



Scoping Report for the  
**Bear River Wind Power Project**

Revised March 2011



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**Bear River Wind Power Project**

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# 1.0 PROPOSED ACTION

Shell WindEnergy Inc. has submitted an application to the Humboldt County Community Development Services Department (HCCDSD) for issuance of a conditional use permit to construct the Bear River Wind Power Project on private property located primarily along the Bear River Ridge in the northern Coast Ranges around Cape Mendocino in Humboldt County, California (Figure 1). Issuance of the conditional use permit is subject to environmental review under the California Environmental Quality Act (CEQA). Humboldt County is preparing an Environmental Impact Report (EIR) for review of the project.

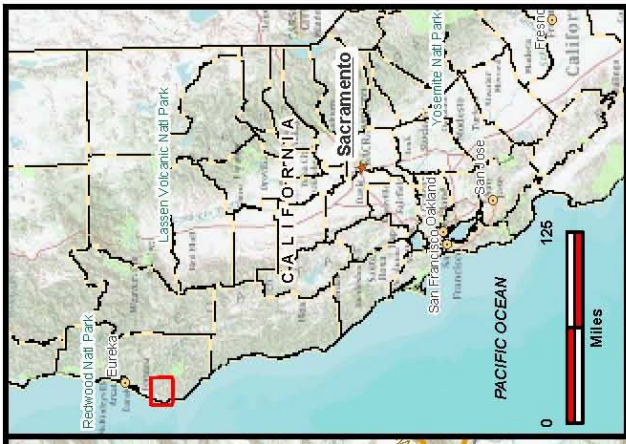
Located outside the coastal zone, the project area is used primarily for agriculture (i.e., cattle production) and timberland management, and contains several Williamson Act Agricultural Preserves. The General Plan land use designations within the project area include Agriculture Grazing and Timber. The following zones are identified for the project area in the Humboldt County Zoning Regulations (Chapter 4, Section A, Section 314-1):

- ▶ U (Unclassified),
- ▶ AE-160 (Agriculture Exclusive, Minimum Lot Size: 160 Acres),
- ▶ TPZ (Timber Production Zone), and
- ▶ AE (Agriculture Exclusive).

Shell WindEnergy Inc. has obtained long-term agreements (wind leases) with local landowners to develop the property for the project.

The proposed project includes up to 25 wind turbines (Figure 1) with the capacity to generate a total of 50 megawatts of electricity. The turbines would be arranged in turbine “strings” within a 500-foot-wide corridor. In addition to turbines, the project would include the following components:

- ▶ approximately 5 miles of access roads, turbine string roads, and turnaround areas;
- ▶ up to three permanent meteorological towers;
- ▶ a site control and data acquisition system;
- ▶ a 34.5-kilovolt (kV) power collection system (almost entirely underground) that would deliver power generated by the turbines to the project substation;
- ▶ a project substation where power from the 34.5-kV collection system would be stepped up to the voltage required for the interconnection to the regional transmission system;
- ▶ upgrades and improvements would be made at various locations along the regional transmission system outside of the project area, including modifications to the Pacific Gas and Electric Company (PG&E) transmission lines between Eureka and the connection point with the regional power grid in Rio Dell;
- ▶ an approximately 12-mile-long overhead transmission line that would transfer power from the project substation to the PG&E regional transmission system in the city of Rio Dell; and
- ▶ an operations and maintenance (O&M) facility, including a main building with offices, spare parts storage, restrooms, a shop area, outdoor parking facilities, a turnaround area for larger vehicles, outdoor lighting, and gated access with partial or full-perimeter fencing located in the vicinity of the project area.



**LEGEND**

- Wind Turbines (circle with cross)
- Met Towers (triangle)
- Substation (square)
- Transmission Line (dashed purple line)
- Collection System (solid green line)
- Project Boundary (dashed red line)

**SWE INC**  
CALIFORNIA

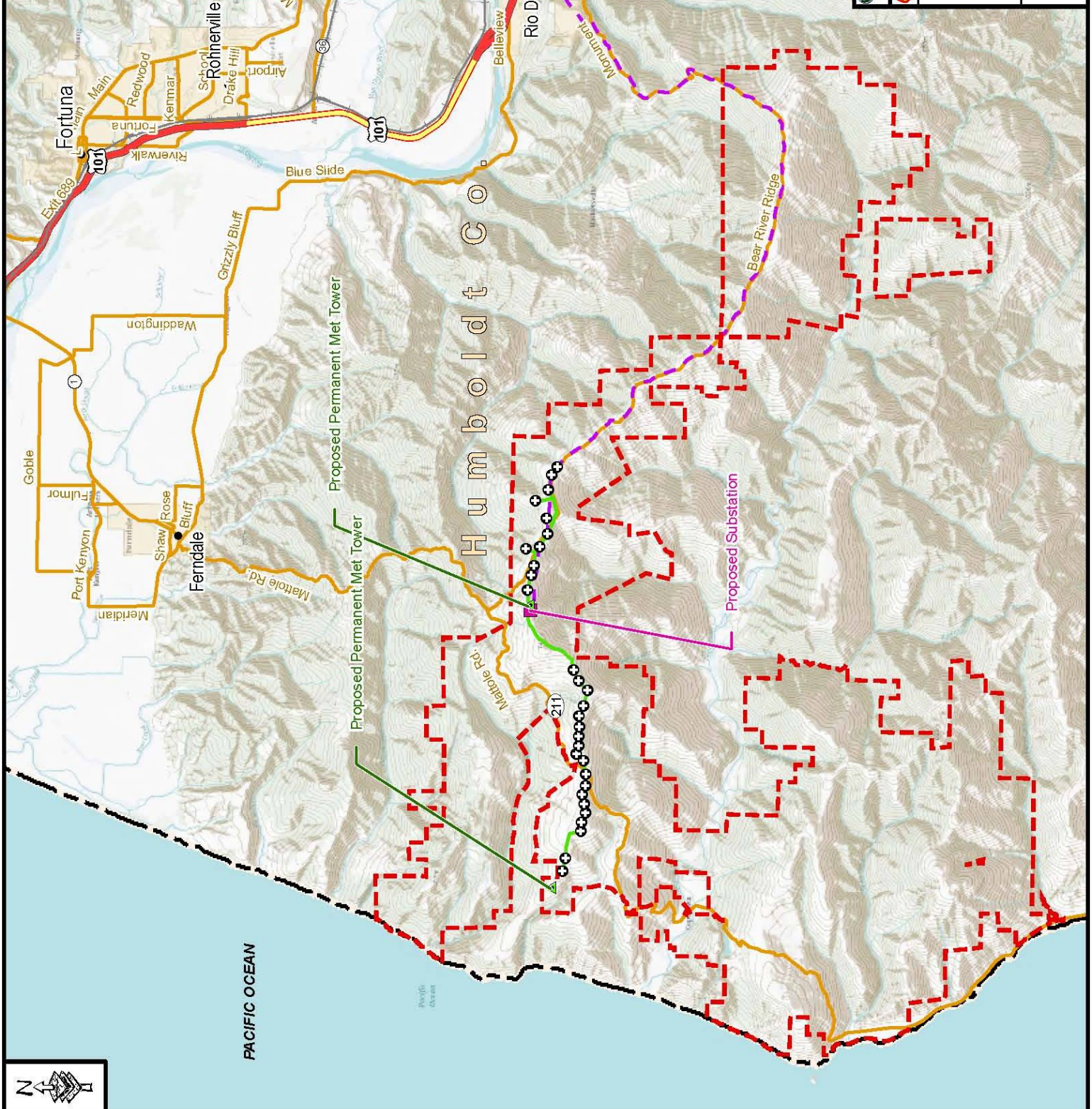
**HUMBOLDT COUNTY**  
**VICINITY MAP**  
**FIGURE 1**  
**BEAR RIVER WIND POWER PROJECT**

