR raises the possibility, but does not specifically state, that **adverse impacts** would be caused by the 82.5-MW alternative that would not be caused by the 102-MW project. What would those adverse impacts be? It seems likely that any such impacts would be outweighed, perhaps dramatically so, by

45.2 *cont.*

avoidance of the Class I impacts associated with road widening. As a result, a good-faith assessment of the adverse impacts specific to each alternative would likely favor *including* the 82.5-MW alternative, rather than excluding it. The SEIR should explain in more detail how the adverse impacts of the 82.5-MW alternative were evaluated, and why the substantial benefits of that alternative compared to the 102-MW alternatives do not outweigh those adverse impacts.

Thank you.

John Callender
4466 Mesa Lane
Carpinteria, CA 93013
(805) 455-0053
jbc@jbcsystems.com

Response to John Callender

45.1 The changes to the characteristics of the Project site and surrounding area are discussed throughout the Draft SEIR, including changes related to aesthetic characteristics, noise, traffic, and wildlife, which are mentioned by the commenter. The discussion of recreation impacts has been revised in Section 4.16 of the Final SEIR to ~~consider~~ expand on Project impacts on the recreational experience. In addition, the SEIR describes the physical changes associated with Project implementation and how those changes would affect the environment.

Section 2.5.9 of the Draft SEIR mentions the possibility of closing San Miguelito Road and Sudden Road beyond their intersection during Project operation. While the possibility for these road closures was proposed by the Applicant, the County has decided not to consider these road closures as part of the proposed Project and the Applicant has agreed to this. Therefore, the text describing the possibility of these road closures as part of the proposed Project has been deleted from Section 2.5.9 of the Final SEIR. These possible permanent road closures are no longer part of the proposed Project.

45.2 Section 5.4.1, *82.5-MW Wind Energy Project*, has been revised and expanded in the Final SEIR to better explain why it has been eliminated from further review.

While the LWEP EIR did not attempt to determine the exact extent of road widening and tree removal that might have been required to implement that project, it is true that substantially fewer oaks would have needed to be removed along San Miguelito Road than the proposed Project due to the shorter blades proposed for the LWEP.

It is a primary objective of the proposed Project to construct a wind energy facility capable of generating approximately 102 MW of power. This level of generating capacity is necessary for the Applicant to fulfill the terms of the Project's power purchase agreement. Therefore, failing to

construct a project capable of generating this amount of power would fail to fulfill the Project's underlying purpose. Section 15124 of the State CEQA Guidelines states "The statement of objectives should include the underlying purpose of the project…" An 82.5-MW wind energy project would fall far short of achieving the Project's underlying purpose.

The Draft SEIR analyzes a reasonable range of alternatives. There is no requirement to analyze all feasible alternatives (see State CEQA Guidelines Section 15126.6), including all possible alternatives capable of reducing environmental impacts. The fact that the commenter believes that other alternatives should have been analyzed does not mean that a reasonable range of alternatives was not analyzed. Please see General Response GR-1: Reasonable Range of Alternatives.

Comment Set 46: Jessica Altstatt

From: Jessie Altstatt <jessie.altstatt@gmail.com>
Sent: Thursday, June 13, 2019 10:59 PM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Strauss Wind Energy Project – Comments on Draft Supplemental Environmental Impact Report

Dear Ms. Pfeifer:

I am writing to provide brief commentary on the Strauss Wind Energy Project. I did provide public comment at the hearing on May 30. This note is to reinforce my belief (and my public commentary) that the DSEIR is inadequate due to the large number of Class 1 impacts. After even more review (with a hardcopy of the DSEIR) I actually now think that the current proposed project is too dissimilar to the original LWEP to only require a Supplemental document. An entirely new EIR document should be prepared, unless there is a new alternative option on the table that mirrors the size, scope and footprint of the LWEP as approved. **46.1**

This new alternative option should adhere to State and Federal wind energy guidelines for placing WTGs to minimize avian mortality, as most wind farms designed in the last few years in the United States have done. **46.2**

A new alternative that mirrors the key elements and components of the LWEP could use more, but smaller, WTGs, and thus would not require the straightening of San Miguelito Road as the blades could be brought in by air. Re-engineering this road along with the destruction of 158 mature oak trees would forever change its' scenic beauty. There are few roads that can produce such awe of natural surroundings that this road does currently. Please don't let this project destroy it. **46.3**

I find it unacceptable that the project as proposed would require the removal of an estimated 607 mature oak trees, and many more trees, shrubs and endangered plants. Frankly this proposal is insulting given the County's history of preserving oaks and sensitive habitat. I also find that some of the bird survey work was insufficient to support the claims made in the DSEIR regarding raptor, kite and grasshopper sparrow use of the area. Because of this, I think that there needs to be another alternative on the table, one that actually balances energy production with the **46.4**

environment. Or, the applicant needs to submit an entirely new DEIR and not just a supplement as this current project is too different from the LWEP that was approved 10 years ago.

Thank you for the opportunity to comment on this project, and I appreciate the work that you do for all of us County residents.

Sincerely,
Jessica Altstatt
Goleta CA 93117

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Jessica Altstatt

Response to Jessica Altstatt

46.1 The Draft SEIR cannot be considered inadequate due to the number of Class I impacts identified in the document. It is the purpose of an EIR, or in this case a SEIR, to identify and describe significant impacts.

A Supplemental EIR contains the same content that is required for a regular EIR, but it does not need to unnecessarily repeat relevant information contained in the original EIR. A Supplemental EIR also has the same noticing and public review requirements as a regular EIR. The SWEP SEIR contains all the components found in a regular EIR, including: a summary; project description; descriptions of existing environmental conditions; analyses of all significant direct, indirect, and cumulative impacts; mitigation measures; and analysis of a reasonable range of feasible alternatives. There is nothing missing or deficient in comparison to a regular EIR and, therefore, there is no substantive reason to object to the preparation of a Supplemental EIR for the proposed Project. Please General Response GR-6: Use of a Supplemental EIR.

46.2 Please see General Response GR-3: Consistency with State and Federal Guidelines.

46.3 Thank you for your suggestion. The Draft SEIR acknowledges and describes the proposed Project's impact on oak trees in the discussion of Impact BIO-2a in Section 4.5, Biological Resources. Also, please see General Response GR-5: Removal of Oak Trees. The Draft SEIR analyzes the aesthetic impacts of the proposed Project, including impacts along San Miguelito Road from the removal of oak trees. As described in the discussion of Impact VIS-7, the loss of oak trees along San Miguelito Road would be a significant and unavoidable impact.

46.4 Thank you for expressing your opinion regarding the proposed Project. Your concerns will be shared with the County's decision makers. The commenter does not provide a reason for stating that the bird survey work was insufficient, so it is not possible to formulate a specific response to this comment. Avian and bat site use and migration patterns are described in detail in Section 4.5.1.3 of the Draft SEIR and Section 3.5.3 of the LWEP EIR, and in 13 technical reports contained in Appendix A of the Biological Technical Report (Appendix C-2 of the Draft SEIR). In addition, see Appendix C-8 for the results of avian surveys completed after the publication of the Draft SEIR. The County believes that an appropriate level of data collection has occurred over the last decade, and enough information is available to draw CEQA significance conclusions regarding the Project's impacts to birds and bats and other biological resources.

The proposed Project is substantially similar to the previous Lompoc Wind Energy Project as both projects are wind energy facilities located on the same site with substantially similar facilities (wind turbine generators, substation, O&M facility, power collection lines, 115-kV transmission line, and substation). These substantial similarities make preparation of a Supplemental EIR an appropriate choice in order to build upon and update the information and analysis about constructing a wind energy facility at this site, and to also avoid unnecessary duplication of information and analysis in the Lompoc Wind Energy Project EIR. The SWEP fits the situation defined in Sections 15162 and 15163 of the State CEQA Guidelines for preparation of a Supplemental EIR, including the situation in which "Substantial changes are proposed in the project which will require major revisions of the previous EIR". Please see the response to your first comment regarding the required content of a Supplemental EIR.

Comment Set 47: Bill and Dolores Pollock

From: Dolores Pollock <dolores.pollock@verizon.net>
Sent: Thursday, June 13, 2019 9:14 PM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Strauss Wind Energy Project

Dear Kathy,

My husband and I are writing to express concern for birds if the Strauss Wind Energy Project proceeds. We are very supportive of green energy but insist on strong protections for birds. As we move to protect one part of the environment, we don't want to destroy another. **47.1**

The siting of the proposed turbines on ridge lines seems particularly risky for birds. **47.2**

I am writing separately as President of Santa Barbara Audubon, but we wanted to express our private concerns as well.

We hope the County can learn from other wind farms around the country/world and maintain its strong reputation for caring for the environment while moving forward to renewable energy. **47.3**

Thank you for your attention to this important matter.

Sincerely,
Bill and Dolores Pollock
5553 Camino Cerralvo
Santa Barbara,CA 93111
805-681-8661

Response to Bill and Dolores Pollock

47.1 Thank you for expressing your concerns. Your concerns will be shared with the County's decision makers.

47.2 Relocating WTGs below ridgelines was considered as an alternative in Section 5.3 of the Draft SEIR. As discussed in Section 5.4.5, this alternative was eliminated due to its potential to disturb vegetation and wildlife on lower slopes. Constructing WTG pads and additional access roads would increase environmental impacts in lower-elevation locations that are more heavily vegetated. It would also require substantially more earth movement than the proposed Project. There is also little evidence to indicate that this would be effective in reducing avian mortality. Further, most of the proposed WTGs are not located on or very near to prominent ridgelines. Please see General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative.

47.3 Thank you for expressing your concerns and opinions. Your comments will be shared with the County's decision makers.

Comment Set 48: Cherie Topper

CHERIE TOPPER

46 Olive Mill Road Santa Barbara CA | cherie.topper@gmail.com

Ms. Kathy Pfeifer, Planner
Santa Barbara County Planning and Development 123 E. Anapamu Street
Santa Barbara, CA 93101 kathypm@countyofsb.org
RE: Strauss Wind Energy Project – Comments on Draft Supplemental Environmental Impact Report

Dear Ms. Pfeifer:

I am concerned about the environmental destruction that will be caused by the subject wind farm, and feel that the DSEIR for this project does not adequately address its many issues. While I am a staunch supporter of alternative energy, I think that this project, with a design that completely ignores available environmentally sound methods and technologies, sends the wrong message to both the wind industry and to the citizens of Santa Barbara County. **48.1**

- The project as proposed would destroy 607 mature oak trees. Why do this when a simple alternative is available (smaller turbines that can be transported by air and rerouting of power lines), that would save nearly 200 of these trees. **48.2**
- The project as proposed would result in a very high avian kill rate due to the fact that designers did not even consider already proposed designs that would result in less bird mortality, nor did they consider implementing proven technologies like IdentiFlight, that are successfully used on other wind farms. **48.3**

Why, in an enlightened community like Santa Barbara, would such a project be implemented without consideration for minimizing impact to wildlife and habitat, when feasible alternatives are available? **48.4**

Sincerely,

Cherie Topper

Response to Cherie Topper

48.1 Thank you for expressing your concerns. The commenter does not indicate how the Project "ignores available environmentally sound methods and technologies," so it is not possible to formulate a specific response to this comment. Your concerns will be shared with the County's decision makers.

48.2 The Draft SEIR acknowledges and describes the proposed Project's impact on oak trees in the discussion of Impact BIO-2a in Section 4.5, Biological Resources. Also, please see General Response GR-5: Removal of Oak Trees.

