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November 12, 2019

Robert Morris
Chairperson
County of Humboldt Planning Commission
3015 "H" Street
Eureka, CA. 95501

Subject: Humboldt Wind Energy Project
Case No. PLN-13999
Environmental Impact Report; SCH 2018072076

Dear Mr. Morris:

The City of Rio Dell is writing in response to the Humboldt Wind Energy Conditional Use Permit (CUP) and Final Environmental Impact Report (FEIR) for the proposed project. As you know the project is proposed to be located immediately south and southwest of the City and the Town of Scotia on Monument and Bear River Ridges.

As stated in our letter dated June 5, 2019, a copy attached hereto, regarding the Draft Environmental Impact Report (DEIR), the City supports alternative renewable energy, including wind energy. However, as documented in the FEIR, the proposed location will result in a number of unavoidable and significant impacts, obviously including visual impacts. These iron giants will dominate the visual landscape of the entire region, including the communities of Rio Dell, Scotia, Fortuna, the Eel River valley and the entire north coast. Some believe these iron giants will be seen from as far away as Trinidad, Kneeland, Fickle Hill, Bridgeville and even Black Lassic in Trinity County.

Humboldt County hosts one of the most beautiful landscapes in the State, if not the entire Country. Millions of travelers from all over the world come to Humboldt County each year to enjoy its scenic qualities, redwoods, rivers and beaches. The forested ridge tops, open meadows and the Scotia-Rio Dell bluffs surrounding Rio Dell create a visually stunning landscape. These views are represented on the Rio Dell city seal. If the Planning Commission and/or the Board of Supervisors approves this project, residents and visitors alike will ask "Why did you allow this project at this location?"

Many residents choose to live in Rio Dell and in fact Humboldt County due to its outstanding visual surroundings. The project if approved and built will have a dramatic adverse change not only to the City's surroundings, but to the entire region. The City believes the project will impact current and potentially future residents desire to live in Rio Dell, Scotia, Fortuna, Loleta and surrounding areas, materially affecting property values in the City. It's very likely that the increase property taxes from the Humboldt Wind project will be offset by the decreased property values in the surrounding areas.

In addition, to the visual impacts, the FEIR concludes that the project will result in significant and unavoidable impacts to:

- Air Quality
- Biological Resources, including Marbled Murrelet's and Raptors
- Cultural Resources, including Tribal Cultural Resources

The City still has a number of other concerns associated with the proposed project, including timberland conversion, increased fire danger, significant amounts of grading, erosion, geologic stability and sediment discharges into the Eel River. The City's primary water source (an infiltration gallery) is just a couple miles downstream from the project site.

The applicant is requesting and the FEIR supports earth moving activities during the winter months. The City believes this is reckless and irresponsible given the significant amount of required grading, the erosion hazard ratings of the soils and the geologic instability of the area. The sediment discharge into to the creeks and rivers will be significant even with wet-weather Best Management Practices (BMP's). The City is not aware that the required Storm Water Pollution Prevention Plan (SWPPP) has been prepared pursuant to the Federal Clean Water Act and the State Water Resources Control Board, Water Quality Order No. 97-03-DWQ, "Waste Discharge Requirements" (WDR's).

The City continues to have concerns regarding the use of local roads to access the site. Although the FEIR states that heavy truck and equipment traffic would be restricted from using City roads, without seeing the recommended Conditions of Approval or the required Mitigation Monitoring and Reporting Program (MMRP), it's all but impossible for the City to understand how this will be enforced. There is no consideration of Monument Road as an alternate and emergency access should the Jordan Creek road experience closures. There is no mention of these towers attracting visitors. Traffic would have to go through the City to get to Monument Road.

In regards to the Mitigation Monitoring and Reporting Program (MMRP), the City is disappointed that it was not included in the FEIR as required by Section 15097 of the CEQA Guidelines. Without this important component of the FEIR, it is very difficult if not impossible for the City, the public and decision makers to determine how effective the proposed Mitigation Measures will be. It should be noted that the agreement between the County and

Environmental Consultant AECOM, clearly states (Board Item C-20, June 19, 2018, page 34) that the required MMRP would be included in the FEIR.

The County's consultant (AECOM) informed the County as part of their proposal that "Because the project may result in impacts to federally and state listed-bird species, such as the marbled murrelet, and the northern spotted owl, the project **will** (emphasis added) require an Endangered Species Act (ESA) incidental take permit from the U.S. Fish and Wildlife Service (USFWS) and California Endangered Species Act, Section 2080.1 concurrence or Section 2081 permit from the California Department of Fish and Wildlife (CDFWS)." AECOM further states that a Habitat Conservation Plan (HCP) and an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) would be required as well. See Board Item C-20, June 19, 2018, page 19. To date, the City and the rest of the community is not aware of the apparently required Habitat Conservation Plan (HCP) and Environmental Impact Statement (EIS) that the County's environmental consultant told them was required over a year ago.