ArcGIS 9.2

Note: Project Boundary is not final and subject to change. November 12, 2009

Scale: 0 to 2 Miles

STP1 401 - NAD07 - US Feet  
BearRiverVicinityMap-Figure\_1\_8.5x11\_L.mxd



Construction of the project would require an on-site staging area and, depending on the availability of a nearby source of concrete, may require a temporary concrete batch plant. During construction, a total of approximately 3 million gallons of water would be required for road compaction, underground collection line installation, dust suppression, and concrete mixing. Approximately half the water would be used for dust control, and the other half would be used for all other construction activities. No new wells would be drilled or springs developed. Water needed for the construction activities would be provided through a nearby water source with an existing permitted water right issued through the State Water Resources Control Board Division of Water Rights.

Construction of the project's roads, facilities, and electrical and communication lines would occur at about the same time, using individual vehicles for multiple tasks. Based on data provided for typical wind energy projects of a similar size, it is anticipated that during the construction period, there would be approximately 60 daily round trips by vehicles transporting construction personnel to the site. Over the entire construction period, there would be more than 850 trips by large trucks delivering the turbine components and related equipment to the project site. In addition, there would be more than 2,500 trips by dump trucks, concrete trucks, water trucks, cranes, and other construction and trade vehicles. After construction, O&M of the project would require approximately three round trips per day using pickups or other light-duty trucks.

Trucks would transport wind turbine components from Humboldt Bay along state and County roads, ultimately accessing the project site through Ferndale and/or Rio Dell. All routing alternatives will be analyzed in a transportation study prepared in support of the project. It is anticipated that improvements to County and possibly City roads would be required to enable the passing of trucks transporting large turbine components.

The leases are expected to be 30-year term leases, with two 10-year extension options. The project would be decommissioned at the end of its economic life. Decommissioning would involve removing the turbines, support towers, transformers, substation, and upper portion of the foundations. Site reclamation after decommissioning would be based on site-specific requirements and techniques commonly employed at the time the area would be reclaimed. Techniques could include regrading, spot replacement of topsoil, and revegetation of all disturbed areas with an approved native seed mix. Turbine tower and substation foundations would be removed to a depth as agreed upon with landowners.

Operation of the wind farm has the potential to affect wildlife species subject to protection under the federal Endangered Species Act (ESA). Section 10(a)(1)(B) of the ESA contains provisions for the issuance of incidental-take permits to nonfederal landowners for the take of endangered and threatened species, provided, in part, that the take is incidental to otherwise lawful activities and that it would not appreciably reduce the likelihood of the survival and recovery of the species in the wild. Shell WindEnergy Inc. is preparing a Habitat Conservation Plan (HCP) that is intended to provide for management of the project site over its lifetime in a manner that would minimize and mitigate the impacts of take of wildlife species that are listed under the ESA or that may be listed during the life of the project. After the HCP is completed, Shell WindEnergy Inc. is expected to submit it to the U.S. Fish and Wildlife Service (USFWS) as part of an application for the permits.

The Habitat Conservation Plan is subject to environmental review under the National Environmental Policy Act (NEPA). The USFWS is acting as the NEPA lead agency for the preparation of an Environmental Impact Statement (EIS). The EIR/EIS will be developed as a joint environmental review document.



## 2.0 SCOPING PROCESS

### 2.1 GENERAL DESCRIPTION AND PURPOSE OF SCOPING

Scoping is an initial and critically important component of the environmental review process. Scoping is intended to assist in identifying the final range of actions, alternatives, site design options, environmental resources, and mitigation measures that will be analyzed in an environmental document. The scoping process helps ensure that problems are identified early and properly studied and also helps to eliminate from detailed study those issues that are not critical to the decision at hand.

Scoping is conducted as part of compliance with both CEQA and NEPA, and can be conducted in various forms and may involve numerous participants. In general, scoping involves the solicitation of input from the public and/or interested agencies to determine the scope, focus, and contents of an environmental document, and ultimately helps the lead agencies make more informed decisions.

