

1 INTRODUCTION

Discretionary projects in California are required to undergo environmental review under the California Environmental Quality Act (CEQA) of 1970 (California Public Resources Code, Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Title 14, Section 15000 et seq. [14 CCR Section 15000 et seq.]). A discretionary project is defined as “a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity” (State CEQA Guidelines, Section 15357).

The County of Humboldt Planning & Building Department has received an application from Humboldt Wind, LLC (project applicant or applicant) for a conditional use permit to construct and operate the Humboldt Wind Energy Project (proposed project or project), a wind energy generation facility in Humboldt County, California. The issuance of a conditional use permit meets the definition of a “project” and is subject to environmental review.

This document is the draft environmental impact report (DEIR) prepared to evaluate the physical environmental effects associated with construction and operation of 60 wind turbine generators (WTGs) and associated infrastructure with a nameplate generating capacity (theoretical maximum energy generation) of up to 155 megawatts (MW). In addition to the wind turbines and transformers, the proposed project would include ancillary facilities and activities such as temporary staging areas, access roads, 34.5-kilovolt (kV) collection lines (referred to in this environmental impact report [EIR] as the “collection system”), an operations and maintenance (O&M) building, a substation with energy storage infrastructure, a utility switchyard modification, and a 115 kV generation transmission line (gen-tie).

Although the information in an EIR does not dictate the public agency’s ultimate discretion on the proposed project, the public agency must respond to each significant effect identified in the EIR by making “findings” under Section 15091 of the State CEQA Guidelines and, if necessary, by making a “statement of overriding considerations” under State CEQA Guidelines Section 15093. CEQA requires decision makers to balance the benefits of a project against its unavoidable environmental effects, if any, when they decide whether to approve a project.

1.1 INTENDED USES OF THIS EIR

According to the State CEQA Guidelines (14 CCR Section 15064[f][1]), an EIR must be prepared whenever a project may result in a significant environmental impact. An EIR is an informational document used to inform public agency decision makers and the general public of the significant environmental effects of a project; identify possible ways to minimize the significant effects; and describe reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project.

CEQA also requires that each public agency avoid or mitigate to less-than-significant levels, wherever feasible, the significant environmental effects of projects it approves or implements. If a project would result in significant and unavoidable environmental impacts that cannot be feasibly mitigated to less-than-significant levels, the project can still be approved, but the lead agency’s decision makers must issue a statement of overriding considerations explaining in writing the specific economic, social, or other considerations that they believe make those significant effects acceptable.

1.2 TYPE OF ENVIRONMENTAL IMPACT REPORT

CEQA provides a lead agency with the flexibility to prepare different types of EIRs, and to employ different procedural means to focus the environmental analysis on the issues appropriate for decision at each level of environmental review. CEQA provides that the “degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR” (State CEQA Guidelines, Section 15146).

The environmental analysis in this EIR has been prepared at a project level of detail. The proposed project is a construction-level approval. A project-level EIR “should focus primarily on the changes in the environment that would result from that development project ... [and] examine all phases of the project including planning, construction, and operation” (State CEQA Guidelines, Section 15161). No further environmental review of individual components of the proposed project is required unless a subsequent EIR or supplement to an EIR is required by Section 15162 or 15163 of the State CEQA Guidelines.

1.3 SCOPE OF THE ENVIRONMENTAL IMPACT REPORT

Pursuant to CEQA and the State CEQA Guidelines, the discussion of potential effects on the environment in this DEIR is focused on those impacts that Humboldt County (County) has determined may be potentially significant.

On July 31, 2018, the County issued a notice of preparation (NOP) (Appendix A) to inform agencies and the general public that an EIR was being prepared. The County invited comments on the scope and content of the document and participation at a public scoping meeting. The NOP was filed with the State Clearinghouse, posted with the County Clerk, and mailed to property owners adjacent to the project boundary and to 13 state agencies. It was also posted on the County’s Web site. The NOP was circulated for 30 days as mandated by CEQA. The public-comment period for the NOP closed on August 30, 2018.

The County held two public scoping meetings to solicit input from the community and public agencies to be considered in the project design and selection of alternatives, and to determine the scope and content of the DEIR. The meetings were held on Tuesday, August 14, 2018, at the Sequoia Conference Center in Eureka, California, and on Wednesday, August 15, 2018, at the Winema Theater in Scotia, California.

Appendix A of this DEIR contains a table listing the comments received on the NOP. Copies of the comment letters follow the table in Appendix A.

