

Ramirez, Angelica

From: David H. Chipping <dchippin@calpoly.edu>
Sent: Friday, January 24, 2020 2:08 PM
To: sbcob; Pfeifer, Kathy
Subject: San Luis Obispo Chapter of California Native Plant Society comments on Strauss Project
Attachments: strauss letter to BOS.doc

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Good afternoon:

Our apologies for the late arrival of the letter to the Board of Supervisors, which is in support of the appeal of the Strauss Wind Energy Project. We shall be available at Tuesday's hearing in Santa Maria.

Thank you

David Chipping

Conservation Chair, San Luis Obispo Chapter of California Native Plant Society



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January 24, 2020

Via Email

Supervisor Gregg Hart, Chair
Santa Barbara County Board of Supervisors
105 E. Anapamu Street
Santa Barbara, CA 93101

Clerk of the Board Kathy Pfeifer, Planning Department
sbcob@co.santa-barbara.ca.us Kathypm@co.santa-barbara.ca.us

Re: Appeal of Strauss Wind Energy Project (19APL-00000-00035); 16CUP-00000-00031)

Dear Chairman Hart, Members of the Board, Clerk of the Board, and Ms. Pfeifer:

The San Luis Obispo County Chapter of the California Native Plant Society **supports the California Native Plant Society Appeal of the Strauss Wind Energy Project**. Although we appreciate and support clean energy and recognize that this project will generate thousands of megawatt-hours annually, and we recognize that the project will reduce carbon dioxide emissions, we are concerned about the conclusions of the Final Supplemental EIR regarding significance of impacts to botanical resources and alternatives to the project.

Our Conservation Committee has reviewed the FSEIR in depth. We have reviewed the FSEIR Revision Letter, and the Staff Report to your Board. We do want to commend staff in that they have been extremely diligent in requiring surveys for this project, and the surveys appear to be adequately and professionally conducted. However, we would like to comment on the following items: (1) the conclusion that impacts to Gaviota tarplant can be reduced to less than significant; (2) the lack of analysis of a *reasonable* range of alternatives; and (3) the Findings that purport to prove that impacts that have been reduced to less than significant. We discuss these issues below.

1. We believe the FSEIR fails to adequately analyze the significant impacts of the Project on Gaviota tarplant and other biological resources. The FSEIR concludes that impacts to Gaviota Tarplant are Class II, significant and unavoidable, but fails to provide evidence that mitigations proposed would reduce impacts to less than significant. We believe the impacts of the project are significant and unavoidable based on the following:
 - There are 4 (1.9-acre) Wind Turbine Generators (N-1, 2, 3, and 4, and possibly N-6) located in the core population of the Endangered Gaviota tarplant. According to the FSEIR project description, the foundations of these WTG's are 25-30 ft. deep and 18-20 ft. in diameter. Although Mitigation Measure BIO-6 in the FSEIR contemplates the avoidance of impact during turbine micrositing, there is no guarantee this will occur, and, on the contrary, it is our belief that additional impacts may occur because grading plans are only in the preliminary stage.

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- These WTG's also affect 3-5 populations of purple needlegrass native grassland, a sensitive plant community.
 - The FSEIR estimates that approximately 26.34 acres of Gaviota tarplant habitat would be affected by permanent and temporary impact (FEIR at 4.5-68) and it effectively disregards indirect impacts, which we believe are also significant and unavoidable (see CDFW comments).
 - At the present time there is no Mitigation Plan (MM BIO-6) demonstrating that restoration of permanently and temporarily impacted lands will be successful. It is true that the mitigation measure relies on performance standards. However, there are elements of this mitigation that are still unproven (restoration of tarplant may be experimental) making this deferral out of compliance with CEQA.
 - While we support the required Conservation Easement area required by MM BIO-3, this area is as yet unidentified and therefore questionable as to its applicability to Gaviota tarplant. Again, we believe the lack of an identified Conservation Area leaves out important details and renders the mitigation out of compliance with CEQA.
 - MM BIO-3 requires restoration; however, there is currently no Restoration Plan and there is no required peer review by a botanical expert of said Restoration Plan and its Annual reports. **In fact, the FEIR states, on page 4.5-52: "If restoration cannot be achieved according to success criteria after 5 years, the affected area will then be mitigated as a permanent impact subject to the compensatory mitigation requirements in the plan."** After 5 years is too late; This is a clear acknowledgement that these are Class I impacts; we believe this is out of compliance with CEQA.
2. CEQA requires analysis of a reasonable range of alternatives; the EIR fails to undertake a legally sufficient study of alternatives to the project:
- The EIR includes only 1 modified project layout; all other alternatives alter either the production level, transport routes and methods, the switchyard location, and/or the type of blades (SFEIR at 5-2); this does not represent a reasonable range of alternatives as required by CEQA.
 - The alternatives are evaluated against an inaccurate representation of the impacts to Gaviota tarplant and other biological resources, including native grasslands, as noted above;
 - If the EIR had correctly identified Class I impacts and had considered other biological impacts in the area of concern (WTG's N-1 through N-5) that would have driven the consideration of an alternative to the WTG's located in the core population of GT, as CDFW has indicated.

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- The Staff Report indicates that it is not necessary to consider an alternative just for impacts to Gaviota tarplant. First, we point out that we are not suggesting another alternative simply for reduction in impacts to Gaviota tarplant. The removal of N-1 through N-6 would also reduce impacts to native grasslands and most likely impacts from bird and bat strikes. Yet, the Modified Project Layout supported by staff appears to consider only impacts to oaks. We believe that more biological impacts would be reduced by reducing the project footprint to avoid WTG's N-1 through N-6.
 - The Modified Project Layout Alternative (FEIR Revision Letter, Nov. 12, 2019) eliminates one WTG on the eastern edge of the project area and does nothing to mitigate the impacts to Gaviota Tarplant (in fact these impacts are increased by the realigned access roads); in fact, this Modified layout does little to mitigate significant biological impacts, except to reduce impacts to oaks.
3. The CEQA Findings for Biological Resources are inadequate:
- The approved CEQA Findings (Planning Commission Action Letter, November 11, 2019, Section 1.5.3) and the presented CEQA Findings for your Board to consider for Gaviota tarplant are inadequate and legally indefensible. The purpose of CEQA findings is to provide the link between the mitigation and the impact, proving that the impact is mitigated. The Findings as approved by the Planning Commission do only one thing: they list the impacts and the mitigations and refer to the EIR. There is no link provided in the Findings, and the EIR does not provide an adequate link to prove that the proposed mitigations for the Endangered Gaviota tarplant would reduce impacts to insignificance. The EIR merely makes a conclusory statement that "with the implementation of these measures, the impacts are reduced to less-than-significant." (SFEIR at 4.5-48).
 - We provide evidence above that the mitigations for Gaviota tarplant do not reduce impacts to less than significant. The CEQA findings are inadequate. CDFW in their comment letter on the FSEIR makes a similar statement (CDFW Comment Letter on Draft SEIR, Comment 4.11, last paragraph). The County, in response to this comment, refers the reader to Impact BIO 1a. As stated above, the EIR text under Impact BIO 1a includes no such discussion. Furthermore, the EIR text under BIO 5a (for Gaviota tarplant impacts) includes no such discussion either (FSEIR at 4.5-68).

We therefore request that you grant the CNPS appeal, and require the project proponent to reconsider additional alternatives analysis to reduce impact to Gaviota tarplant and other biological resources, specifically reduction of WTG's N-1 through N-6.

Sincerely,

David H Chipman

Conservation Chair: San Luis Obispo Chapter California Native Plant Society.

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