#### 2.1.1 NEPA REQUIREMENTS

NEPA requires a formal scoping process for the preparation of an EIS. Under NEPA, scoping is the process by which a lead agency for EIS preparation solicits input on the nature and extent of issues and impacts to be addressed in the EIS and the methods by which they will be evaluated. NEPA specifically requires the lead agency to consult with federal agencies having jurisdiction by law and/or special expertise on the proposed action and to solicit information from the public during EIS preparation.

The Council on Environmental Quality's NEPA guidance requires the lead agency's scoping process to:

- ▶ invite affected federal, state, and local agencies, Indian tribes, project proponents, and other interested persons to participate in the EIS process;
- ▶ determine the potential significant environmental issues to be analyzed in depth in the EIS;
- ▶ identify and eliminate issues determined to be insignificant or addressed in other documents;
- ▶ allocate assignments among the lead agency and any cooperating agencies regarding preparation of the EIS, including impact analysis and identification of mitigation measures;
- ▶ identify related environmental documents being prepared; and
- ▶ identify other environmental review and consultation requirements.

Scoping should occur as early as possible after the lead agency decides to prepare an EIS. The NEPA lead agency is required to publish a notice of intent (NOI) in the Federal Register announcing its intent to prepare an EIS. Although not specifically required by NEPA, the lead agency may also hold scoping meetings. Scoping must occur after the NOI is issued, but may occur earlier, as long as appropriate public notice is provided and enough project information is available to allow the public and relevant agencies to participate effectively. While publication of the NOI serves as the trigger for starting the scoping process, there is no equivalent activity to mark its conclusion until public release of the Draft EIS. Often, the NEPA lead agency prepares a scoping report to summarize the issues raised during the scoping process and to publicize any decisions that have been made during the scoping process. This report can serve as closure to the scoping process and an assurance that the NEPA lead agency will consider comments received during that process.

## **2.1.2 CEQA REQUIREMENTS**

Scoping is a less formalized process under CEQA, but is encouraged. As described for NEPA compliance, scoping is recognized as a means to help identify the range of actions, alternatives, environmental effects, methods of assessment, and mitigation measures to be analyzed in depth in an environmental impact report (EIR), and eliminates from detailed study those issues that are found not to be important. Scoping is also an effective way to bring together and resolve the concerns of interested federal, state, and local agencies; the proponent of the action; and other interested persons, including project opponents.

Tools used to determine the scope of an EIR include early public and inter-agency consultation, the notice of preparation (NOP) of an EIR, and scoping meetings with agencies and the public. Of these tools, only the NOP is a mandatory requirement under CEQA for the preparation of an EIR. Issuance of the NOP, similar to the NOI under NEPA, serves as the trigger for soliciting comments on the proposed project. Scoping typically ends after a 30 day public scoping period, although public involvement continues throughout the project review and approval effort.

As a result of scoping, the CEQA lead agency may limit discussion in an EIR of non-significant environmental effects to a brief explanation of why those effects are not considered potentially significant.

Formal scoping meetings are not required by CEQA when a lead agency has decided to prepare an EIR; however, many lead agencies conduct scoping meetings to obtain input about the scope and content of an EIR. An exception to this provision is that a CEQA lead agency must hold at least one scoping meeting when either the California Department of Transportation requests such a meeting for a proposed project that may affect facilities under its jurisdiction, or the proposed project is of statewide, regional, or areawide significance.

## **2.1.3 SCOPING REPORT**

This scoping report was created to outline the process and outcome of the scoping meetings and other activities. Specifically, this report includes an overview of scoping requirements; a list of all documents/products generated for project outreach; a summary of all comments made during the scoping process, both written and verbal; a description of the issues anticipated to be addressed in the EIR/EIS; and appendices that include hard copies of all written comments, summaries of the scoping meetings, and other project-related materials used to inform interested parties about the proposed action and the EIR/EIS.

## **2.2 PUBLIC OUTREACH EFFORTS FOR THE BEAR RIVER WIND POWER PROJECT**

Numerous outreach efforts have been undertaken to inform stakeholders about the Bear River Wind Power Project and the scoping process and to solicit their input. The sources of information are described below. As detailed above, there is not a specific time period during which scoping begins and ends; however, scoping activities for the Bear River Wind Power Project were formally initiated with the publication of the NOI in the Federal Register on December 22, and filing of the NOP with the State Clearinghouse on January 19, 2010. The comment period for comments submitted to USFWS ended on February 19, 2010, and the comment period for comments submitted to HCCDSD ended on February 22, 2010.

## **2.2.1 INFORMATIONAL NOTICES**

### **NOTICE OF INTENT (NOI)**

The USFWS published the NOI in the Federal Register on December 22, 2009. The NOI provides a summary of the proposed action and presents information on the scoping meetings, USFWS contacts, and project background. The NOI is included in Appendix A of this scoping report.

### **NOTICE OF PREPARATION (NOP)**

HCCDSD filed the NOP with the State Clearinghouse and released it publicly on January 19, 2010. The NOP provides notice of the scoping meetings, presents an overview of the proposed action and HCCDSD's statement of the purpose of and need for the project, lists the issues anticipated to be addressed in the EIR, lists the public agencies that may have jurisdiction over elements of the proposed action or have responsibility for resources that could be affected by construction or operation of the project, and provides contact information. In addition to State Clearinghouse distribution to potentially interested state agencies, copies of the NOP were mailed to 79 recipients known to have an interest in HCCDSD operations. Copies were also made available to scoping meeting attendees. The NOP and HCCDSD's distribution list are included in Appendix B of this scoping report.

### **HCCDSD NEWSPAPER NOTICES**

HCCDSD placed a newspaper display advertisement and a legal notice in the *Eureka Times Standard*, the primary newspaper in HCCDSD's service area, on January 19, 2010. The notice announced HCCDSD's intention to prepare a joint EIR/EIS, the places and times of the scoping meetings, HCCDSD contact information, and the availability of information on HCCDSD's project Web site. Appendix C contains a copy of the legal notice.