Based on the scoping meetings and further analysis, the DEIR presents an evaluation of 19 environmental issue areas and other CEQA-mandated issues (e.g., cumulative impacts, growth-inducing impacts). The environmental issue areas are as follows:

- ▶ Aesthetics
- ▶ Agriculture and forestry resources
- ▶ Air quality
- ▶ Biological resources
- ▶ Cultural resources, including tribal cultural resources
- ▶ Energy
- ▶ Geology and soils
- ▶ Greenhouse gas emissions

- ▶ Hazards and hazardous materials
- ▶ Hydrology and water quality
- ▶ Land use and planning
- ▶ Mineral resources
- ▶ Noise
- ▶ Paleontological resources
- ▶ Population and housing
- ▶ Public services
- ▶ Recreation
- ▶ Transportation and traffic
- ▶ Utilities and service systems

1.4 ORGANIZATION OF THIS DRAFT ENVIRONMENTAL IMPACT REPORT

The content and format of this DEIR meet the requirements of CEQA and the State CEQA Guidelines (14 CCR Sections 15122–15132). This DEIR is organized into chapters, as identified below.

The **Executive Summary** presents an overview of the proposed project and alternatives and their associated environmental impacts; shows the project’s environmental impacts, mitigation measures, and significance after mitigation in tabular format; and describes known areas of controversy and issues to be resolved.

Chapter 1, “Introduction,” explains the CEQA process and opportunities for public participation, outlines the organization of the DEIR, and describes the intended use of the EIR.

Chapter 2, “Project Description,” describes the project site location, the objectives of the proposed project, and project characteristics, including facility operations and construction; identifies required permits and approvals; and lists the lead, responsible, and trustee agencies¹ that may have discretionary authority over the project.

Chapter 3, “Environmental Setting, Impacts, and Mitigation Measures,” presents the following topical discussions relevant to the impact analysis for the proposed project:

- ▶ Section 3.0, “Approach to the Environmental Analysis,” provides an overview of the environmental setting and definitions of the types of environmental impacts.
- ▶ Section 3.1, “Impacts Found Not to Be Significant,” identifies each resource area for which all impact conclusions for the proposed project under CEQA were determined to be either “less than significant” or “no impact,” and explains why all impacts on the resource area were found not to be significant.
- ▶ Each remaining section of Chapter 3 is devoted to a particular environmental resource area. Each section describes the baseline or existing conditions, the regulatory setting, methodology, and thresholds of significance for the particular resource area, then presents an analysis of direct and indirect impacts of the proposed project. Mitigation measures are identified that would avoid, eliminate, or reduce potentially significant or significant impacts to a less-than-significant level, where such measures are available and feasible.

¹ A trustee agency is a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California.

Chapter 4, “Cumulative Impacts,” discusses cumulative impacts that could result from the proposed project when considered in combination with other past, present, or reasonably foreseeable projects in the area.

Chapter 5, “Other CEQA Requirements,” addresses the potential for the proposed project to foster economic or population growth, or to remove obstacles to growth; identifies any significant and unavoidable adverse impacts that would result from project implementation; and discusses any irreversible or irretrievable commitment of resources that could be caused by the proposed project.

Chapter 6, “Alternatives,” describes a range of reasonable alternatives to the proposed project (consistent with Section 15126.6[a] of the State CEQA Guidelines) that are feasible (i.e., may be accomplished in a successful manner within a reasonable period of time) and would lessen significant effects of the project, taking into account economic, environmental, social, and technological factors.

Chapter 7, “References,” provides a bibliography of sources cited in the DEIR and identifies the names and affiliations of persons who provided information used in preparing the document.

Chapter 8, “Preparers,” identifies individuals who were involved in preparing this DEIR.

Appendices to this DEIR present all notices and other procedural documents pertinent to the DEIR, as well as technical material prepared to support the analysis. A hard copy of the appendices to the DEIR will be available for public review at the County of Humboldt Planning & Building Department, 3015 H Street, Eureka, CA 95501, during normal business hours.

1.5 AGENCY ROLES AND RESPONSIBILITIES

This DEIR will be used by Humboldt County and CEQA responsible and trustee agencies to ensure that they have met the requirements of CEQA before deciding whether to approve or permit project elements over which they have jurisdiction. This DEIR may also be used by other state and local agencies that may have an interest in resources that could be affected by the project, or that have jurisdiction over portions of the project.

1.5.1 LEAD AGENCY

Humboldt County is the lead agency for the project under CEQA. The County has the principal responsibility for approving the project and for ensuring that the requirements of CEQA have been met. The entitlements requested from the County for the project are certification of the EIR and mitigation monitoring and reporting program (MMRP) and approval of a conditional use permit. Depending on the final locations and details of specific facilities (such as transmission improvements), the County may need to conduct supplemental environmental analysis of the specific issues presented.

1.5.2 TRUSTEE, RESPONSIBLE, AND COOPERATING AGENCIES

Under CEQA, a trustee agency is a state agency that has jurisdiction by law over natural resources that are held in trust for the people of the State of California. One trustee agency, the California Department of Fish and Wildlife, meets that definition concerning resources potentially affected by the project.