The City still believes the project is being fast-tracked at the community's expense in favor of big business. A prime example is the fact that the FEIR was released on November 4th and the Planning Commission will hold its first meeting on November 7th. The FEIR contains **almost 900 pages** not including the **almost 6,000 pages** of comments and associated reference materials that were submitted in response to the DEIR. It is unfathomable that the public and the decision makers have four days to review the document before the Planning Commission meeting.

The City supports the concerns and the opposition of the project expressed by a number of State and Federal Agencies, organizations and thousands of Humboldt County residents. Below is a list of some of those agencies and organizations:

- U.S. Fish and Wildlife Service
- California Department of Fish and Wildlife
- California State Lands Commission
- Wiyot Tribe
- Redwood Region Audubon Society
- North Coast Environmental Center
- California Native Plant Society
- Redwood Chapter of the Sierra Club
- North Coast Bat Working Group
- The Lost Cost League
- Marbled Murrelet Friends
- Bay Area Coalition for Headwaters
- U.S. Department of the Interior
- California Department of Conservation
- California Coastal Commission
- Yurok Tribe
- Environmental Protection Information Center
- Friends of the Eel River
- California Native Plant Society
- American Bird Conservancy
- Californians for Alternatives to Toxics
- Siskiyou Land Conservancy
- Defenders of Wildlife
- The Wildlife Society

Required CUP Findings

Pursuant to Section 312-17 *et. seq.* of the Humboldt County Zoning Regulations in order to approve the project, the Planning Commission must find:

*The proposed development and conditions under which it may be operated or maintained will **not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity** (emphasis added).*

Obviously, the City believes this finding cannot be made. It's very clear to this City Council that there is no doubt that the proposed project, if approved, will be detrimental to the public health, safety or welfare and will be materially injurious to properties and improvements in the vicinity. The increased fire danger, biological impacts, sediment discharge and visual impacts are all detrimental to the public health, safety or welfare to our communities, residents and environment.

In addition, the project will affect property values, having a direct and substantial impact on the materially wellbeing of the City of Rio Dell. According to a September 2015 article "*Do Wind Turbines Lower Property Values?*" in Forbes Magazine, it's "...clear that wind power **DOES** impact property values...". The article refers to a long list of other articles, studies and court cases documenting how wind power does affect property values. A copy was provided in the City's June 5, 2019 comments on the DEIR.

In addition the Commission must also make the following Supplemental Findings:

Agricultural Use; §312-18.1.1: *The proposed use will not impair the continued agricultural use on the subject property or on adjacent lands or the economic viability of agricultural operations on the site.*

Timber Use; § 312-21.1.1: *The proposed use will not significantly detract from, or inhibit the growing and harvesting of timber on the site or on adjacent properties.*

The proposed project will in fact impair the agricultural use of the properties. Each turbine will have a graded 350' x 350' pad (2.8 acres). It is assumed these graded pads will be fenced-off for security purposes. The will result in the loss of 132+/- acres of grazing land.

The proposed project will in fact inhibit the growing and harvesting on timber. Tree removal associated with the widening of the access roads and transmission line will inhibit (eliminate) the growing and harvesting of timber.

Another supplemental finding that applies in the Coastal Zone and not the inland areas of the County should be applied County wide. See below:

Wind Electrical Generating Facilities; §312-31.3.1: *The facility will have no significant adverse impact on sensitive habitat resources.*

There is no opportunity for the adoption of a "**Statement of Overriding Considerations**" for the required findings.

Should the project be approved, the City is concerned regarding the removal of the WTGs after the projects life (30+/- years). Apparently the removal of WTGs has been an issue in a number of communities throughout the Country and in fact the world. The City recommends, if the project or one of its alternatives is approved that a Performance Bond be required to ensure the visual blight (WTGs), the foundations, transmission facilities are removed and the natural contours restored.

For the reasons discussed herein the City of Rio Dell officially **opposes** the proposed Humboldt Wind Energy project and recommends the “No Project” alternative.

Sincerely,



Debra Garnes
Mayor
City of Rio Dell

Enclosures
Letter of June 5, 2019

Copy:
Humboldt County Board of Supervisors
Humboldt Redwood Company
Russ Ranch and Timber Company