### **WEB SITE**

HCCDSD maintains a project Web site for the Bear River Wind Power Project (<http://co.humboldt.ca.us/planning/bear-river/default.asp>) that contains public documents, lists project contact information, provides project updates, and includes an electronic question/comment submittal form. Scoping meeting information was posted on the web site following scoping meetings. The website also contains copies of the NOP and NOI.

## **2.2.2 STAKEHOLDER OUTREACH**

### **2.2.3 SCOPING MEETINGS**

Two scoping meetings were held the week of February 1, 2010, to provide opportunities for interested parties to learn about the proposed project and to provide input on the scope and contents of the environmental analysis. Comment cards and copies of project documents were made available to participants.

Each meeting included presentations describing the project background, the environmental review process, and the public outreach efforts. Meeting locations, dates, and times were as follows:

- ▶ Fortuna River Lodge: Tuesday, February 2, 2010 at 7p.m.
- ▶ Eureka Wharfinger Building: Wednesday, February 3, 2010 at 7p.m.

A copy of the scoping presentation is available on the County website. Appendix D of this scoping report includes a summary of oral comments and questions received and answers to those questions that were provided during the two scoping meetings.



## 3.0 SCOPING COMMENTS

### 3.1 INTRODUCTION

Comments were received in written and electronic format and presented orally and in the form of comment cards at the scoping meetings. Notes were taken during the scoping meetings to record questions and answers and the attendees' comments. The notes are provided in Appendix D.

Additional written comments were submitted to FWS and the County during the scoping period. Comments from the following agencies, organizations, and individuals were received by mail and/or electronic mail:

- ▶ California Department of Forestry and Fire Protection (CALFIRE)
- ▶ Peter M. Douglas, California Coastal Commission
- ▶ Alyson Hunter, California Department of Transportation (Caltrans)
- ▶ Dan Otis, Department of Conservation
- ▶ Mark C. Stopher, Department of Fish and Game
- ▶ Katy Sanchez, Native American Heritage Commission
- ▶ Jason L. Davis, North Coast Unified Air Quality Management District
- ▶ Lisa Carnahan, Bear River Power Company
- ▶ Jay Parrish, City of Ferndale
- ▶ Julie Woodall, City of Rio Dell
- ▶ Robert Cherry, PG & E
- ▶ Shane Wilson, Rio Dell Fire Protection Department
- ▶ Jason Gerdes, U.S. Environmental Protection Agency
- ▶ Andy Westfall
- ▶ Cyndy Goodson
- ▶ David and Susan Hagemann
- ▶ Don Jaunarena
- ▶ Ellin Beltz
- ▶ Jim Froland
- ▶ Kimberly Tays
- ▶ Leanne Sinigiani
- ▶ Louis Ballister, Antoinette Ballister and Don Jaunarena
- ▶ Michelle Farley
- ▶ Mrs. Dorothy J. Cowan
- ▶ Steve Hackett
- ▶ Russell McMeans, Russell's Painting and Home Repair
- ▶ Sharon Cooper
- ▶ Sylvia Sterling
- ▶ Virginia Graziani
- ▶ Melanie Waterson
- ▶ Margaret J. Hart
- ▶ Gabriel Reyes and Jean-Paul Kennedy

The written comments are reproduced in their entirety in Appendix E.

All written comments that are relevant to the contents of the EIR/EIS and the environmental review process are summarized by major topic in Section 3.2, "Summary of Comments Received."

## 3.2 SUMMARY OF COMMENTS RECEIVED

### CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CALFIRE)

1. Provides direction on Fire Safe Standards in Local Responsibility Areas and State Responsibility Areas.
2. Describes resource management requirements/policies for both Local and State Responsibility areas.
3. States that additional comments on project details will be submitted at a later date.

### Peter M. Douglas, California Coastal Commission

1. Requests analysis of the impacts to coastal birds including the marbled murrelet and northern spotted owl (as well as others) and impacts to scenic coastal public views.
2. Discusses permits and permit processes.
3. Puts all parties on notice that the California Coastal Commission may be asserting jurisdiction over this project through the federal consistency process,

### Alyson Hunter, California Department of Transportation (Caltrans)

1. Expresses interest in reviewing the Transportation Study prepared by W-Trans and early consultation to ensure all aspects of transporting equipment is planned and undertaken in the most efficient and effective manner. Transportation permits will be required for extra-long/weight trucks.
2. Link provided to website for permitting information. (<http://www.dot.ca.gov/hq/traffops/permits/>)
3. Link to encroachment permit information related to installation of overhead or underground transmission lines. (<http://www.dot.ca.gov/hq/traffops/developserv/permits/>)

### Dan Otis, Department of Conservation

1. Requests that the location and extent of the prime farmland, farmland of statewide importance, unique farmland and other agricultural land in and adjacent to the project area be identified and that current and past agricultural use of the project area be defined and impacts to these be discussed and evaluated.
2. Requests that data about types of crops, crop yields, and farm gate sales values be included in the EIR/EIS. Recommends that economic multipliers be used to assess the total contribution of the site's agricultural production. Notes that the Land Evaluation and Site Assessment (LESA) model is available for quantification of agricultural resource impacts.
3. Requests that the DEIR/EIS include a map detailing location of any agricultural preserves and any effects or proposed zoning changes to lands under the Williamson Act.

### Mark C. Stopher, Department of Fish and Game

1. Expresses concern about likely take of species listed pursuant to the California Endangered Species Act, including the marbled murrelet, willow flycatcher (recommends that lead agency confer with the Department of Fish and Game [DFG] on this species), western yellow-billed cuckoo, bank swallow.
2. States that consultation with DFG pursuant to Fish and Game Code (FGC) 2081(b) is required to authorize any incidental take of these species.