Under CEQA, a responsible agency is an agency other than the lead agency that has legal responsibility for carrying out or approving a project or elements of a project (California Public Resources Code, Section 21069).

Responsible and cooperating agencies are encouraged to actively participate in the CEQA process of the lead agency, review the CEQA document of the lead agency, and use the document when making decisions on the project. Several agencies other than the County may have jurisdiction over the implementation of the elements of the project, as described in Chapter 2, “Project Description,” of this DEIR.

1.6 PUBLIC PARTICIPATION AND ADDITIONAL STEPS IN THE CEQA REVIEW PROCESS

This DEIR is being distributed to interested agencies, stakeholder organizations, and individuals. This distribution ensures that interested parties have an opportunity to express their views regarding the environmental effects of the project, and to ensure that information pertinent to permits and approvals is provided to decision makers for the CEQA lead agency and responsible and trustee agencies. This document is available for review by the public during normal business hours at the County of Humboldt Planning & Building Department, 3015 H Street, Eureka, CA 95501. The DEIR is being distributed for a 45-day period that will end on June 5, 2019. The DEIR is also available online at <http://www.co.humboldt.ca.us>.

Under CEQA, written comments on the DEIR must be postmarked no later than June 5, 2019. Comments should be sent to the following address:

Elizabeth Burks, Senior Planner
County of Humboldt Planning & Building Department
3015 H Street
Eureka, CA 95501
CEQAResponses@co.humboldt.ca.us

If comments are provided via e-mail, please include the project title in the subject line, attach comments in Microsoft Word format, and include the commenter’s U.S. Postal Service mailing address.

After the close of the public-review period for the DEIR, a response to comments document will be prepared, containing all comments on environmental issues received during the public-review period, responses to those comments, and other information that the County finds to be relevant. The final environmental impact report (FEIR) will be made available for review before the County certifies it as complete. The response to comments document and the DEIR together will compose the FEIR.

If significant environmental effects are identified, a lead agency must adopt findings indicating whether feasible mitigation measures or alternatives exist that can avoid or reduce those effects. If the environmental impacts are identified as significant and unavoidable, the Board of Supervisors may still approve the proposed project if it determines that social, economic, legal, technological, or other factors override the unavoidable impacts. The County would then be required to prepare a statement of overriding considerations discussing the specific reasons for approving the project, based on information in the EIR and other information in the record.

The County Planning Commission is responsible for certifying that the EIR has been adequately prepared in compliance with CEQA. After certification, responsible agencies may use the EIR when they determine whether to approve any discretionary actions over which they have jurisdiction.

Pursuant to Section 15097 of the State CEQA Guidelines, if the County approves the proposed project and the EIR identifies significant impacts and mitigation measures, the County must adopt a mitigation monitoring and reporting program. The purpose of the MMRP is to ensure compliance with required mitigation during

implementation of the project. An MMRP defines the requirements for monitoring and reporting on the implementation of project revisions, or for compliance with mitigation measures that the lead agency has required as conditions of project approval. The MMRP will be prepared concurrently with the FEIR.

1.7 DOCUMENTS INCORPORATED BY REFERENCE

Section 15150 of the State CEQA Guidelines permits and encourages an environmental document to incorporate, by reference, other documents that provide relevant data. The documents summarized below are incorporated by reference, and the pertinent material is summarized throughout this EIR, where that information is relevant to the analysis of potential impacts of the proposed project. All documents incorporated by reference are available for review at, or can be obtained through, the Planning Division of the County's Community Development Department.

- ▶ ***Humboldt County General Plan (October 2017).*** The *Humboldt County General Plan* (General Plan) is a policy document designed to give long-range guidance for decision-making affecting the future character of unincorporated Humboldt County. It represents the official statement of the community's physical development as well as its economic, social, and environmental goals. The General Plan is referenced throughout this EIR as the fundamental planning document governing the pattern of uses in the county. General Plan policies are described in each chapter of the EIR.
- ▶ ***Humboldt County Code.*** The Humboldt County Code (Code) establishes the basic regulations under which land is developed. These include allowable uses, setback requirements, and development and design standards. The basic intent of the Code is to promote and protect the public health, safety, convenience, and welfare of residents. Information in the code is used in various sections of this EIR to identify constraints and requirements that govern permitted uses and outline development standards.
- ▶ ***Humboldt County General Plan Update Final Environmental Impact Report.*** The General Plan EIR provides a first-tier ("programmatic") analysis that assesses and documents the broad environmental impacts expected to result from adoption and implementation of the General Plan update. Mitigation measures in the certified EIR for the General Plan are carried forward into future actions taken under the General Plan. Foreseeable future development actions may tier off the General Plan EIR to focus on site-specific issues associated with individual projects.