48.3 The Project's impacts on birds are described in the discussion of Impact BIO-10 in Section 4.5 of the Draft SEIR. This is considered a significant and unavoidable impact of the Project, although a robust mitigation strategy is proposed in the SEIR to reduce this impact as much as possible. In addition, MM BIO-15b has been revised to require the use of adaptive control technology such as IdentiFlight prior to operation of the Project. The commenter does not describe the "already proposed designs that would result in less bird mortality," so it is not clear what the commenter is referring to. If the commenter is referring to the LWEP, please note that the LWEP also had significant and unavoidable impacts to birds/bats and that the LWEP had 35 more turbines than the proposed SWEP. See the response to Comment 34.2 regarding the effects of turbine size on breeding bird abundance and General Response GR-4: Use of More and Smaller Turbines.

48.4 Thank you for expressing your concerns. Considerations for minimizing impacts to wildlife and habitat are discussed extensively in Section 4.5 of the Draft SEIR and feasible alternatives are discussed in Chapter 5 of the Draft SEIR. The commenter raises two issues regarding the proposed Project's impacts – avian mortality due to collisions with turbines, and loss of oak trees. Please note that the Project's design has attempted to balance these effects. Smaller turbines, similar to the site plan proposed for the LWEP, would result in a reduction of oak tree loss. However, if the Project employed smaller turbines, it would require more of them to meet the required operation output (e.g., LWEP proposed 35 more turbines than SWEP). As stated in the response to Comment 34.2, more, smaller turbines would potentially result in greater avian mortality. In addition, adding turbines to the site plan would substantially increase ground disturbance and impacts to sensitive vegetation and special-status species including the federally and state-listed Gaviota tarplant. See also General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative, GR-4: Use of More and Smaller Turbines, and GR-5: Removal of Oak Trees.

Comment Set 49: Karen Osland

Kathy Pfeifer, Planner June 14, 2019
Santa Barbara County Planning & Development
123 East Anapamu Street
Santa Barbara, CA 93101

Re: Strauss Wind Energy Project Draft Supplemental Environmental Impact Report, County EIR Number 18EIR-00000-0001, State Clearinghouse Number 2018071002. April 2019.

Dear Ms. Pfeifer,

I have reviewed the Strauss Wind Energy Project Draft Supplement to the Lompoc Wind Energy Project EIR and would like to provide the following comments:

Summary of Impacts;
Pg. S.6. Table S-1. Summary of Impacts, Development Standard/Mitigation, and Residual Impacts Impact Mitigation Measures, states:

" Impact VIS -7. San Miguelito Road will require many improvements through the 2.5 miles in the canyon at the project site. These include cuts into the hillside, radius improvements, brush and tree removal. There are 30* curves that require some sort of improvement. Mitigation, VIS-4. Is a "Landscape and Lighting Plan". Residual Significance is Class One.
.*note in section 2.6.3 San Miguelito Road Modifications the EIR states "The Applicant identified 34 sections along the road outside the Project site boundaries that would require modifications. "*

Comment: Throughout the EIR construction impacts to San Miguelito Road are a referred to as "improvements" and occasionally as "modifications". These impacts are only "improvements " from the point of view of the proponent. An EIR should be a neutral document that allows the reader to make an informed judgement on the impacts of a project and descriptions of these impacts should be accurate and neutral. It is diffult to understand how an impact that remains a Class One after "mitigation" can be considered an improvement to present existing conditions. **49.1**

2.0 Project Description
In Table 2-1. Comparison of Lompoc Wind Energy Project and SWEP, the Construction and impacts to San Miguelito Canyon Road are called out separately from construction impacts to the project site, project area, and transmission line corridor. Miguelito Road is also discussed separately in section 2.6.3, San Miguelito Road Modifications, and in Table 2-10 and 2-11.

However, tables 2-7 and 2-8 list access roads only and do not call out San Miguelito Road. In 2.7.2 Road Maintenance it is clear from the context that only onsite access roads are being considered (unless the proponent is promising to maintain San Miguelito Canyon Road).

Comment: Throughout most of the EIR it is difficult to determine if impacts to San Miguelito Road, a public, County road are being included any discussion of the project's access roads, most of which are on private property. This makes it difficult for the reader to assess the true impacts to the Visual Scenic qualities* of Miguelito Road and to the Riparian Vegetation, Oak Woodland, and Wetlands present along the road. It is also hard to determine impacts to Frick Springs, one of the City of Lompoc's water sources. **49.2**
**Under Aesthetics/Visual Resources one KOP #13 does address impacts to one of the 34 curves to be removed, pg. 4.2-11.*

4. 2 Aesthetics/Visual Resources

Pg. 4.2-23. "Table 4.2-2, SWEP Impact and Mitigation Summary – Aesthetics/Visual Resources

Impact VIS-7 San Miguelito Road Landscape. Vehicular transport of Project components would require road widening and tree removal that could alter the landscape characteristics along portions of San Miguelito Road. Mitigation Measure MM VIS-4 Landscape and Lighting Plan. Significance Conclusion is a Class one Significance."

"Mitigation Measure MM VIS-4 Landscape and Lighting Plan. See the discussion of Impact VIS-1 above. Page 4.2-19. (VIS-1 WTG Visibility. Construction and operation of the WTGs and related structures have the potential to be visible in the vicinity of the Project.)"

Comment: Mitigation Measure MM VIS-4 was developed for possible adverse impacts from WTG visibility which is considerably different than the adverse impacts to the scenic quality of San Miguelito Canyon Road. A Landscape plan specific to the impacted section of Miguelito Road should be developed for this project. **49.3**

Section 4. 5 Biological Resources

4.5.1.5 Wetlands and Other Sensitive Aquatic Features
Pg. . 4.5-30. "Santa Ynez Watershed. "one swale, which continues downslope and out of the Project area further to the north, eventually connecting to Santa Lucia Canyon, which discharges into the Santa Ynez River approximately 6.5 miles north of the Project area."

Comment: Any drainages on the north slopes of the project that drain to the north will not connect with Santa Lucia Canyon. Santa Lucia Canyon is on the north side of the Santa Ynez River. The project location is on the south side. **49.4**

4.5.4 Environmental Impacts and Mitigation Measures

Comment: The discussion of impacts in this section is general in nature. It is not clear as to which area of the project is under discussion. There are considerable differences between the project site, area, transmission corridor and the impacted area of Miguelito Canyon Road. Therefore, it is impossible to evaluate the projects specific impacts or adequate, realistic, mitigation measures. **49.5**

Comment: Dudek's biological survey notes one population of Ocellated Humboldt lily located outside of the project area. A population of this lily did exist at least up to two years ago on the east side of Miguelito Canyon within the impact area of San Miguelito road (personal observation). This population was also noted by Vern Human. (Vernon L. Human "A Rambler's Guide to the Roadside Plants of Miguelito Canyon, Lompoc California The Chaparral Press, Lompoc California, December 5, 1993.) **49.6**

Section 4.6 Archaeological and Tribal Cultural Resources.

Comment: The sections on Cultural Resources in both the Lompoc Wind Energy Project (LWEP) and in the Strauss Wind Energy Project (SWEP) are incomplete.

49.7

Any discussion of possible Historic Resources is completely lacking. There is also no indication in the references listed in either the LWEP or the SWEP that any attempt was made to research possible Historic Resources within or near the Project Area. This includes both San Miguelito Canyon and Honda Canyon and the Transmission line corridor.

The original La Purisima Mission was located near the mouth of Miguelito canyon. Mission gardens and vineyards were located within the canyon and a stone lined irrigation canal brought water from springs in Miguelito Canyon. In addition, the Mission obtained lime from a site within the approximately four miles south of the intersection of Willow and I Street. References are also made in the literature of a wagon road that led to the Mission lands on coast. This road went through Miguelito Canyon to beyond La Tinta.

Miguelito Canyon also played an important part in the Anglo settlement of the Lompoc Valley in 1875. Numerous farms and Dairy ranches were in existence in both Miguelito and Honda Canyons, as were several schools. Frick Springs was the original water source for the City of Lompoc. It is still in use as a City of Lompoc Municipal water supply.

Reference material on both the Mission and Miguelito/Honda Canyons is readily available and can be obtain with minimal effort.

4.6 Archaeological and Tribal Cultural Resources

Pg. 4.6-9. Table 4.6-2 lists 10 archaeological sites that are potentially eligible for the National Register, but have not yet been evaluated. Nine of these archaeological sites will be impacted by the development of the project. Table 4.6-3 indicates that they will be evaluated prior to ground disturbance (but after completion CEQA). Table 4.6-4. SWEP Impact and Mitigation Summary – Cultural and Tribal Resources impact CULT 1 states that project impacts to the nine unevaluated sites will be mitigated to a Class 11, “less than significant impact”.

Comment: This postponement of the site evaluations until after the completion of the EIR process does not allow for enough information to make an informed decision on the adequacy of the site evaluation or proposed mitigation measures. **49.8**

4.12 Hydrology and Water Quality
4.12.1 Environmental Setting Surface Water Pg. 4.2.1

Comment. The statement is made that “Frick Springs is a source of water for several residences in Miguelito Canyon and Miguelito County Park. “ Frick Springs has been and continues to be a source of municipal water supply for the City of Lompoc. Its use is not limited to several residents in Miguelito Canyon and the Miguelito County park. **49.9**

4.17 Transportation and Traffic

Comment: There is no discussion in the EIR that addresses the fact that the only way in and out of Miguelito canyon for the approximately 200 residents living in Miguelito Canyon is by San Miguelito Road. There are no options for detours if the road is blocked by large transport vehicles. This is a life and safety issue. The proponent knows how many blades/turbine parts **49.10**

must be brought into the canyon, the speed at which the vehicles will be traveling and the number of vehicles. A well thought out project should know at this stage how long Miguelito Canyon might be blocked, the exact dates are not necessary. Will the road be blocked for an hour or twenty -four hours? If residents need to be in town during equipment deliveries and road blockage will they need to get a motel room? Will the proponent pay for it?

Development of a Transportation Plan in which the residents living in the Canyon have no input or ability to review is not mitigation for this safety and quality of life issue. Neither is the statement that those affected will get a weeks' notice.

Please provide an estimate of how long San Miguelito Road might be blocked during turbine/blade transport.

Sincerely,

Karen Osland
1383 San Miguelito Road,
Lompoc Ca 93436

kosland@comcast.net.
805-736-3743

Response to Karen Osland

49.1 The term "improvement" is commonly used to describe the construction of new or modified infrastructure, such as roadways. The term is not used to indicate that the proposed changes to San Miguelito Road would make the road better. The Draft SEIR is neutral on this point. The Draft SEIR focuses on describing the impacts of the proposed modifications to the road to accommodate the proposed Project.

49.2 When discussing impacts along San Miguelito Road, the Draft SEIR usually makes specific reference to that roadway. Impacts to wetlands and riparian habitat along San Miguelito Road are included in the analysis presented for Impact BIO-3 (Wetlands, Seeps, and Springs, and Features Subject to Regulation by the USACE, Santa Barbara County, or CDFW). Impacts to oaks along San Miguelito Road are shown in Table 4.5-4 (Impacts to Trees). Table 4.5-3 (Impacts to Vegetation and Landforms) identifies vegetation impacts along San Miguelito Road under the column "Road Modifications". The Project is not anticipated to have any impact on Frick Springs. The visual simulations presented in Section 4.2 of the Draft SEIR provide key representative views of the proposed Project. It is not feasible to prepare visual simulations from all possible vantage points nor is that necessary in order to characterize the Project's impacts on aesthetics and determine the significance of those impacts. In selecting locations for visual simulations, emphasis is placed on simulating views from public vantage points rather than private property. The Project's impacts on the aesthetics of the area are fully described in Section 4.2 and many of those impacts are considered significant.

