



Wintu Audubon Society

Birding in Northern California

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June 10, 2021

Shasta County Planning Commission
1855 Placer St., Suite 103
Redding, CA 96001

Subject: Comments on the Final Environmental Impact Report for the Fountain Wind Project
State Clearinghouse No. 2019012029

Dear Planning Commissioners:

Wintu Audubon thanks Planning Manager Paul Hellman and Senior Planner Lio Salazar for their courtesy in providing the opportunity to comment on the Final EIR for the Fountain Wind Project. We appreciate their outreach in allowing us to provide written comments in advance of the Public Hearing, and to accommodate a phone link to remotely provide testimony during the hearing.

We believe the Final EIR attempts to provide a good faith review of our Draft EIR comments, and we appreciate the changes and clarifications the County has proposed in its responses to those comments. However, we continue to maintain that the risk of impacts to sandhill cranes are significant pursuant to CEQA and its Guidelines, and we continue to maintain that significant impacts to sandhill cranes as well as bald and golden eagles, other raptors and certain songbirds requires that formation of a Technical Advisory Committee (TAC) must be added to Mitigation Measure (MM) 3.4-a, b & c. We recommend clarifications (detailed below) to the Post Construction Monitoring Program (PCMM, MM 3.4-b), and we recommend the Commission implement the "optional" Conservation Measures proposed at pages 3.4-55-58 of the Draft EIR.

Significant Impacts to Sandhill Crane

The Draft EIR asserts that impacts to sandhill crane will not be significant in spite of the fact that some turbines would be 62% taller than the Hatchet Ridge windfarm, because no mortality to sandhill crane was documented for Hatchet Ridge, and the character of the forested terrain for both are similar. The

Final EIR asserts that, even though project revisions call for some turbines to be taller yet than as analyzed for the Draft EIR, the impact will still be less than significant, because the total rotor-swept area of all the turbines will be less than analyzed in the Draft EIR.

The risk to sandhill cranes results from the adjustments they are known to sometimes make to their normally high fall, winter and perhaps spring migratory flight paths during severe storm events. A conclusion that the risk is lower if the rotor-swept area is less is incomplete reasoning. The real risk to sandhill cranes is due to the height of the turbine, not just its total wind-swept area. If sandhill cranes typically occupied the turbine array for foraging or roosting, even temporarily on occasion, their risk of turbine collision could be reasonably analyzed primarily with the wind-swept area metric. However, unlike collision risk for most other birds and bats, the risk to cranes is primarily due to turbine height protruding into a migrating cranes flight path during a severe fall, winter, or perhaps spring storm event. Although wind-swept area is a commonly used metric for wind turbine collision risk, it is not appropriate for it to be used by the EIR as the controlling metric for collision risk to sandhill cranes from migratory flight paths.

Relying primarily on the mortality monitoring data for Hatchet Ridge is also not a reliable test for possible mortality to sandhill crane. Since crane collisions are most likely to occur during severe fall, winter or perhaps spring storm events, and no mortality monitoring occurred for Hatchet Ridge during or reasonably soon after such a severe storm event, this reasoning is also weak.

Due to this substantial uncertainty in the level of risk to sandhill cranes, we maintain that the adaptive management actions proposed to address potential impact to bald or golden eagles, other raptors and certain songbirds (Mitigation Measures 3.4-a,b,c) must further apply to sandhill cranes. The Conservation Measures proposed for sandhill cranes should in fact be revised to be mitigation measures as required by CEQA. If the County elects to not revise the level of significance nor implement MM 3.4 a,b or c in response, we recommend that the Commission impose the related Conservation Measures as detailed at page 3.4-54 of the Draft EIR. Moreover, inasmuch as greater sandhill crane are listed as threatened under the California Endangered Species Act (CESA), if fatality monitoring undertaken for eagles pursuant to MM 3.4-b reveals mortality to cranes, adaptive management measures and compensatory mitigation must still be imposed, whether or not the risk was considered significant at the outset.

Formation of a TAC or an Effective Alternative

We continue to assert the need to inform and involve the public and conservation organizations in the adaptive management process should mortality thresholds be exceeded. Although we assert that a TAC (the management of which should be paid for by the Use Permit holder) is the best (and proven) method to accomplish this, we propose an additional method to inform and engage conservation organizations (and thereby the public) in adaptive management decisions. As we explain below, this can be accomplished by actions other than a TAC which meets on a regular basis.

The County's decision not to form a Technical Advisory Committee to advise it should fatality monitoring indicate protected bird mortality has exceeded defined thresholds, will unnecessarily prevent the public and conservation organizations such as Wintu Audubon from learning about and therefore influencing the response to such potential exceedances. This is not in keeping with the requirements of CEQA to fully disclose the impact and the way that impact will be mitigated, and the level of impact after mitigation. (Simply stating that the level after mitigation is still significant does not allow a full

accounting of the expected effectiveness of the measure.) The County's mitigation framework is equivalent to saying "trust us, we'll figure it out if it happens, and you won't need to know". We appreciate the County's reluctance to absorb the cost of forming a TAC. In the case of the Hatchet Ridge Project, those costs were absorbed by the windfarm operator willingly, and should be in this case as well.

We believe a workable solution might be to require that, if mortality thresholds are exceeded, the public be informed by a simple news release, and (an) appropriate conservation organization(s) be notified in writing and given a brief period of time (30 days?) in which to comment on the threshold exceedance(s) and the minimization measures to be implemented to prevent a recurrence (per MM 3.4-b) or appropriately compensate for it (per MM 3.4c). As proposed the public will not be informed of these decisions. This prevents the public (and conservation organizations) from being informed of the environmental consequences and the level of impact after mitigation, as required by CEQA. The methodology we propose would serve to inform the public as required by CEQA. It would provide a means by which the feasibility of the adaptive management actions could be made more transparent. If the County and the Use Permit holder believe that thresholds are not likely to be exceeded, then this approach should not be resisted by the County.

A public and conservation organization notification strategy would also give the County and the project operator an opportunity to report on other important project parameters, such as:

- to-date electrical generation
- the equivalent in replacement of fossil fuel generation
- the amount of Greenhouse Gas reduction which combats climate change thus reducing drought and wildfires.

Post Construction Monitoring Program

Careful review of the 3-year PCMM, described more fully in the Mitigation Monitoring and Reporting Program (MMRP), shows inconsistencies in the timing of implementation. In the MMRP, MM 3.4-3(b)[a] states monitoring will commence "immediately following ... commercial operation...", while elsewhere the MMRP states monitoring will commence "when all turbines are incorporated" and yet elsewhere when "full operation" is reached. These 3 points in time may all be different, thus this uncertainty in PCMM timing should be resolved. We also assert that fatalities may occur before commercial operations (ie during turbine erection, testing or during the application process for commercial certification). Thus the operator should be responsible for starting the monitoring program case-by-case when any turbine begins testing, before commercial operations commence, and additionally for 3 full years after all turbines are fully operational, in order to obtain a full analysis of the level of avian and bat mortality.

The operator should also be required to continue the PCMM for at least an additional year after any mortality threshold exceedance and an additional year after any adaptive measures are undertaken in response to an exceedance.

Implementation of Conservation Measures

Wintu Audubon agrees with the need to implement Conservation Measures for Nesting Songbirds, Vaux's swift, willow flycatcher and yellow warbler, as detailed on pages 3.4-55-58 of the Draft EIR, and urges the Commission to require their implementation.

Thank you for your consideration. A representative of Wintu Audubon will be available during the hearing to present this information and answer any of your questions.

Bruce Webb, Co-chair Conservation
Wintu Audubon

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