3. States that take of fully protected species that could occur in the project site is prohibited, such species include the American peregrine falcon, golden eagle, bald eagle, white-tailed kite.
4. States that species of special concern could include the western burrowing owl, northern harrier, prairie falcon, Vauz's swift, purple martin, yellow warbler and American badger.
5. Expresses concern for bats, rare plants, nesting bird habitat, migratory species associated with the Pacific Flyway.
6. Suggests consulting California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development, and comparing surveys conducted for the project to recommendations in the *Guidelines*.
7. Suggests discussing survey methods and guidelines with DFG.
8. Suggests that EIR/EIS should include specific details associated with meteorological towers and possible impacts.
9. Expresses concern for wetland impacts and mandates mitigation measures be identified in case of impacts.
10. Discusses lake and streambed alteration notification and associated permit requirements (California Fish and Game Code, Section 1602). Observes that DFG will be a responsible agency if a streambed alteration permit is needed, and states that the CEQA document will need to support DFG's permit findings.
11. Recommends the County analyze the source and season of use of proposed water sources to for the project and clarify regulations with the State Water Resources Control Board.
12. States that geologic assessments and drainage analysis are necessary in proposed new road layout. Suggests that new road construction and expansion of existing roads in mass wasting areas should be avoided.
13. Raises stream encroachment and erosion control concerns. Describes BMPs which should be employed to prevent erosion.
14. Express concerns regarding the spread of sudden oak disease through dust abatement measures, and suggests disinfection requirements for water from infected or suspect watersheds.
15. EIR should analyze cumulative wind energy turbine development within the project area, including future wind energy development which might be enabled as a result of the proposed project.
16. Impacts to federal and state listed species should be analyzed through federal and state nexus.
17. Expresses concerns about artificial light pollution.
18. Points out recommendations and guidelines of reporting special status species.

### **Katy Sanchez, Native American Heritage Commission**

1. Requests that the project be adequately evaluated and the following actions be required:
  - a. Records search to determine if any surveys have been conducted and the results of those surveys be considered.
  - b. A professional report be prepared if an archaeological inventory survey is required.

- c. Include in mitigation plan provisions for identification and evaluation of accidentally discovered archaeological resources (including Native American monitoring), provisions for disposition of recovered artifacts, provisions for discovery of Native American human remains.
2. Includes a Native American Contact list as an attachment.

**Jason L. Davis, North Coast Unified Air Quality Management District**

1. Requests consideration of alternatives on the following topics:
  - a. Fugitive dust (District Rule 104).
  - b. Ground disturbing activities in relation to asbestos (Title 17 of CA Health & Safety Code Section 93105 & 93106)
  - c. Off-road construction equipment (CA Health & Safety Code Title 13 Section 2449 - <http://www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf>; <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>)
  - d. Possibility of air contaminants from permanent installation of equipment (District Regulation 102 Required Permits <http://ncuaqmd.org/index.php?page=rules.regulations>, CA Health & Safety Code Title 17 Section 93115 <http://www.arb.ca.gov/diesel/ag/documents/finalreg101807.pdf>).

**Lisa Carnahan, Bear River Power Company**

1. Requests that AECOM involves BRP landowners directly especially in areas of aesthetics, agriculture resources, biological resources, cultural resources, hydrology & water quality, land use and planning, transportation.
2. Offers to work with AECOM to create/publish mutually acceptable process for communication and notification.
3. Requests that site visits require a 48 hour prior notification and reserves the right to refuse if interference will occur.
4. Requests that site specific requests including individual identification be submitted. Request that the project “covered area” be described more specifically.
5. Asks whether there will be another chance to provide input on EIR/EIS before going to government agencies.
6. Expresses concerns about interruption of regular order of operations including various agricultural activities such as livestock and timber.
7. Requests that the EIR address plans for security both during and after construction in further detail.
8. Expresses concern about the overhead transmission lines, visual impact of wind turbines, and light pollution.
9. Expresses concerns about the introduction of non native or noxious plants.
10. Requests a more specific re-vegetation plan with success monitoring plan.
11. Expresses concern about the displacement of top soil, mixing of top- and subsoil, location of staging area.

12. Requests discussion of the total amount of material to be generated from cut and fill operations, and better description of road construction.
13. Requests explanation of what will happen with material generated when digging trenches for cabling and tower foundations.
14. Requests that a comprehensive fire management and prevention plan be developed, including who will carry liability for increased potential fire hazards created by construction, turbines, and transmission lines.
15. Requests care be taken to avoid blocking springs or rupturing pipelines while using explosives.
16. Expresses concern about disruption or displacement of water-sources and permitting associated with ground dewatering.
17. Requests exact location, description and use clarification for Trailer Pad Area.
18. Requests that impacts from noise on livestock operations and general lifestyle be carefully considered.
19. Request that adjacent properties be assessed for effect on value.
20. Request for AECOM to expand the public process to pay special attention to impacts to the individuals who are directly in the transportation/transmission paths.
21. Expresses concern about increased public traffic in Bear River agricultural area.
22. Asks who will be responsible for maintenance of new roadways and access roads.
23. Requests better description of access roads and easements.
24. Suggests roads be constructed and designed according to forestry standards (minimum) and reference be made to road construction manual used in forestry operations.
25. Requests clarification on permit issues related to rock extraction.
26. Requests better description of transmission easements, clarification on water sources.
27. Asks about zoning changes that may occur and what will happen to zoning when project is decommissioned.
28. Asks about effects to landowners with Williamson Act contracts (also tax liability).
29. Requests mention of how spills at batch plant will be handled, including clean-up and disposal.
30. Points out that Project Construction Cleanup does not mention site remediation if necessary from spills, leaks, process control.
31. Requests better description of how the site will be returned to its pre-existing conditions.
32. Expresses that baseline conditions need to be established by County. This baseline should be the point of comparison for decommissioning actions.
33. Suggests researching a bond to support the decommissioning of this long-term project.

34. Asks about whether the EIR/EIS mitigation will be transferred to the new owner in the event of ownership change.
35. Requests clarification on various specific details provided in the NOP, including how HCP would affect landowner activities and Shell activities.
36. Requests that the County request that every attempt is made to use local resources, construction and maintenance workers wherever possible.