49.3 The Landscape Plan portion of MM VIS-4 applies to all disturbed areas including San Miguelito Canyon Road, as is noted under Impact VIS-7: San Miguelito Road Landscape.

49.4 Thank you for your comment regarding the location of Santa Lucia Canyon. The description of the watersheds and sub-watersheds in the Project area are from the Jurisdictional Delineation Report in Appendix C-4 of the Draft SEIR, which determined that the northwestern portion of the survey area is within the mapped boundaries of the Santa Lucia Canyon-Santa Ynez River sub-watershed of the Santa Ynez Watershed. The text has been revised to clarify the location of Santa Lucia Canyon.

49.5 Some impacts are general in nature while others are more specific. The Draft SEIR is written to provide information related to impacts on the environment and does not attempt to identify impacts on specific properties. See also the response to Comment 49.2 regarding impacts along San Miguelito Road.

49.6 Thank you for this information. The population of Ocellated Humboldt lily referenced by the commenter was not identified during Project surveys; however, the potential for this species to occur within the Project footprint was disclosed and mitigated for in the Draft SEIR. See Section 4.5.1.4, *Endangered, Threatened, Rare, and Other Sensitive Species – Special-Status Plants*; Impact BIO-6 (Other Special-Status Plants); and MM BIO-5 (Pre-construction Rare Plant Surveys and Restoration).

49.7 Thank you for the important information on potential historic resources. The information on historic resources for the SEIR was gathered through numerous surveys and records searches by others, the most recent being Dudek (2018). The existence of the stone aqueduct was noted previously in comments by Larry Spanne, but its known and suspected locations were well beyond the locations of transmission line pole sites north of the Frick Spring complex. The SEIR includes mitigation measures on how to address inadvertent discoveries of historic resources, which the uncovering of a portion of the aqueduct or any additional Mission Period or early American Period historic features would entail. The sensitivity of this potential resource will be emphasized in Section 4.6.1 the Final SEIR.

49.8 The nine sites were recently the subject of a testing program. The results have been incorporated into the Final SEIR with detailed mitigation measures in Section 4.6.

49.9 Thank you. The information about Frick Springs has been clarified in the Final SEIR.

49.10 Safety impacts due to the use of San Miguelito Road for delivery of equipment and materials to construct the Project are described in the discussion of Impact TC-2 in the Draft SEIR and impacts associated with road blockages and traffic delays are described in the discussion of Impact TC-4. Implementation a Traffic Management Plan (Mitigation Measure TC-1) would address these issues and reduce impacts to a less-than-significant level. Your concerns will be shared with the County's decision makers.

Comment Set 50: David and Janice Levasheff

June 14, 2019

Ms. Kathy Pfeifer
Planner Santa Barbara County Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101
kathypm@countyofsb.org

Subject: Comments on the Draft Supplemental Environmental Impact Report (DSEIR) for the Strauss Wind Energy Project

Dear Ms. Pfeifer:

We are long-time county residents and wish to share our thoughts on the subject DSEIR.

As currently proposed, the placement of the wind turbine generators and the modification to San Miguelito Road are deeply concerning. Please consider, or hire a design expert who could consider, alternatives to the number and type of generators as well as their location and that of the transmission lines. This could be done in ways that would be more environmentally friendly to wildlife and their habitat yet still support the project's energy production goals. **50.1**

A few examples:

• Please replace the large wind turbine generators with the smaller 1.79-MW models already proposed, thus allowing for transport by helicopter and eliminating the need to modify San Miguelito Road. **50.2**

• Please ensure all wind turbine generators and transmission lines are placed in locations that will minimize the likelihood of bird collisions and other adverse impacts to wildlife. **50.3**

• Please also consider using technology such as sensors that would temporarily stop a generator if they detect that birds on a collision course with it. **50.4**

The County's effort to explore alternative energy is greatly appreciated. The effort you have put into this complex project to date is commendable. Please ensure, though, that this project's design and implementation will minimize habitat destruction and wildlife hazards, now and in the future. **50.5**

Thank you for your consideration,

David and Janice Levasheff

Response to David and Janice Levasheff

50.1 Thank you for expressing your concerns. Regarding a bird-friendly alternative, please see General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative.

50.2 Thank you for your suggestion. The blades of the 1.79-MW wind turbine generators would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR.

50.3 Please see General Response GR-2 regarding siting turbines to avoid bird collisions and other wildlife impacts.

50.4 Thank you for your suggestion. The Final SEIR has been revised to require the use of adaptive control technology such as the IdentiFlight system prior to Project operation.

50.5 Thank you. Your concerns will be shared with the County's decision makers.

Comment Set 51: Teresa Fanucchi

From: Teresa Fanucchi <tfanucchi@hotmail.com>
Sent: Friday, June 14, 2019 1:11 PM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: RE: Strauss Wind Energy Project – Comments on Draft Supplement Environmental Impact Report

Ms. Kathy Pfeifer, Planner
Santa Barbara County Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

RE: Strauss Wind Energy Project – Comments on Draft Supplement Environmental Impact Report

Dear Ms. Pfeifer,

I am concerned about the environmental destruction that will be caused by the wind farm proposed by Strauss. It seems that the applicant has designed the project solely to achieve maximum electrical output from the wind farm and that reducing bird deaths by strategically locating the wind turbine generators (WTGs) has not been considered. This approach contradicts the State and Federal wind energy guidelines. Most wind farms that have been designed in the US in the last few years have been designed to reduce avian mortality by properly locating WTGs. I believe strongly that Strauss should be designed that way, too. **51.1**

Additionally, I understand that the project as proposed would destroy 607 mature oak trees, which I find unacceptable, especially since alternatives exist. I urge the County to change the project design to be more similar to the Lompoc Wind Energy Project that was approved 10 years ago. The County could insist upon a more ecological design that would move some of the generators off of ridge tops and adjust the number and type of generators. Surely there is a way of designing wind projects that produce adequate power while still ensuring maximum protection for birds. **51.2** **51.3**

I urge the County to require the use of more of the smaller 1.79-MW wind turbine generators already proposed for use by the applicant. Using smaller WTGs would mean smaller blades that could be transported by helicopter or airship. Then San Miguelito Road would not have to be modified, eliminating the destruction of 158 mature oak trees. The County should change the transmission line design to that which was proposed for LWEP. That alone would eliminate the destruction of 62 mature oak trees. **51.4** **51.5** **51.6**

Thanks for considering my comments.

Teresa Fanucchi
429 Stanley Drive
Santa Barbara, CA 93105

Response to Teresa Fanucchi

51.1 Thank you for expressing your concerns regarding the Project's impact on birds. Please see General Response GR-3: Consistency with State and Federal Guidelines. Regarding a bird-friendly alternative, please see General Response GR-2.

51.2 Please see General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative.

51.3 The Draft SEIR describes the impact associated with the loss of oak trees in the discussion of Impact BIO-2a in Section 4.5. Also, please see General Response GR-5: Removal of Oak Trees. The Modified Project Layout, presented in Section 5.3, would substantially reduce the number of oak trees that would need to be removed. The commenter does not indicate why the previous Lompoc Wind Energy Project would be preferable to the proposed Project, so it is not possible to formulate a specific response to this statement.

51.4 Thank you for expressing your preferences regarding the proposed Project. Relocating WTGs below ridgelines was considered as an alternative in Section 5.3 of the Draft SEIR. As discussed in Section 5.4.5, this alternative was eliminated due to its potential to disturb vegetation and wildlife on lower slopes. Constructing WTG pads and additional access roads would increase environmental impacts in lower-elevation locations that are more heavily vegetated. It would also require substantially more earth movement than the proposed Project. There is also little evidence to indicate that this would be effective in reducing avian mortality. Further, most of the proposed WTGs are not located on or very near to prominent ridgelines. Please see General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative.

51.5 Thank you for expressing your preferences regarding the proposed Project. The blades of the 1.79-MW wind turbine generators would be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR.

51.6 Thank you for expressing your preferences regarding the proposed Project. The transmission line alignment was modified after the Project application was submitted to the County in order to reduce the number of oak trees that would need to be removed. The original alignment would have

required the removal of an estimated 595 oak trees while the revised alignment would require the removal of 62 oak trees. Please note the Lompoc Wind Energy Project may also have required the removal of oak trees along San Miguelito Road although likely substantially fewer than the proposed Project. Section 2.4.3 of Lompoc Wind Energy Project Final EIR states that because the need for tree removal along San Miguelito Road "cannot be established with certainty until the specific characteristics of the transport vehicles have been determined, the analysis assumes that some road widening, grading, tree removal, and tree trimming would be needed." Please see General Response GR-5: Removal of Oak Trees.

Comment Set 52: Richard E. Adam, Jr.

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June 14, 2019

Kathy McNeal Pfeifer
Planner
Planning & Development
123 E. Anapamu St.
Santa Barbara, CA 93101
Kathypm@co.santa-barbara.ca.us

Via Email Only

Re: Comments on Strauss Wind Energy Project DSEIR

Ms. Pfeifer:

The following will briefly summarize our comments regarding the Draft Supplemental Environmental Impact Report ("DSEIR") related to the Strauss Wind Energy Project (alternatively, "SWEP" or the "Project"), many of which were more fully discussed in comments made during the May 30, 2019 public meeting on the project.

A. The Placement of the Wind Turbine Generators ("WTG") Below the Ridgeline is Not adequately Considered as an Alternative.

Under California law, an EIR must describe and analyze a range of reasonable alternatives to the project that, among other things are (a) ***potentially feasible***, (b) would "feasibly attain ***most*** of the basic objectives of the project," and (c) would avoid or substantially lessen any of the project's significant effects. Here, the DSEIR only analyzed 3 alternatives (see Table 5-1). However, none of these analyzed "alternatives" even remotely touch upon the alternative that is likely the *least* environmentally intrusive alternative: to wit, reducing and/or eliminating the environmental impact associated with the visibility of these 50 story structures from virtually every location in the Lompoc Valley (and, according to some testimony, bird strikes) *by locating them away from ridgelines*. **52.1**

In fact, the DSEIR specifically rejects discussion of this alternative in three unsupported paragraphs (see Section 5.4.5) buried in the back of the 3,571-page document. In "eliminating" this alternative "from detailed evaluation" the DSEIR authors, without support of any kind, assert the following:

S S S S S S

> "The earth movement required to locate the WTGs away from ridgelines would be significant and the loss of WTG generating capacity ***is expected*** to be substantial."

First, the term "significant" (relative to "earth movement") is left undefined in this section. Is the "earth movement" associated with this rejected alternative larger than that associated with placing the WTGs along the ridgeline? If so, by how much? To make this section adequate, the term "significant" must be replaced with a meaningful number supported by evidence. Further, particularly because this alternative (i.e. placement of the WTGs below the ridgelines) would appear to be environmentally preferable due to the reduction and/or elimination of aesthetic and avian impacts, even assuming (as we are required to do based upon the lack of specifics in the DSEIR) that the "earth movement" associated with this rejected alternative is, in fact, significantly greater than that currently proposed project, an analysis of the "trade-offs" between the reduction of visual and avian impacts and the increase in earth movement should be undertaken. Finally, the reader cannot determine from a reading this passage what actual decrease in "generating capacity" would be sustained if the WTGs were placed below the ridgeline. This is a fundamental fact that should not only be identified, but also supported by substantial evidence (indeed, the phrase "is expected" suggests that the authors have undertaken no analysis whatsoever as to this issue). Certainly, there is a difference between a 1% reduction and, say, a 90% reduction, particularly in light of the fact that, under the CEQA Guidelines, project alternatives are only required to meet ***most*** of the basic objectives. **52.1** *cont.*

In short, we believe that it is crucial that this alternative be analyzed. At the very least, the authors must provide an evidence-based analysis as to why this alternative is infeasible. In either case, the DSEIR should address this issue and be recirculated.

