

Adverse Impact from "Humboldt Wind" project to Wildlife and Habitat: Notes on California Department of Fish and Wildlife DEIR Comments

Of all the comments we've seen thus far, perhaps one the most articulate and instructive on issues of the Humboldt Wind projects potential adverse impacts to wildlife, habitat and the for environmental damage generally are those from the State Agency, the California Department of Fish and Wildlife (**CDFW**).

We commend a review of these comments from the state agency charged with wildlife and wild lands conservation to anyone unfamiliar with just how '**brown**' a supposedly 'green' energy project can be.

Consultation History

Unlike many of us who were taken somewhat by surprise with this hugely outsized project, CDFW had much earlier weighed in with its concerns over the project's obvious threat of adverse impact to sensitive wildlife habitat and species of special concern.

We now understand that CDFW has consulted regularly with the Project team since late 2017, and CDFW staff have attended numerous meetings and site visits with Project proponents (Terra-Gen), the Lead Agency (County Planning), and other regulatory agency staff.

CDFW provided informal comments on various work plans, and formal comments on the Notice of Preparation of a Draft EIR (CDFW 2018). Most recently the Department has provided additional comments specific to the DEIR and Project as currently proposed (CDFW 2019).

CDFW's primary concern regarding the DEIR and proposed Project are shared by most reviewers: that is, it was vastly premature, released *before* studies, plans or data gathering and analysis specifically recommended by CDFW could be completed.

As a consequence, the EIR lacks sufficient information, here needed by the Fish and Wildlife Department, to estimate the rate and degree to which the project will kill listed threatened and endangered species and impact their habitat.

"The DEIR was circulated prior to collection, study results, and analysis of Project specific data vital for the DEIR's impact analyses...."

Specifically, CDFW now recommends

- completing a second year of marbled murrelet (murrelet) (*Brachyramphus marmoratus*) radar surveys,
- adjusting murrelet take estimates informed by this data and site-specific environmental factors,
- completing two years of protocol level northern spotted owl (*Strix occidentalis caurina*) surveys, and

- completing site-specific analyses for birds and bats based on a minimum of two-years of data.

As the Department explains:

"A second year of survey data for murrelet, bats, and birds in relation to wind turbine facilities will facilitate the Lead Agency's and CDFW's assessment of the Project impacts."

"Northern spotted owl protocol surveys will be needed throughout the Project."

"As discussed within this letter and our NOP comments, reliance on one year of survey data and comparisons to similar and dissimilar projects rather than comprehensive site-specific data and analyses, *impacts CDFW's ability to determine the Project fully mitigates for take of listed species and has lessened impacts to a level of less than significant.*" (CDFW 2019)

Garbage In, Garbage Out

The Department notes that even after extensive consultation, its constructive recommendations were never considered by the project proponent, Terra-Gen or the County in the DEIR.

CDFW is not persuaded that that Terra Gen has gathered sufficient data or performed adequate analysis re how much harm the project will cause over the course of its operation.

Without better information and data on the level of "take" (of murrelets, for example), it's not possible to assess

- the need for or adequacy of mitigation or
- *whether the project site can be used at all* as proposed, and
- the DEIR avoids analysis of alternative locations.

"The CDFW provides recommendations on feasible alternatives within this letter related to listed species, birds, and bats that were *previously recommended by CDFW, but were not considered in the DEIR.*" (CDFW 2019)

"Wind turbine siting and operation is likely to result in considerable "take" over the ...Project period via collisions with turbines for numerous special status species that are State-and Federally-listed, Fully Protected (FP), locally rare, and State Species of Special Concern (SSC). Based on Project-provided information and estimates, the potential take includes:

- "For State Endangered/Federally Threatened murrelets, the number ***may exceed the 20.86 murrelets*** that the DEIR estimates will be killed..."
- "Bat fatalities ***could exceed*** the Project's estimated maximum of ***21,600 bats killed...*** due to documented "swarming" behavior by hoary bats (*Lasiurus cinereus*) near turbines"
- "Loss and *possible extirpation* of a disjunct population of *horned larks* (*Eremophila a/pestris*) that breed on the turbine siting and gen-tie portions of the Project"

- "Loss of **over 3,400 raptors** (based on Project-provided estimates) including State Fully Protected raptors such as
 - golden eagles (*Aquila chrysaetos*);
 - bald eagles (*Haliaeetus leucocephalus*),
 - white-tailed kites (*Elaeanus leucurus*), and
 - peregrine falcons (*Falco peregrinus anatum*) as a result of collisions with turbines and power lines;
 - Passerine bird loss related to turbine collisions **could exceed by 300 percent or more** the **Project's estimate** of up to **9,000** [over project duration]."
- The CDFW relies upon the a certified CEQA process, in this case the EIR, as the underlying environmental review and documentation for permitting under the CESA. However,

"In the case of this Project, we are concerned the CEQA review is insufficient to support permit issuance and that additional CEQA review would be required if the applicant were to seek an Incidental Take Permit under CESA. Given the documented impacts to listed species identified in the DEIR, we believe an Incidental Take Permit would be necessary."