**Jay Parrish, City of Ferndale**

1. Requests quantitative evaluation of traffic and noise impacts of construction-related traffic utilizing roads through the City of Ferndale.
2. Requests quantitative analysis of construction and operations-related air quality impacts, including greenhouse gas emissions.
3. Requests description and evaluation of the environmental effects of construction and operation of the proposed transmission lines, and associated electricity.
4. States that if any improvements are required to streets and/or rights of way within the City of Ferndale, the applicant must obtain approvals for these improvements from the City, and the environmental effects of any such improvements should be fully evaluated.

**Julie Woodall, City of Rio Dell**

1. Requests the EIR/EIS describe and map each facility and improvement proposed in the City of Rio Dell, describe and evaluate traffic, construction and operational noise, visual impacts, electromagnetic-related effects from turbines and transmission lines (points out that the city standards specify undergrounding in the Town Center), analyze construction and operational effects, conduct and evaluate cultural and biological resource field surveys, evaluate effects of decommissioning the project, evaluate alternatives, and evaluate environmental effects.
2. Requests that electromagnetic impacts adjacent to transmission lines and the substation be analyzed quantitatively and compared to adopted standards, or recommended health-based standards.
3. States that any and all improvements and maintenance to City roads should be completed as part of the project, including those during the decommissioning. Suggests alternate routes for road improvements and truck traffic.
4. Requests that at a minimum traffic be limited to Eagle Prairie Bridge and Monument Drive rather than State Highway 101 in order to minimize the number of residents impacted by truck traffic and noise impacts. Requests that trucks hauling turbine components and construction materials be restricted to 8am-8pm M-Sat and 1pm-8pm Sunday. No Jake brakes should be used in City limits.

**Robert Cherry, PG & E**

1. States that PG&E anticipates concluding feasibility studies on proposed electric transmission line ownership and route/location in May.
2. States that six existing transmission line segments will require improvements to accept the proposed generation.

3. Points out that the Rio Dell Substation will require expansion beyond current property lines.
4. States that PG&E participation will require approval by the California Public Utilities Commission (CPUC), a CEQA responsible agency (contact Billie Blanchard).
5. Provides the opinion that the potential impact areas accurately reflect the analyses that will be needed to address the scope of the PG&E project components.

### **Shane Wilson, Rio Dell Fire Protection Department**

1. Expresses support of overall project.
2. Expresses concern about the possibility of increased wildfire response, heavy rescue/medical response, vehicle accidents, out of district response, need for heavy extraction equipment and need for additional training.
3. Expresses concern about increased operating costs which would throw off the department's current budget/tax balance.

### **Jason Gerdes, U.S. Environmental Protection Agency**

1. Requests purpose and need be clarified and incorporate discussion of the State's overall renewable energy portfolio and goals.
2. Suggests alternatives include location, capacity, and type of energy generation. Clearly identify regulatory options available to USFWS in alternatives.
3. Recommends the EIS address impaired waters and describe efforts to develop and revise TMDLs. EIS should describe coordination with on-going water quality efforts and describe mitigation to avoid further degradation of impaired waters.
4. Recommends the EIS clearly identify and quantify waters, including any waters of the US, and coordinate with USACE for jurisdictional determination.
5. Recommends the EIS address potential project impacts on drinking water supplies, including source protection zones and potential contaminants.
6. Proposes specific species (northern spotted owl, yellow-billed cuckoo, willow flycatcher) for inclusion in HCP. Provides specific habitat analysis suggestions, and states that EIS should describe how project will comply with ESA. Suggests a monitoring program for bats and avian species.
7. Recommends the EIS include an invasive species management plan.
8. Recommends the cumulative analysis include other potential wind projects, and indirect population impacts of increased power generation. Suggests analysis include the type and location of indirect impacts.
9. Discusses the importance of adaptive management in mitigation, and suggests a resource in developing a formal adaptive management plan.
10. Recommends the climate change analysis include adaptation analysis, and discussion of the benefits of wind energy (including quantification of GHG impacts of various types of energy generation).

11. Suggests components of air quality analysis, including equipment emissions mitigation plan and fugitive dust control plan.
12. Provides suggestions for noise analysis, minimizing visual impact, environmental justice analysis, hazards analysis.
13. Recommends the EIS include outcome of tribal consultation, including how any issues were addressed. Recommends the EIS address existence of Indian sacred sites in the project area, and suggests development of a cultural resource management plan.
14. Recommends the land use analysis include proposed plans if they have been formerly proposed by a jurisdiction in a written form.

**Jane M. Hicks, U.S. Army Corps of Engineers**

1. Observes that U.S. Army Corps of Engineers (USACE) will need to review any project actions which would result in filling wetlands or waters of the United States.
2. Requests that application for USACE authorization should be made to the San Francisco District Regulatory Branch office. A completed application could enable USACE to confirm that actions are already covered by an existing permit. Accurate and complete application information can avoid delays in processing.

**Andy Westfall**

1. Expresses concern about cultural and aesthetic changes to the Bear River Ridge area and devaluation of his property as a recreational ranch.

**Cyndy Goodson**

1. Expresses concern about birds, bats and wildlife possibly killed by turbines.
2. Expresses concern about disturbance to Native American sites on top of Monument Hill.
3. Expresses concern about disturbance to the environment and increased traffic on rural roadways.
4. Expresses concern about workers and equipment bringing in invasive species of plants, fungus and pests to the area.
5. Requests that washing and inspection of vehicles before heading up to Bear River Ridge be mandatory.

**David and Susan Hagemann**

1. Expresses concern about the Transmission Line Route. Specific concerns include the following topics:
  - a. Electromagnetic radiation and the health effects on residents/livestock.
  - b. Removal/damage to trees resulting in loss of value or aesthetic.
  - c. Poles/lines appearing industrial rather than matching rural aesthetic
  - d. Decreased property value

- e. Offers the option to use “non-inhabited” open, agricultural lands for the new easement and transmission lines.
  - f. Increased fire hazards
  - g. Increased insurance costs to homeowners
2. Expresses concern about road widening. Specifically regarding the following topics:
    - a. Loss or damage to outbuildings, barns, venerable redwood/fir/bay and heirloom fruit trees.
    - b. Increased traffic on Monument Road.
    - c. Increased contaminants in runoff from Monument Road.
    - d. Increased speed and decreased safety on Monument Road.
    - e. Geologic stability of Monument Road.