B. <u>The DSEIR Does Not Contain a Stable and Finite Project Description.</u>

We understand that California law does not require that an EIR describe every technical detail associated with the project. However, in this case, based upon the size and resulting visual impacts, the placement of the WTGs in this case is crucially important and almost certainly required to meet the "stable and finite" project description required under CEQA.

The DSEIR states that "the final locations of individual WTGs would be subject to minor adjustment, known as micro siting, until the time of construction" (2-16). The DSEIR goes on to state that "***Micro-siting adjustments would be limited to a shift of the location of the footprint analyzed in the conceptual grading plan***." <u>Id</u>. Although it is unclear from the DSEIR (due to the vagueness of the analysis), the grading "footprint" (i.e. where the turbines can be "micro-sited") appears to encompass either 203 acres (identified as "disturbed areas" in the Coastal Development Permit Application) or 171.5 acres (identified as "disturbed areas" in 2.6.9 of the DSEIR).[1] **52.2**

Whether the grading "footprint" covers 203 acres or 171.5 acres, it appears to encompass about 40,000 linear feet (see, among others, DSEIR Figure 2-3a). In other words, if we are

[1] It is possible that the actual number is buried somewhere else in the 3,571-page document, but we have yet to find it.

reading the DSEIR correctly, the "project description" contemplates placing the WTGs anywhere within a "spiderweb" pattern of 7.57 linear miles. Further, if we are reading the DSEIR correctly, these 7.57 linear miles ***range from around 1,000 feet in elevation to 1,800 feet.*** If this is true, the visual impacts identified in the DSEIR could be vastly different than that which is actually presented in the DSEIR (i.e. depending upon where the WTGs are placed within the spiderweb). If we are correct, the term "micro-siting" appears to be a misnomer. The only way for the decision-makers and the public to meaningfully assess the visual impacts associated with this Project is to more precisely site the WTG within the project description. **52.2** *cont.*

C. <u>The DSEIR is Excessively Convoluted.</u>

CEQA requires that environmental impact statements be comprehensible not only to decision-makers, but also to the affected public. Here, as ***<u>many</u>*** speakers noted at the May 30, 2019 public meeting, the interplay between the original LWEP EIR and the DSEIR is not only confusing, but also, in some cases, almost impossible to reconcile. The language associated with Table 4.2.1 (page 4.2-7) provides one of many examples. Column 1 identifies the LWEP "Impact Number." This column includes the terms "Vis-1," "Vis-2," "Vis-3," Vis-4," and so on. Column 3 identifies LWEP "Mitigation Measures." However, this column also includes the same terms (i.e. "Vis-3," "Vis-4," etc.). After considerable effort, we believe we understand the information being disseminated in this Table. However, it is extraordinarily confusing. This is also exemplified in conjunction with the text of the SWEP impacts (4.2.4.4), wherein references are made to other sections of the SWEP as well as certain sections of the LWEP EIR (some of which are unaccompanied by the section locations of the LWEP EIR). **52.3**

In short, multiple passages of the DSEIR are written in such way that the reader is required to flip from various sections of the DSEIR to other sections of the DSEIR ***<u>and</u>*** various discussions presented in the LWEP EIR (and again, in many cases, without the help of identified page numbers). In order to (attempt to) understand what is actually being said in the DSEIR, the reader is often required to perform analytic gymnastics. This type of writing needs to be cleaned up and made comprehensible. As currently written, it is extraordinarily difficult (and in some cases, impossible) to decipher not only the information that the DSEIR is trying to impart, but also what real environmental impacts will occur.

D. <u>The DSEIR (And, In Particular, the "Aesthetics/Visual Resource" Section) Improperly Relies on the 12- Year-Old LWEP EIR</u>.

The DSEIR relies heavily on the LWEP EIR for various facts, analysis, and conclusions. However, the Project at issue today is truly a different project than that which was proposed over 12 years ago. The SWEP WTGs are substantially taller, the blades are substantially longer, and the environmental impacts (and particularly the visual impacts) have the possibility of being exponentially greater than those associated with the LWEP project. Indeed, it seems to us that much of the analysis and many of the conclusions presented in the LWEP EIR (which are referred to and relied upon in the instant DSEIR) are irrelevant to the facts of the new, much larger, Project. **52.4**

The fact is that the Visual Resource analysis presented in the DSEIR is one of the most contentious components of this Project. It would be more appropriate (and legally defensible) for the DSEIR's analysis of the Visual Resource section to include its own analysis specific to the Project actually being proposed (in a comprehensive and easily understood manner) rather than supplementing an EIR that dealt with a project that was wholly different in size and scope. **52.4** *cont.*

As the SWEP DSEIR is 3,571 pages long (the LWEP EIR is almost as many pages) and, as you might imagine, we have other commitments, we have yet to conclude our review of the material. We do, however, agree with most of the other objections to the DSEIR that were voiced by various persons at the public meeting on May 30, 2019, including, but not limited to, those associated with environmental concerns, the deferring of mitigation, the insufficiency of addressing cultural resources, and inconsistencies with Santa Barbara County land use rules, regulations, standards, and policies.

We, like many of the other speakers, believe that the flaws present in the DSEIR must be addressed, at which point, the DSEIR can be recirculated for further review.

Thank you for the opportunity to provide our input in this matter.

Sincerely,

JUAREZ, ADAM & FARLEY

Richard E. Adam, Jr.

Response to Richard E. Adam, Jr.

52.1 As the commenter indicates, an EIR, or in this case a SEIR, must analyze a reasonable range of feasible alternatives. The Draft SEIR considered a reasonable range of alternatives, consisting of nine alternatives, including the No Project alternative and the Environmentally Superior Alternative (ESA) for the Lompoc Wind Energy Project (LWEP) EIR. All of these alternatives were designed to reduce or avoid the significant impacts of a wind energy facility at the Project site. Of the nine alternatives, five were eliminated from further review and four were analyzed further. This represents a reasonable range of alternatives. Please see General Response GR-1: Reasonable Range of Alternatives.

The alternative described in Section 5.4.5 of the Draft SEIR, which the commenter appears to favor, is the "Siting WTGs Below Ridgelines" alternative. The idea for this potential alternative was raised during the scoping process to reduce avian mortality. It was not proposed for the purpose of reducing the visual impacts of the Project, but it is possible that it could result in a small reduction in those impacts. The reason the visual impact reduction would probably be small is that the wind turbines would not be lowered substantially in elevation because that would increase certain impacts, primarily related to the disturbance of oak forest and riparian vegetation that is dominant in the lower elevation canyons and drainages of the Project site. Please note that the commenter is incorrect in stating that the wind turbines would be visible "from virtually every location in the Lompoc Valley." That is contrary to the conclusions of the visual impact analysis presented in the Section 4.2.4 of the Draft SEIR. Specifically, the reader is referred to the discussions of Key Observation Points 6, 7, 8, 9, and 10, which are located in the Lompoc Valley.

Regarding earth movement, mid-slope locations for wind turbine generators would require more grading than locations at the top of slopes (such as ridges) or at the bottom of slopes (canyon bottoms and draws). This is because access roads can be placed along ridgelines with minimal cutting and filling of the land. Similarly, relatively little cutting and filling would be required along canyon bottoms or draws because of the relatively gentle slopes; however, these lower-elevation locations are the most sensitive biologically and would necessitate the removal of a large number of trees and other vegetation. Mid-slope locations require greater amounts of cut and fill to carve access roads across the slopes, and large amounts of cut, fill, and compaction would be required to create large building pads to accommodate the wind turbines and their foundations, as well as adjacent level areas where cranes would be placed to erect the wind turbines. It is not necessary to develop a specific grading plan and calculate cut-and-fill quantities to know that mid-slope locations would require substantially more grading and earth movement than ridgeline or canyon bottom locations.

Regarding moving wind turbines off ridgelines, it is worth noting that most of the proposed WTGs are not located on or very near to prominent ridgelines. There is also little evidence to indicate that this would be effective in reducing avian mortality. Please see the expanded discussion in Section 5.4.5 and the General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative.

Please note that an EIR is not required to analyze all feasible alternatives as that would be impractical and unnecessary. As stated in State CEQA Guidelines Section 15126.6(a), "An EIR need not consider every conceivable alternative to a project." There is no requirement to analyze all feasible alternatives, including all possible alternatives capable of reducing environmental impacts.

The fact that the commenter believes that other alternatives should have been analyzed does not mean that a reasonable range of alternatives was not analyzed. Please see General Response GR-1: Range of Reasonable Alternatives.

52.2 Because the possibility exists that minor changes to the Project layout may occur during the Project's detailed design phase does not mean that the Draft SEIR project description is unstable. Section 15124(c) of the State CEQA Guidelines states an EIR project description must provide "A general description of the project's technical, economic, and environmental characteristics…" and the beginning of Section 15124 states that the project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." The Draft SEIR project description (Chapter 2 of the Draft SEIR) provides adequate detail for the assessment of impacts and determinations of the significance of those impacts.

The Project description in the Final SEIR has been amended to state that turbine locations may be shifted not more than 100 feet from their currently proposed locations. Just because the locations of turbines or other Project facilities may shift up to 100 feet does not mean new significant impacts would suddenly manifest. For example, the commenter implies that the visual impacts of the Project may somehow be more substantial if wind turbines locations are altered. While aspects of some visual simulations in the Draft SEIR would change if turbine locations are shifted, the Draft SEIR's characterization of the Project's visual impacts would still be relevant. The Project's visual impacts are considered significant in the Draft SEIR and would remain significant even if exact wind turbine locations are shifted up to 100 feet. No new significant impacts would result from these possible shifts in turbine locations, which is the important consideration in determining whether the Project's impact analysis remains valid. If, during the development of construction-level design and engineering plans, the Project were to change substantially enough to result in new or substantially more severe significant impacts, supplemental CEQA review would be triggered. Shifts in the locations of Project components that do not result in new or substantially more severe significant impacts would not require additional environmental review.

Please note that most projects undergo minor changes between the time the EIR is prepared and the time final construction plans are completed. Lead agencies rarely have the opportunity to prepare an EIR for a project that has no potential to change during the detailed design and engineering process. The Draft SEIR recognizes this fact in Section 1.6, *Post-SEIR Project Changes*, and provides the following explanation:

> The information about the proposed Project that serves as the basis for the impact analysis in this SEIR is derived from application materials, digital location data supplied by the Applicant, and information provided by the Applicant in response to information requests from the SEIR preparers. While this information is detailed, it does not represent final engineering data, and construction-level plans have not been prepared for the Project. Therefore, if the Project is approved, some changes in Project details are expected after the SEIR is finalized and approvals are granted. Such changes might involve minor alignment changes, changes in component details, minor changes in material quantities, and other details that will not be finalized until construction plans are completed. These types of changes are normal and expected for almost any type of construction project because CEQA analysis is based on preliminary project information rather than final design. Such project changes do not invalidate the analysis in the SEIR nor necessarily trigger the need for

supplemental environmental analysis. Supplemental analysis is generally only needed when there are substantial changes to a project or the circumstances under which a project will be undertaken such that significant adverse impacts would be substantially more severe than described in the original EIR. (See State CEQA Guidelines §15162).

CEQA recognizes that detailed project information, such as construction plans, is not required for preparation of an EIR. Section 15124 of the State CEQA Guidelines states that an EIR should contain a "general description" of a project's characteristics and "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." Further, State CEQA Guidelines Section 15004(b) states that an EIR "should be prepared as early as feasible in the planning process to enable environmental considerations to influence project … design."

The Draft SEIR does not contemplate placing the wind turbines anywhere within a "spiderweb" of locations. Rather, the Draft SEIR assumes the wind turbines will be placed within 100 feet of where the Applicant has proposed them to be placed. The Applicant's proposed locations for the wind turbines are shown in Draft SEIR Figure 2.3a and other figures in the document.

52.3 The Draft SEIR was organized in standard manner for such documents and is consistent with direction articulated in Sections 15120 through 15132 of the State CEQA Guidelines. Table 4.2-1, like similar tables in the SEIR's impact sections, presents the numbered impacts of the LWEP EIR and the mitigation measures associated with these impacts. The column headings in the table clearly indicate that one column is "LWEP Impact Statements" and the other is "LWEP Mitigation Measures". Making references to other sections of the Draft SEIR and to sections of the LWEP EIR is appropriate in order to avoid unnecessary duplication of information and is consistent with CEQA's requirements. The County believes the environmental impacts of the proposed Project are clearly articulated in the Draft SEIR even if that means the reader must sometimes be referred to other sections of the Draft SEIR or to the LWEP EIR.

52.4 The Draft SEIR recognizes that the proposed Project differs from the LWEP and explains those differences in detail. The County agrees with the commenter that much of the analysis and conclusions of the LWEP EIR are relevant to the proposed SWEP, which is why the County decided that preparation of a supplement to the LWEP EIR was appropriate for the SWEP. The Aesthetics/Visual Resources section of the Draft SEIR does not rely on the analysis of the LWEP EIR but it does refer to it, which is appropriate for a SEIR. The Draft SEIR includes its own analysis of the Project's impacts on aesthetic and visual resources and fully describes those impacts. The Draft SEIR also describes where the proposed Project's impacts would be similar to those of the LWEP as well as how they would be different. The commenter does not indicate how they think the Draft SEIR's analysis of aesthetic/visual impacts may be either incomplete or inaccurate.

It is unfortunate that the Draft SEIR needs to be so lengthy, but the public and interested agencies and organizations tend to request more information rather than less, which is why the Draft SEIR contains so many pages. The commenter's concerns will be shared with the County's decision makers. Please note that the number of pages cited in the comment includes the SEIR and all of its appendices.

Comment Set 53: Aaron Kreisberg

From: Aaron Kreisberg <akberg90@gmail.com>
Sent: Saturday, June 15, 2019 8:43 AM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Comments Regarding the Strauss Wind Energy Project DEIR

Dear Ms. Pfeifer:

I am concerned about the environmental destruction that will be caused by the subject wind farm. The applicant has designed the project solely to achieve maximum electrical output from the wind farm. Reducing bird deaths by strategically locating the wind turbine generators (WTGs) was not even considered. This approach contradicts the State and Federal wind energy guidelines. Most wind farms that have been designed in the last few years in the United States have been designed to reduce avian mortality by properly locating WTGs. Please consider a similar approach for this project **53.1**

The project as proposed would destroy 607 mature oak trees, which is not worth the benefit. I support renewable energy, but it must be done in a way that minimizes impacts to natural resources. The County should change the project design to be more similar to the Lompoc Wind Energy Project that was approved 10 years ago. The County should devise an Environment-Friendly Alternative that would move some of the generators off of ridgetops and adjust the number and type of generators to meet the project's energy production goals. The County should hire an expert to help with the design who has experience in designing wind projects that protect birds and produce adequate power. **53.2**

The County should require the use of more of the smaller 1.79-MW wind turbine generators already proposed for use by the applicant. Using smaller WTGs would mean smaller blades that could be transported by helicopter or airship. Then San Miguelito Road would not have to be modified, eliminating the destruction of 158 mature oak trees. **53.3**

The County should change the transmission line design to that which was proposed for LWEP. That alone would eliminate the destruction of 62 mature oak trees. **53.4**

Thanks for considering my comments.

Aaron Kreisberg

880 East Main Street, Ventura, CA 93001

Response to Aaron Kreisberg

53.1 Thank you for expressing your concern regarding the Project's impacts on birds. Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines.

53.2 The Draft SEIR describes the impact associated with the loss of oak trees in the discussion of Impact BIO-2a in Section 4.5. Also, please see General Response GR-5: Removal of Oak Trees. The Modified

Project Layout alternative would substantially reduce the number of oak trees that would need to be removed. The commenter does not indicate why the previous Lompoc Wind Energy Project would be preferable to the proposed Project, so it is not possible to formulate a specific response to this statement. Alternatives capable of reducing some of the significant impacts of the proposed Project are discussed in Chapter 5 of the Draft SEIR. Regarding a bird-friendly alternative, please see General Response GR-2.

53.3 Relocating WTGs below ridgelines was considered as an alternative in Section 5.3 of the Draft SEIR. As discussed in Section 5.4.5, this alternative was eliminated due to its potential to disturb vegetation and wildlife on lower slopes. Constructing WTG pads and additional access roads would increase environmental impacts in lower-elevation locations that are more heavily vegetated. It would also require substantially more earth movement than the proposed Project. There is also little evidence to indicate that this would be effective in reducing avian mortality. Further, most of the proposed WTGs are not located on or very near to prominent ridgelines. Please see General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative.

53.4 Please see General Response GR-5: Removal of Oak Trees. The transmission line alignment was modified after the Project application was submitted to the County in order to reduce the number of oak trees that would need to be removed. The original alignment would have required the removal of an estimated 595 oak trees while the revised alignment would require the removal of 62 oak trees. Please note the Lompoc Wind Energy Project may also have required the removal of oak trees along San Miguelito Road although likely substantially fewer than the proposed Project. Section 2.4.3 of Lompoc Wind Energy Project Final EIR states that because the need for tree removal along San Miguelito Road "cannot be established with certainty until the specific characteristics of the transport vehicles have been determined, the analysis assumes that some road widening, grading, tree removal, and tree trimming would be needed."

Comment Set 54: Maureen McFadden

From: Maureen McFadden <mcmpr101@gmail.com>
Sent: Monday, June 17, 2019 4:39 PM
To: Pfeifer, Kathy <Kathypm@co.santa-barbara.ca.us>
Subject: Strauss Wind Farm objections

Ms. Kathy Pfeifer
Planner
Santa Barbara County Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

RE: Strauss Wind Energy Project – Comments on Draft Supplemental Environmental Impact Report

Dear Ms. Pfeifer:

I am very concerned about the environmental destruction that will be caused by the Strauss Wind Energy Project wind farm. The applicant has designed the project solely to achieve maximum electrical **54.1**

output from the wind farm. Reducing bird deaths by strategically locating the wind turbine generators (WTGs) was not even considered. This approach contradicts the State and Federal wind energy guidelines. Most wind farms that have been designed in the last few years in the United States have been designed to reduce avian mortality by properly locating WTGs. Strauss should be designed that way too. **54.1** cont.

It would give them 'good neighbor' status in the county as well. Being a PR pro here for nearly 30 years, good deeds like that draw a lot more positive attention to a project that is about using the natural resources we have to produce power rather than being fossilized with the old ways. Santa Barbara County is very supportive of natural energy. Be a leader and a caring neighbor.

The project as proposed would destroy 607 mature oak trees. This is entirely unacceptable! The County needs to change the project design to be more similar to the Lompoc Wind Energy Project (LWEP) that was approved 10 years ago. There is an example to follow. **54.2**

The County should devise an Environment-Friendly Alternative that would move some of the generators off of ridgetops and adjust the number and type of generators to meet the project's energy production goals. The County needs to hire an expert to help with the design who has experience in designing wind projects to protect birds and produce adequate power. **54.3**

The County should require the use of more of the smaller 1.79-MW wind turbine generators already proposed for use by the applicant. Using smaller WTGs would mean smaller blades that could be transported by helicopter or airship. Then San Miguelito Road would not have to be modified, eliminating the destruction of 158 mature oak trees. Those trees are VITAL to the environment and the wildlife that depend on them for food and shelter. **54.4**

The County MUST change the transmission line design to that which was proposed for LWEP. That alone would eliminate the destruction of 62 mature oak trees. Think about the carbon footprint those trees offset. **54.5**

Thanks for considering my comments.

Yours truly,

Maureen "Mo" McFadden
McFadden & McFadden P.R.
945 Ward Drive #128

Santa Barbara, CA 93111
(805)689.5053

mcmpr101@gmail.com
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www.facebook.com/MnMPR

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PR Tip: Remember journalists don't work for you. The media work for their audience. What they're looking for is value for their readers, viewers or their listeners. So always look for what value you can provide them… not what they can do for you.

Response to Maureen McFadden

54.1 Thank you for expressing your concerns regarding the Project's impact on birds. Please see General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative. Please also see General Response GR-3: Consistency with State and Federal Guidelines.

54.2 The Draft SEIR describes the impact associated with the loss of oak trees in the discussion of Impact BIO-2a in Section 4.5. Also, please see General Response GR-5: Removal of Oak Trees. The Modified Project Layout alternative would substantially reduce the number of oak trees that would need to be removed. The commenter does not explain why the previous Lompoc Wind Energy Project would be a better alternative to the proposed Project, so it is not possible to formulate a specific response to this statement. Alternatives capable of reducing some of the significant impacts of the proposed Project are discussed in Chapter 5 of the Draft SEIR. Note that the loss of oak trees under both the proposed Project and the Modified Project Layout alternative are considered significant and unavoidable impacts, even with the implementation of mitigation (Class I).

54.3 Relocating WTGs below ridgelines was considered as an alternative in Section 5.3 of the Draft SEIR. As discussed in Section 5.4.5, this alternative was eliminated due to its potential to disturb vegetation and wildlife on lower slopes. Constructing WTG pads and additional access roads would increase environmental impacts in lower-elevation locations that are more heavily vegetated. It would also require substantially more earth movement than the proposed Project. There is also little evidence to indicate that this would be effective in reducing avian mortality. Further, most of the proposed WTGs are not located on or very near to prominent ridgelines. Please see General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative.

54.4 The blades of the 1.79-MW WTGs would still be too heavy to be safely transported to the site by air. Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR.

54.5 Please see General Response GR-5: Removal of Oak Trees. The transmission line alignment was modified after the Project application was submitted to the County in order to reduce the number of oak trees that would need to be removed. The original alignment would have required the removal of an estimated 595 oak trees while the revised alignment would require the removal of 62 oak trees. Please note the Lompoc Wind Energy Project may also have required the removal of oak trees along San Miguelito Road although likely substantially fewer than the proposed Project. Section 2.4.3 of Lompoc Wind Energy Project Final EIR states that because the need for tree removal along San Miguelito Road "cannot be established with certainty until the specific characteristics of the transport vehicles have been determined, the analysis assumes that some road widening, grading, tree removal, and tree trimming would be needed." Section 4.10.4 of the Draft SEIR acknowledges that the loss of oak trees would result in a reduction of plant-based CO_2 uptake, but also indicates that the reduction in plant-based CO_2 uptake would be substantially lower than the greenhouse gas reductions associated with wind power generation.