### **Don Jaunarena**

- 1 Expresses concern that disturbance of soil will lead to erosion and noxious weed germination resulting in detrimental effects to livestock.

### **Ellin Beltz**

1. Expresses concern that there is no clear call for public comments.
2. Expresses her view that the project is being represented as a “green” project when it’s actually not.

### **Jim Froland**

1. Expresses concern over bird take mentioning many species present in the area. Provides an article focusing on a study of bird take at the Altamont Wind Farm in Alameda County.
2. Suggests no project alternative, minimizing impacts (using the best technology of wind turbine to minimize take), mitigation for any bird deaths, undergrounding of transmission lines.
3. Expresses concern regarding impacts to bats.
4. Wishes that possible future expansion be considered in the document.
5. Expresses desire for the decommissioning section to be more specific.
6. Suggests the Morrison Family or Ferndale Museum be contacted regarding records of Native Americans living in the Kinman Pond area and that the area be thoroughly surveyed and possibly protected.

### **Kimberly Tays**

1. Expresses concern about effects to marbled murrelet, northern spotted owls.
2. Expresses concern about size and aesthetic impact of wind turbines.

3. Expresses concern about infrastructure and road widening.
4. Suggests promoting rooftop solar installations.
5. Expresses general opposition to project.

**Leanne Sinigiani**

1. Expresses concern about transmission lines being overhead rather than underground, road widening, runoff into Francis Creek, redwood destruction, damage to city streets in Ferndale, livestock/revenue loss.
2. Suggests that Shell find an alternate location for the project.

**Louis Ballister, Antoinette Ballister and Don Jaunarena**

1. Expresses concern about effects on ranching activities and livestock transportation.
2. Expresses concern about land erosion and topsoil replacement.
3. Expresses concern about effects from widening of Wildcat and Monument Roads and increased traffic.
4. Expresses concern about aesthetic impact of overhead transmission lines (suggests underground lines).
5. Expresses concern about noxious weeds due to soil disturbance.
6. Expresses concern about water sources and effects on springs.
7. Expresses concern about location of the wind turbines.

**Michelle Farley**

1. Requests to be advised of any future meetings regarding this project.
2. States the opinion that the project will cause substantial impact on environment and economics of the area.
3. States that the “burden of proof” should be documented by Shell WindEnergy, Inc.

**Mrs. Dorothy J. Cowan**

1. Expresses approval and support for project.
2. Suggests looking at turbines located at Adobe in San Jose, which she understands to be bird-friendly.

**Russell McMeans, Russell’s Painting and Home Repair**

1. Expresses concerns about higher energy costs and need for energy sources.

**Sharon Cooper**

1. Expresses disapproval of chosen location of the project because of the chance of soil disturbance and noxious weed invasion, soil erosion and water quality issues.

### **Steve Hackett**

1. Expresses approval of the overall project.
2. Expresses his opinion that the “view” is not a suitable argument against the project but hopes the project designers and power companies take the aesthetic effect into account during design.
3. States that he likes the idea of wind power being brought to Humboldt County and California.
4. Suggests weighing any short-term water quality or hydrology effects against long-term economic stability and support of infrastructure rehabilitation and maintenance.

### **Sylvia Sterling**

1. Expresses concern regarding her property at 280 Wildcat and 300 Ocean Ave.
2. Expresses concern about increased traffic and disturbance to quality of life, property value.
3. Suggests an alternative route be considered or that Shell Wind consider purchasing the properties at 277, 280, and 300 Ocean Ave. at current value.

### **Virginia Graziani**

1. Asks what the source of 3 million gallons of water for the project will be.
2. Expresses concern about the impacts to the Eel River.

### **Melanie Waterson**

1. Expresses opposition to the project.

### **Margaret J. Hart**

1. States that applicant should be required to prove that impacts would not be significant, rather than the public proving that impacts would be significant.
2. States that project effects would be irreversible, and mitigation which would occur after the project begins should be considered inadequate.
3. Requests modification of list of covered species. States that list should include riparian habitats and fish species.
4. States that creating habitat elsewhere could ignore risks to integrity of existing habitat on ridge.
5. States that endangered species are indicators of natural community health, which cannot be mitigated by creation of habitat elsewhere.
6. States that human inhabitants are an integral part of the ecosystem.
7. Requests that independent baseline data be developed, rather than using data provided by the applicant.
8. Expresses doubt that land surrounding turbines would remain in a natural state, or that turbine sites would be reclaimed following decommissioning.

9. Makes specific recommendations for analysis:
  - a. independent survey of plants.
  - b. provide specific information of wind farm effects on raptors.
  - c. soil surveys to address compaction, risks to grazing activities, increased runoff, and landsliding.
  - d. risk to fish habitat from soil erosion.
  - e. impacts of roads and transmission lines should be separately addressed and mitigated from on-site effects.
  - f. evaluate short- and long-term effects of project on stream flows and water use.
  - g. fire risks.
  - h. hazardous material risks, including health effects on cattle.
  - i. seismic risks, including damage to project components and corresponding risks to surrounding residents.
  - j. site-specific noise evaluation.
  - k. communal memory of residents is an endangered resource.
  - l. quantitative visual data should be weighed with sociological and economic criteria.
  - m. renewable resources can become extractive if interests are not aligned with local community.
  - n. ban on speech by landowners suggests that project does not have common interest with community.

### **Gabriel Reyes and Jean-Paul Kennedy**

1. Expresses concern about pre-construction monitoring for bats. States that the project should be required to comply with California Energy Commission bat survey protocol guidelines, which require a full year or pre-construction monitoring.
2. Provides detailed information and citations for research on bat occurrence and migration in the project area.