8.7 Verbal Comments from the May 2019 Draft SEIR Public Meeting

On May 30, 2019, the County of Santa Barbara conducted a public meeting on the Draft SEIR at the Lompoc City Council Chambers in Lompoc, California. During the meeting, County staff presented information on the proposed Project and the Draft SEIR. Members of the public in attendance were provided the opportunity to make verbal comments on the Project and the Draft SEIR. Fourteen members of the spoke and provided verbal comments at the meeting. Below is a summary of verbal comments made by the public at that meeting. These comments are paraphrased and do not represent a transcript of verbal comments.

Comment Set 55: Michael Taaffe

La Purisima Audubon Society and Santa Barbara Chapter

Monitoring and adaptive management plan potentially allows applicant to take control of preparation, which seems like a conflict of interest. BIO-16 should be mandated that the operation of SWEP not commence until adaptive management plan is implemented.

Draft SEIR mentions the authorization from FWS of take of golden eagles, which is against the law in California.

Before/after control impact study- insufficient control by the County, which allows applicant to delay or ignore the preparation of the study. The study must be done parallel with construction activities by biologists not involved with the project.

As far as removing carrion, it should be removed everywhere on site within a 500 ft. radius around wind turbine generators, and the program should continue throughout the life of the project. **55.1**

Active control of WTGs: if it senses incoming birds, it should slow/stop activities. Draft SEIR leaves out key details of this technology and does not evaluate the detail of use of active control technology.

Mortality monitoring should continue for the remainder of the life of the project. Currently, if mortality rates remain below Level 2 thresholds for 2 consecutive years, then monitoring would be concluded. But you don't know what kind of data you're getting, and such data can vary year to year.

Containing language for interpretation for mortality monitoring should be done by a qualified biologist hired and paid for by the county using funding by the operator

Response options 3 and 4 are inadequate because they would have no direct effect on reducing avian or bat mortality and give the appearance of allowing operator to buy its way out of creating serious environmental problems.

Response to Michael Taaffe

55.1 Mitigation Measure BIO-16 already requires approval of the entire Monitoring and Adaptive Management Plan by the County, in consultation with CDFW and USFWS, prior issuance of a Zoning Clearance permit, which is a permit required before construction can commence. The County will not approve the plans until they meet all of the objectives and requirements outlined in MMs BIO-16a through BIO-16d and have been reviewed by the County's biologist, CDFW, and USFWS.

Regarding golden eagles, MM BIO-16 has been revised to:

- include the statement "Note that take of golden eagles is prohibited under California law as this species is fully protected."
- Include carrion to be removed everywhere on site within a 500-foot radius around turbine generators throughout the life of the Project.
- Require mortality monitoring for the life of the Project.
- Remove response options 3 and 4 (see the response to Comment 9.39).

MM BIO-15b has been revised to require active control technology to be installed prior to operation of project. This technology is new but data so far have suggested it could be an important method to reduce collision risk for large birds such as golden eagle and California condor.

Regarding a qualified biologist interpreting the data, this is already a requirement of MM BIO-16. See the response to Comment 9.31 regarding who pays for the biologist interpreting the data.

Comment Set 56: Stacey Lawson

Representative for City of Lompoc

Regarding evaluating roadway and roadway relocation/construction/fill, it appears to fill in the Frick Springs Treatment Facility and eliminate it, at least on the level you have of the design drawings for areas of constructions. Water treatment plan serves 15 services and is critical to City facilities. Any other fill in the creek is an area of concern due to changes in water quality. **56.1**

Noise and visual impacts along Sheffield from the switchyard that is proposed in the current option. While visual impacts are considered from Highway 1, not so much from backyards of residences. **56.2**

We want to ensure that the connections to PG&E within the city and connections through the City doesn't impact the City's ability to operate and maintain its own electric system. **56.3**

Estimated 16,189 truck trips per month through Lompoc for a 10-month construction period. Some vehicles will be up to 200,000 pounds, well over the oversized vehicle limits. Would require separate permit through the City. Would interfere with the City's ability to maintain the streets, negatively impact streets. Would signals, power poles, trees, stop signs, etc. be removed temporarily and eventually replaced or repaired at end of project? Transportation routing people would not be doing this replacement. Who is responsible for these tasks? **56.4**

Emergency communication in Miguelito Canyon. Increased potential for fires, emergency medical situations. Need for additional cell sites and repeater on site to improve communications. **56.5**

Response to Stacey Lawson

56.1 The earth movement required for the proposed modifications to San Miguelito Road would not have a direct effect on the Frick Springs Treatment Facility. A new figure (Figure 2-6d) has been added to the Final SEIR showing proposed grading in relation to the Frick Springs facility.

56.2 The analysis in SEIR Section 4.14 notes that three homes "would be less than 150 feet from the switchyard" (Draft SEIR, p.4.14-4). The methodology identifies that the switchyard would provide service to power lines at "115 kilovolts (kV) or less and would not include any notable sources of noise" (Draft SEIR, p.4.14-8). Each WTG tower site would include the step-up power transformers to increase the WTGs voltage up to the 34.5 kV of the collector system, and the step-up power transformer to the 115-kV system level would be at the on-site Project substation, not at the

switchyard. The Final SEIR clarifies that power transformers would not be sited at the switchyard (see Section 2.5.3). The circuit breaker, energy metering devices, disconnect switches, and other switchyard equipment would not create notable levels of noise and would be in compliance with the 60 dBA Ldn standard set by the City's General Plan.

In selecting locations for visual simulations, emphasis is placed on simulating views from public vantage points rather than private property as the County's Environmental Thresholds and Guidelines Manual emphasizes analysis of impacts on public views rather than private views.

56.3 The fact that the Project would connect to the same electric grid used by the City has been noted in the Final SEIR in Section 4.8.4 under Impact FPES-2. The Project's proposed Point of Interconnection (POI) is a single pole location on the existing Manville 115-kV transmission line. This POI is located on private property outside of City limits and within the Imerys property. The City's electrical infrastructure would not be affected by the Project.

56.4 The need for a City permit has been added to Section 2.9.2 of the Final SEIR. The impacts of the alternative truck routing along Santa Lucia Canyon Road and through the intersection of Ocean Avenue and I Street for oversized trucks would, in general, be similar to the impacts described in the Draft SEIR for the proposed truck routing, except that the impacts would occur along a different set of roadways. The Applicant states that the only improvements required on any portions of the routes within the City of Lompoc are at the intersection of Ocean Avenue/South I Street and as described in the Draft EIR along San Miguelito Road. The direct turn from Ocean Avenue to I Street in Lompoc includes temporary removal of four trees, two signs, and two stop lights to accommodate the movement of oversized trucks through the Ocean Avenue/I Street intersection. The Applicant is working with the City and Caltrans on these truck routing details.

56.5 The Project will be required to prepare a Fire Protection Plan that would be approved by the County Fire Department. In addition, the Project will include the installation of a dedicated repeater for emergency response, which is also a requirement of the Santa Barbara County Fire Department (see Section 2.7.4 of the Final SEIR).

Comment Set 57: Ana Citrin

Attorney with Marc Chytilo, Santa Barbara Audubon Society

California Supreme Court has reaffirmed that EIRs must include sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises. We would like additional information about the project in order for us to evaluate additional feasible means to minimize unavoidable adverse impacts. **57.1**

Audubon proposed a solution to minimize bird strikes, however we have not been provided sufficient detail about the site's constraints, the project's anticipated benefits, or where opportunities for impact reduction exist for Audubon to apply its expertise to help the county and project applicant to minimize impacts to birds and bats. **57.2**

We've identified a number of substantial flaws and omissions in the project description and environmental setting impact analysis and in the identification and analysis of mitigation measures and alternatives. The environmental setting fails to give the reader the sense of the extraordinary value of the area. The project site is immediately inland from the newly created Dangermond Preserve and adjacent to Gaviota Coast. Significant additional information must be included, such as a constraints map (bio, geological, site lines, topography, etc.). Show flexibility, if there is any, in relocating WTGs. **57.3**

Even when a project's benefits outweigh its unmitigated effects, agencies are still required to implement all mitigation measures unless those measures are truly infeasible. Mitigation Measure BIO-15a calls for pre-construction surveys to determine extent of critical biological resources that would serve to attract birds or bats. These surveys should have been completed and made available with the Draft EIR. It is not only something CEQA requires to facilitate informed public participation, but is also required by the California Energy Commission guidelines for reducing impacts to birds and bats, which make very clear that the initial siting decision is where there is the most flexibility for minimizing impacts to birds and bats. Calling for surveys after the fact when there is much more limited opportunity for adjusting site layout is putting cart before the horse. **57.4**

Response to Ana Citrin

57.1 This comment does not indicate what detail or information is missing from the Draft SEIR. The County believes the Draft SEIR provides sufficient information to characterize Project impacts and determine the significance of those impacts in accordance with the requirements of CEQA.

57.2 Please see General Response GR-2: Bird-Friendly Alternative/Low-Impact Alternative and the responses to the Audubon Society's comments (Comment Set 9).

57.3 Please see the responses to Comments 8.6 and 8.7, which are responses to the same comments in the commenter's letter.

57.4 Please see the response to Comment 8.12, which is a response to the same comment in the commenter's letter.

Comment Set 58: Sam Cohen

Government Affairs Legal Officer for the Santa Ynez Band of Chumash Indians

[In reference to creating a SEIR instead of a new EIR] Just because they have windmills is just like saying every project that has a building is an old project. SWEP is a new project. **58.1**

AB 52 should apply and is not being complied with. **58.2**

Tranquillon Peak is a Chumash sacred site. Tranquillon Ridge is a traditional cultural landscape. **58.3**

Wind towers and power lines desecrate the traditional cultural property and traditional cultural landscape. Presence alone is wrong and desecrates this sacred site. **58.4**

Wind towers interfere with Chumash religious practices. Swordfish Cave and Window Cave are two important Chumash sacred sites. Swordfish Cave opens to Tranquillon Peak and is a solstice ceremony site. Noise from wind towers would interrupt the sacred quiet of the cave. Towers interrupt the view of Tranquillon Peak from Swordfish Cave. **58.5**

A CEQA objection: you cannot defer mitigation. All mitigation must include Native American monitors. The Draft SEIR page 4.6-11 states nine archaeological sites would be impacted by project development but have not yet been evaluated. Postponing archaeological Phase 2 studies denies adequate information to make an informed decision on the project. CEQA case law rejects deferral of analysis of mitigation measures. **58.6**

National Historic Preservation Act section 106 objections. This project is an undertaking. Any federal permit is a federal action. As an undertaking, the project is required to complete Native American consultation, and any failure to initiate consultation is against federal law. Any section 106 consultations also need to include Vandenburg AFB as the site where the Native American caves are located. **58.7**

Response to Sam Cohen

58.1 Please see the response to Comment 6.1, which is a response to the same comment in the commenter's letter.

58.2 Please see the response to Comment 6.1, which is a response to the same comment in the commenter's letter.

58.3 The Draft SEIR recognizes sacred nature of Tranquillon Peak and Ridge to the Chumash Indians. Section 4.6.1 of the Draft SEIR describes that three Native American sacred sites have been identified near the Project area, which are Tranquillon Mountain, Swordfish Cave, and Window Cave.

58.4 Thank you for this information. Impacts to traditional cultural properties are now considered significant in the Final SEIR. See the discussion of Impact CULT-4 in Section 4.6.4.

58.5 Thank you for this information. Impacts to these sites are now considered significant in the Final SEIR. See the discussion of Impact CULT-4 in Section 4.6.4.

58.6 Since the publication of the Draft SEIR, the Phase 2 testing for the referenced cultural resource sites has been completed and the results of that testing program are presented in the Final SEIR Section 4.6.

58.7 The County is not responsible for compliance with Section 106 of the National Historic Preservation Act. That responsibility would belong to a federal agency that needs to issue a permit for the Project. At this time, the only identified federal permit that triggers Section 106 consultation is the Clean Water Act Section 404 permit that would need to be issued by the U.S. Army Corps of Engineers (USACE). It is the County's understanding that the USACE has initiated Section 106 consultation for that permit.

Comment Set 59: Jean Beattie

Resident of Miguelito Canyon, Property Owner

No pictures of the residences and what their long-term views would be. **59.1**

Resident concerns include health problems: sound, EMFs, vibrations. Are there any studies on health impacts of humans living in the proximity of wind turbines? **59.2**

Effects on Santa Ynez fault from WTG vibrations **59.3**

Financial concern: loss of property value **59.4**

Environmental concerns: Pacific flyway migration path would be impacted. Wind turbines would cause birds, bats, and other wildlife to leave the area. There may also be an eagle nest somewhere there. **59.5**

Santa Barbara county is concerned with oil. Aren't the impacts from wind turbines an environmental concern? **59.6**

Review shows no detailed plan to change the road at the exit of our driveway. Would like to see detailed plans because I have driven through 1 ½ feet of water running over the bridge due to clogged culvert. **59.7**

Protect voting residents and the environment. This report does not indicate that concern. If the county is really interested in wind energy, why not build on the 18,000 acres on the coast, where nobody would see or hear the wind turbines. **59.8**

I agree that every modification should be done to protect the birds. I agree with Audubon Society.

Response to Jean Beattie

59.1 The visual simulations presented in Section 4.2 of the Draft SEIR provide key representative views of the proposed Project. In selecting locations for visual simulations, emphasis is placed on simulating views from public vantage points rather than private property as the County's Environmental Thresholds and Guidelines Manual emphasizes analysis of impacts on public views. It is not feasible to prepare visual simulations from all possible vantage points nor is that necessary in order to characterize the Project's impacts on aesthetics and determine the significance of those impacts.

59.2 The noise and vibration generated by the proposed Project is discussed in Section 4.14 of the Draft SEIR. These impacts are considered significant but can be reduced to a less-than-significant level with mitigation. Exposure to electric and magnetic fields (EMF) is discussed in Section 4.11 of the Draft SEIR and the impact analysis concludes that EMF exposure would not represent a significant impact. Please note that there is no scientific consensus that EMF exposure poses a health risk, as discussed in both the SEIR and the County's Environmental Thresholds and Guidelines Manual.

59.3 Design safety features of the proposed WTGs include monitoring for nacelle vibration (Draft SEIR, p.2-17) with the intent of avoiding and mitigating vibration that could pose a risk of damage to the various WTG components, and procedures would halt WTG operation in the event of excess vibration (Draft SEIR, p.2-18). With these features, the levels of ground-borne vibration propagating from the foundations would be minimal. The vibrations from the WTGs are not anticipated on have any substantial effect on the Santa Ynez fault.

59.4 Potential effects on property value are not evaluated in the SEIR as this is an economic impact rather than an environmental impact. Section 15131 of the State CEQA Guidelines states that the "Economic and social effects of a project shall not be treated as significant effects on the environment." The commenter's concern can be shared with the decision-makers at the Planning Commission hearing.

59.5 The Project's impacts on migratory birds, as well as other birds and wildlife, are described in Section 4.5.4 of the Draft SEIR.

59.6 The impacts of the proposed wind energy facility are of concern to the County, which is why the County has required the preparation of a SEIR for the proposed Project.

59.7 The proposed Project would not significantly change the hydrology of the area (see Draft SEIR Section 4.12.4, *Hydrology and Water Quality*). The required Storm Water Pollution Prevention Plan (SWPPP) would include best management practices (BMPs) to prevent erosion that might otherwise lead to the sedimentation of local channels and streams.

59.8 Your concerns will be shared with the County's decision makers. In addition, please see responses to Audubon Society's letter (Comment Set 9).

Comment Set 60: Dolores Pollock

President of the Santa Barbara Audubon Society

Turbines should be placed where they will have the least impact on birds and habitat. We urge a bird-friendly design, just as neighboring Vandenberg voiced its needs, like temporarily halting transmissions. Experts can be hired to site the wind turbines correctly to minimize damage to habitat during construction and operation. Consider the height, color, speed, distance between the turbines, ways to slow down or stop turbines at times of maximum bird activity (i.e. migration). Minimize lighting impacts, consider wind direction, place powerlines underground, use bird flight diverters on any powerlines that are above ground, minimize activities that attract prey and predators to the facility, reduce ability of birds to perch or nest in the facility. Take special care of roosting, nesting, and breeding species. **60.1**

Ridgelines are very dangerous for hawks and eagles. Turbines can be sited away from concentrations of large raptors.

Response to Dolores Pollock

60.1 Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines for a discussion of Project design with respect to avian protection.

Comment Set 61: Jessica Altstatt

Resident, Conservation Committee, Santa Barbara Audubon Society

The DEIR is inadequate and insufficient due to the high number of Class I impacts. The project would be inconsistent with county's plans, policies, and standards for tree removal, but there are few specifics that reassure us that the mitigation measures ratios would actually occur, and where the mitigation plantings would occur. **61.1**

The route of the transmission line has changed since the LWEP. There is no discussion of why/where this occurred. Hard to gauge new location and new permanent impacts the new line would create. **61.2**

The new transmission line route would require the removal of 62 coast live oaks for new access roads and the installation of transmission line poles. Mitigation Measures PL-13 and PL-14 are not specific enough to evaluate their adequacy in addressing Class I impacts. Must require markers on transmission lines to avoid raptor electrocution. Report must mention type and spacing of markers, and 83-inch spacing to accommodate the California condor. BIO-4b does not mention tanoaks or where they will thrive in the project area. If there is not enough adequate habitat onsite for live oaks and tanoaks, perhaps offsite restoration on adjoining properties and Dangermond Preserve may be ideal. **61.3**

Response to Jessica Altstatt

61.1 The Project's potential to result in significant impacts is the reason the County's decided that preparation of a SEIR was required for the Project. The Draft SEIR describes the impact associated with the loss of oak trees in the discussion of Impact BIO-2a in Section 4.5, *Biological Resources*. Please also see General Response GR-5: Removal of Oak Trees. Impact LU-1b in Section 4.13.5.1 of the Draft SEIR indicates that the proposed Project would be inconsistent with the County's plans, policies, and standards concerning tree removal. Regarding the location(s) of mitigation plantings, the Applicant has not yet identified compensatory mitigation lands beyond the conceptual level but are currently considering on-site locations that are outside of the development footprint. MM BIO-3 contains detailed requirements for restoration and compensatory mitigation. See Impact BIO-1a (Vegetation and Wildlife Habitat Impacts during Construction) for a discussion of how the proposed mitigation would reduce vegetation impacts to less-than-significant (Class II).

61.2 The transmission line route for the SWEP is similar to that of the LWEP, with a notable difference being that the central portion of the SWEP transmission line is located just east of San Miguelito Road whereas that the portion of the LWEP transmission line would have been located adjacent to San Miguelito Road (see SWEP SEIR Figure 2-1 and LWEP EIR Figure 2-4).

61.3 The Draft SEIR describes the impact associated with the loss of oak trees in the discussion of Impact BIO-2a in Section 4.5. Also, please see General Response GR-5: Removal of Oak Trees. The transmission line alignment was modified after the Project application was submitted to the County in order to reduce the number of oak trees that would need to be removed. The original alignment would have required the removal of an estimated 595 oak trees while the revised alignment would require the removal of 62 oak trees.

Mitigation Measure BIO-15b (Appropriate WTG and Project-Element Design) requires all overhead collection lines and transmission lines to have lines spaced 83 inches apart to protect the California condor and other large birds. Conductors must be marked for avoidance in accordance with Avian Power Line Interaction Committee (APLIC) guidelines.

Tanoaks are described under *Sensitive Vegetation* in Section 4.5.1.2 (Environmental Setting – Vegetation and Habitats) of the SEIR. Impacts to tanoak forest are quantified in Table 4.5-3 (Impacts to Vegetation and Landforms) and Table 4.5-4 (Impacts to Trees) and discussed in detail under Impact BIO-2a (Construction Impacts to Woodland and Forest: Oak woodland and tanoak forest could be impacted during construction). MM BIO-4a applies to all native trees, including oaks and tanoaks, but has been revised to clarify that tanoaks are covered species. The commenter's suggestion of the Dangermond Preserve as a location for offsite mitigation is noted and will be shared with the Applicant. The County would be receptive to the Applicant working with the Nature

Conservancy to provide restoration at the Preserve in order to satisfy some of the mitigation requirements identified in MM BIO-3.

Comment Set 62: Stephen Ferry

Santa Barbara Audubon Society

The project design has a fundamentally fatal flaw in that the WTGs are placed on ridgelines without consideration of impacts on bird mortality. Placement of turbines was only determined to maximize energy output, not to minimize bird deaths. **62.1**

Project does not follow requirements of state and federal wind energy guidelines. State guidelines on page 1 require wind projects to incorporate "adequate measures to avoid, minimize, and mitigate potential impacts to bird and bat populations." Federal guidelines state "if migratory birds and bats are likely to experience significant adverse impacts by a wind project at the proposed site, the wind developer should identify and document possible actions that will avoid or compensate for those impacts. Such actions might include altering locations of turbines or turbine arrays, or operational changes." This project does none of that. The SEIR is inadequate for not conforming to any state or federal guidelines. **62.2**

The Altamont Wind Farm used information from scientific studies to carefully site wind turbines based on sophisticated collision hazard monitoring to reduce avian collisions. Many other U.S. wind farms have also sited their turbines based on careful research while also producing sufficient energy. If they can do it, why can't Strauss? Draft SEIR is inadequate because it does not include alternative that protects birds. The county should devise a bird-friendly design and hire an expert to properly site wind turbines. **62.3**

The county should not let a foreign company profit off the environmental degradation of our land. **62.4**

Response to Stephen Ferry

62.1 Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines for a discussion of Project design with respect to avian protection.

62.2 Mitigation Measure BIO-15b in the Final SEIR has been revised to require the use of active control technology, such as Identiflight, prior to Project operations. Please see General Response GR-3: Consistency with State and Federal Guidelines.

62.3 Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines for a discussion of Project design with respect to avian protection.

62.4 Your concerns will be shared with the County's decision makers.

Comment Set 63: George Bedford

Resident of Miguelito Canyon

I applied to build my home on one of the ridgetops and the county had me revise my plans to reduce my roof height. Now, the applicant wants to build massive wind turbines in thirty locations on the ridgetops. The Draft SEIR does not mention the WTG visibility from my residence and I do not believe Strauss can mitigate anything for me or other residents. Residents are not mentioned at all in the Draft SEIR. The visual simulations are not accurate. **63.1**

If a fire occurs on the ridgetops, will we have an additional fire station up there? How will the city adequately respond to fire hazards? San Miguelito Road is a one way in, one way out street. **63.2**

The EIR is so convoluted that very few people can read it and understand the whole thing. **63.3**

Response to George Bedford

63.1 The visual simulations presented in Section 4.2 of the Draft SEIR provide key representative views of the proposed Project. In selecting locations for visual simulations, emphasis is placed on simulating views from public vantage points rather than private property as the County's Environmental Thresholds and Guidelines Manual emphasizes analysis of impacts on public views. The visual simulations in the Draft SEIR were prepared using a methodology that provides accurate simulations of the Project from various key observation points. It is not feasible to prepare visual simulations from all possible vantage points nor is that necessary in order to characterize the Project's impacts on aesthetics and determine the significance of those impacts.