### **Nancy Trujio**

1. Expresses concern regarding her property at 277 Ocean Avenue, Ferndale.
2. Expresses concern about the effects of increased traffic on Wildcat Road to quality of life, health, and property value.
3. Expresses concern about vibration caused by truck traffic resulting in structural damage to her home.
4. Expresses concern that the disturbance during construction, operation, and decommissioning of the project will inhibit her ability to work from her home.
5. Expresses concern that parking on Ocean Avenue will be restricted.

6. Expresses concern that the traffic noise and pollution would harm the health of an animal that shares her home.
7. Expresses concern that traffic control measures would change the visual character of views from her home.
8. Expresses concern that the traffic and noise will disturb wildlife and may cause dangerous animals to enter the town.
9. Expresses concern that increased truck traffic will trigger landslides at the base of Wildcat Road.
10. Suggests an alternative route be selected.



## 4.0 CONCLUSIONS

The Bear River Wind Power Project Draft EIR/EIS will describe the direct adverse and beneficial environmental effects of implementing the proposed action. The Draft EIR/EIS will also evaluate any indirect effects of implementing the proposed action, such as potential growth-inducing effects, and the cumulative effects of the proposed action when considered in conjunction with those of other related past, present, and reasonably foreseeable future projects. A No-Action Alternative and other project alternatives will also be evaluated, as required to comply with CEQA and NEPA.

### 4.1 ISSUES TO BE ANALYZED IN THE DRAFT EIR/EIS

All comments received as a part of the scoping process will be considered by HCCDSD and the USFWS in preparation of the Draft EIR/EIS. On the basis of preliminary consideration of the proposed action as described in the NOP and NOI, and taking into account the public and agency input received during the scoping process, HCCDSD and USFWS have determined that the issues addressed in the Draft EIR/EIS will include the following:

#### LAND USE

- ▶ Consistency with Humboldt County General Plan, including compatibility with surrounding uses
- ▶ Consistency with Rio Dell and Ferndale General Plan for certain components of the project

#### AESTHETICS/VISUAL RESOURCES

- ▶ Potential impacts to scenic resources and coastal public views
- ▶ Potential impacts and the local viewshed
- ▶ Potential sources of light and glare

#### AGRICULTURAL AND TIMBER RESOURCES

- ▶ Conversion of farmland to non-agricultural use
- ▶ Williamson Act Reserves
- ▶ Potential interference with local farming operations

#### AIR QUALITY

- ▶ Increases in pollutant emissions associated with construction activities or long term operation
- ▶ Conflict with local plans

#### CLIMATE CHANGE/GREEN HOUSE GASES

- ▶ Consistency with local plans

#### CULTURAL RESOURCES

- ▶ Potential for disturbance of significant known or undiscovered cultural and resources, if present

#### HYDROLOGY AND WATER QUALITY

- ▶ Potential impacts due to construction activities
- ▶ Potential impacts related to water use during construction
- ▶ Modification of local drainage patterns

## **GEOLOGY, SOILS AND SEISMICITY**

- ▶ Temporary erosion conditions during construction
- ▶ Risks related to the placement of facilities associated with the wind generating project and roadway improvements in areas subject to seismic activity or having unstable soils

## **PUBLIC HEALTH AND SAFETY/HAZARDOUS MATERIALS**

- ▶ Potential spills of hazardous materials or waste during construction and operation
- ▶ Wildland fire hazards associated with wind turbines and electrical transmission facilities

## **NOISE**

- ▶ Temporary increases in ambient noise levels during construction
- ▶ Long-term increases in noise associated with operation of wind farm

## **RECREATION**

- ▶ Disturbance of recreational activities in the area due to construction and operation

## **POPULATION AND HOUSING**

- ▶ Potential changes in population, housing and employment characteristics

## **SOCIOECONOMICS/ENVIRONMENTAL JUSTICE (NEPA REQUIRED TOPIC)**

- ▶ Potential effects on human health, economics and social effects

## **PUBLIC SERVICES**

- ▶ Potential impacts to law enforcement, fire protection, schools and solid waste

## **TERRESTRIAL BIOLOGICAL RESOURCES**

- ▶ Disturbance of riparian vegetation, jurisdictional wetlands or other waters of the U.S., or other sensitive natural communities from construction of project facilities
- ▶ Construction or operational effects on special-status terrestrial species or their habitats
- ▶ Consistency with the HCP
- ▶ Potential impacts from introduction and spread of invasive species and forest related diseases.

## **TRAFFIC AND TRANSPORTATION**

- ▶ Temporary construction effects on local roads and traffic circulation
- ▶ Impacts on the state highway system, including traffic safety during construction

## **UTILITIES AND SERVICE SYSTEMS**

- ▶ Potential disruption of service and need for the relocation of utilities
- ▶ Energy consumption during project operations

## **CUMULATIVE IMPACTS/CONSISTENCY WITH OTHER PROJECTS**

- ▶ Cumulative wind energy facility development within the project area
- ▶ Effects of the action in combination with those of other related past, present, and reasonably foreseeable future actions

### **4.2 ISSUES NOT TO BE ANALYZED IN THE DRAFT EIR/EIS**

No issues have been eliminated from further analysis in the EIR/EIS. The document will address the full range of issues to be considered under CEQA and NEPA.

### **4.3 ALTERNATIVES ANALYSIS**

Alternatives to be analyzed in the EIR/EIS are currently being developed by the lead agencies and the consultant team with input from landowners, the project proponent, the consultant team preparing the Habitat Conservation Plan and other parties, as appropriate. Preliminary alternatives considered during an alternatives workshop include variations in numbers and locations of turbines, a project of different size, and a no project alternative. An offsite alternative on a different ridgeline was considered but eliminated from further analysis due to the infeasibility of transporting turbine components to this location. Alternative routes for transport of turbine components to the site and for the routing of the required transmission lines are also being studied.

# Appendices

- A Notice of Intent
- B Notice of Preparation and HCCDSD Distribution List
- C HCCDSD Public Notice of Scoping Meetings
- D Scoping Meeting Notes
- E Copies of Written Comments