63.2 The fire-related hazards associated with the proposed Project are described in Draft SEIR Section 4.8, *Fire Hazards and Emergency Hazards*. No new fire station is planned. The Draft SEIR concludes that some fire-related impacts could be significant but presents mitigation measures that would reduce impacts to a less-than-significant level. These impacts include increased fire risk during Project construction and operation (Impacts FPES-1 and FPES-2), potential increased demand for fire protection services (Impact FPES-3), and potential interference with controlled burns (FPES-5). Mitigation to reduce these impacts includes preparation, approval, and implementation of a Fire Safety Plan for the Project that would reduce the likelihood of an accidental fire, require vegetation clear zones around structures, require fire-fighting equipment on site during construction, and provide for enhanced emergency communications. The Project will include the installation of a dedicated repeater for emergency response, which is also a requirement of the Santa Barbara County Fire Department (see Section 2.7.4 of the Final SEIR).

63.3 The Draft SEIR was organized in standard manner for such documents and is consistent with direction articulated in Sections 15120 through 15132 of the State CEQA Guidelines. Making references to other sections of the Draft SEIR and to sections of the LWEP EIR is appropriate in order to avoid unnecessary duplication of information and is consistent with CEQA's requirements. The County believes the environmental impacts of the proposed Project are clearly articulated in the Draft SEIR even if that means the reader must sometimes be referred to other sections of the Draft SEIR or to the LWEP EIR.

Comment Set 64: Cheri Young

Santa Barbara Audubon Society

This project was designed to maximize electrical output with little regard for wildlife, recreation, and residents. It does not consider alternative locations. Ridgetops are the worst place for raptors. Avian mortality can be reduced by strategically relocating WTGs off ridgetops. Strauss Wind Farm should be redesigned to reduce harm to birds and other wildlife. **64.1**

The destruction of over 600 mature oak trees would destroy habitat for wildlife beyond birds. I support a modified alternative that would significantly reduce the destruction of oaks and build a bird-friendly alternative. Such an alternative would consist of removing some of the turbines off the ridgeline and making adjustments to still meet project energy goals. Alternative would minimize habitat damage, create a buffer zone around turbines. Turbine bases should not become habitat for prey. Site should not interfere with normal movement of birds. This would require an expert to design, but it's worth saving our environment. **64.2**

Response to Cheri Young

64.1 Please see General Responses GR-2: Bird-Friendly Alternative/Low-Impact Alternative and GR-3: Consistency with State and Federal Guidelines for a discussion of Project design with respect to avian protection and the expanded discussion of Section 5.4.5, *Siting WTGs Below Ridgelines*.

64.2 The Draft SEIR describes the impact associated with the loss of oak trees in the discussion of Impact BIO-2a in Section 4.5. Also, please see General Response GR-5: Removal of Oak Trees and response to Comment 64.1. With regard to turbine bases not becoming habitat for prey, please see Mitigation Measure BIO-16, which has been revised to include carrion removal to be removed everywhere on site within a 500-foot radius around wind turbine generators throughout the life of the Project.

Comment Set 65: John Callender

Resident of Carpinteria

Access to San Miguelito Road and Sudden Road beyond their intersection during construction and the operational phase of the project, as discussed in Section 2.5.9, may be closed to public travel and only be accessible to project operators, landowners and VAFB. This potentially significant recreational impact is not further discussed in deeper detail, such as how likely this event would happen. **65.1**

Section 4.16.4 discusses the commencing of recreational opportunities once construction is complete. The discussion of the impact is inadequate because it only mentions the reopened physical access to the site, and not the changed character once construction is complete. The introduction of all the WTGs, transformers, O&M facilities, etc. would provide a very different experience that would dramatically reduce the recreational use. **65.2**

The discussion of transportation of wind turbines by air was inadequate because "Erickson" was misspelled, the type of helicopter mentioned was obsolete, analysis of helicopter capacity was not investigated deeply enough, and the source (Erickson 2019) was not found anywhere else in the document. **65.3**

A more substantial problem is the elimination of the 82.5 MW project alternative. The alternative would not have the same substantial impacts to San Miguelito Road and oak trees as the preferred alternative. The explanation for its elimination was not detailed enough. Each of the three reasons 1) It would be infeasible today 2) It would not meet project objectives, and 3) It would have adverse impacts is questionable. These reasons for this alternative were used as the basis for the same alternative in the Lompoc Wind Energy Project. How would it be infeasible today as it was feasible ten years ago? Under CEQA guidelines, not all project objectives have to be met. How will the project not meet most of its project objectives under this alternative? As for the adverse impacts of the 82.5 MW alternative, would these be proportionally the same as those of the 102 MW version? **65.4**

Response to John Callender

65.1 Please see response to Comment 45.1, which is a response to the same comment in the Commenter's letter.

65.2 Please see response to Comment 45.1, which is a response to the same comment in the Commenter's letter.

65.3 Please see the expanded discussion of the Helicopter Transport of Turbine Blades alternative in Section 5.4.3 of the Final SEIR. The blades of the proposed wind turbine generators, including the 1.79-MW model, would be too heavy to be safely transported to the site by air. Airships (lighter-than-air craft) capable of carrying payloads of this weight are not yet commercially available. The typo of the name of the Aircrane manufacturer (Erickson) has been corrected in the Final SEIR and the missing reference added.

65.4 Please see the response to Comment 45.2 and the expanded discussion of this alternative in Section 5.4.1 of the Final SEIR. Also, please see General Response GR-1: Reasonable Range of Alternatives.

Comment Set 66: Bill Mullins

Private citizen

It is difficult to analyze the need for the project and the energy it will generate. **66.1**

For all the negative impacts, we should also look at all the beneficial impacts. Does the good outweigh the bad? **66.2**

Response to Bill Mullins

66.1 The State of California has established requirements for the generation of renewable energy known as the Renewables Portfolio Standard (RPS). The RPS requires that public utilities, electricity service providers, and community choice aggregators deliver 33 percent of electrical energy from renewable sources by the end of 2020. By the end of 2030, 50 percent of electrical energy is required to be generated from renewable sources. In addition, the California Global Warming Solutions Act of 2006 was signed into effect in September 2006 and this law comprehensively limits greenhouse gas (GHG) emissions in the State. The intent of the Act is to reduce California's GHG emissions to 1990 levels by 2020. The Applicant's objectives for the proposed Project are presented in Section 2.2 of the SEIR.

66.2 The SEIR identifies two beneficial impacts for the proposed Project:

- Impact EEU-1: Federal and State Renewable Energy Goals. The Project would be consistent with federal goals and state legislation related to the use of renewable energy.
- Impact GHG-1: Reduction in GHG Emissions. The Project would result in GHG emissions reductions in the power generation sector, resulting in a beneficial effect related to greenhouse gas emissions.

Comment Set 67: Leo Solari

Land Owner

My family's properties have been in this area for over 100 years. There are beneficial impacts to agriculture because the wind farm would provide income to enhance the agricultural viability by improving facilities to allow rotational grazing and other beneficial impacts. **67.1**

Response to Leroy Solari

67.1 Your comments will be shared with the County's decision makers.

Comment Set 68: Richard Adam

Resident

I am concerned with the 50-story tall, over 100-ton wind turbines and their visual impact on the area. The placement of wind turbines below ridgelines should be considered as an alternative. None of the three alternatives in the Draft SEIR reduces the environmental impact associated with the visibility of these massive structures by locating them away from ridgelines. The SEIR rejects the discussion of these alternatives, and briefly discusses in three paragraphs buried at the back of this document. By eliminating this alternative from a detailed evaluation, the authors assert that 1) earth movement required to move these turbines would be significant and 2) shifting turbines any substantial distance away from ridgelines would be expected to result in a failure to capture the amount of maximum capacity wind resources. What does significant earth movement mean? How much earth work are we talking about? How do impacts associated with earth work compare with the benefits of moving WTGs away from ridgelines? There was no adequate cost-benefit analysis. **68.1**

What's the actual decrease in generating capacity if generators were placed below the ridgelines? What percentage? Why is this alternative not reasonable or infeasible? Add the below-ridgeline alternative with a detailed evaluation, or provide evidence based on a meaningful analysis as to why this alternative is in fact infeasible. **68.2**

Because the final proposed locations of the wind turbines are not identified with any precision, I don't believe this SEIR provides a stable or finite project description. I realize the authors of this EIR are not required to provide the specifics of every detail of the project at this stage, but the placement of these turbines is a pretty big deal. The SEIR states, "The final locations of the individual turbines would be subject to minor adjustments known as micrositing at the time of construction…Micrositing adjustments would be limited to a shift of the location of the footprint analyzed in the conceptual grading plan. I searched the SEIR and it's unclear what the grading footprint is. It either encompasses 203 acres that's identified as disturbed area in the coastal development permit application, or it's 171.5 acres that's identified as disturbed area in 2.6.9 in the SEIR. Also, how can we determine what kind of visual impacts would occur depending on the elevation of the turbine placement? Visual impacts will vary in significance by turbine placements on different elevations. I don't know why it **68.3**

wasn't done in this SEIR. Visual Resources can be dramatically altered depending on whether these turbines are placed at 1100 feet or 1800 feet, so the term micrositing seems like a misnomer to me.

The SEIR is so convoluted in many places that it's extraordinarily difficult to assess what the impact is. For example, the compare one KOP, I had to flip to the LWEP with no page selection—just the Visual Resources section—and flip to a different section in the SEIR. It was like a puzzle. It was almost impossible to decipher what was being said what kind of impacts there are. **68.4**

The Aesthetics and Visual Resources section relies heavily on the 12-year old LWEP for its conclusions and analysis. The SEIR and LWEP EIR are inconsistent in some places. The Visual Resource analysis is one of the biggest contentious components of this project. It should be analyzed in-full on its own in a comprehensive and easily understood manner rather than conflating it with a 12-year old EIR for a project that had different dimensions and characteristics. The EIR needs to be recirculated and the public needs another round of comments before the finalization process. **68.5**

Response to Richard Adam

68.1 Please see response to Comment 52.1, which is a response to the same comment in the Commenter's letter.

68.2 Please see the expanded discussion of the "Siting WTGs Below Ridgelines" alternative in Section 5.4.5 of the Final SEIR. The reduction in energy generation from moving the wind turbines to lower elevations is not known since that would be dependent on the specific locations of individual turbines and the wind characteristics at those individual locations.

68.3 Please see the response to Comment 52.2.

68.4 Please see the response to Comment 52.3.

68.5 The Aesthetics/Visual Resources section of the Draft SEIR does not rely on the analysis of the LWEP EIR but it does refer to it, which is appropriate for a SEIR. The Draft SEIR includes its own analysis of the Project's impacts on aesthetic and visual resources and fully describes those impacts. The Draft SEIR visual analysis utilized some of same Key Observation Points (KOPs) as the LWEP EIR, but also identified new KOPs based on the characteristics of the SWEP and its visibility of from public viewpoints. In total, the Draft SEIR analyzed 14 KOPs and presented simulations where Project elements would be visible from these KOPs. Each of these KOPs was analyzed by comparing public views as they exist today to how they would be changed if the SWEP is built. This includes visual changes associated with the WTGs, transmission line, switchyard, and San Miguelito Road modifications. The analysis included an assessment of existing scenic qualities and viewing circumstances (e.g., viewing distance, angle of view, view duration) and comparing the likely sensitivity and reactions of viewers to the pre- and post-Project conditions. The Draft SEIR also describes where the proposed Project's impacts would be similar to those of the LWEP as well as how they would be different.

8.8 References

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