

## Comment Set EDC2

**From:** Brian Trautwein [btraut@edcnet.org]  
**Sent:** Wednesday, March 05, 2008 10:42 AM  
**To:** Day, John; kdrude@co.santa-barbara.ca.us  
**Cc:** kkraus@edcnet.org  
**Subject:** Lompoc Wind Energy EIR - new information regarding lichens & request for surveys  
**Attachments:** Lichens (5.15 KB); reply to lichens in Santa Barbara County (3.29 KB)

Dear John and Kevin,

During the Lompoc Wind Energy site visit on Feb. 8, 2008, EDC staff observed numerous lichen species in areas where turbines are proposed. This is new information about the project that was not available during the public comment period on the draft EIR. The presence of lichen species at the project site was unknown to EDC prior to our direct observations during the site visit.

In response to our question during the site visit, the applicant's agent stated that no lichen surveys had been undertaken for the draft EIR. During a Feb. 21, 2008 meeting with the applicant and EIR consultants, when questioned about lichen surveys the applicant did not commit to undertaking lichen surveys.

As a follow up to the site visit and Feb. 21 meeting, EDC contacted lichenologists to explore the potential for impacts to lichens within the project site.

Based on the EDC staff's observations from the site visit, two leading lichenologists, Kerry Knudsen, the Lichen Curator from UC Riverside's Herbarium and Cherie Bratt from the Santa Barbara Botanic Gardens have identified a need to conduct lichen surveys to ensure the Lompoc Wind Energy Project EIR's baseline and impact analyses are complete, and to ensure that any potentially significant impacts to lichens are avoided or mitigated.

Correspondence from Kerry Knudsen and Cherie Bratt is attached in support of EDC's request for lichen surveys to inform the Lompoc Wind Energy Project environmental analysis. Please note that the County's Preserve at San Marcos EIR identified a potentially significant impact to lichens and set forth a specific mitigation measure to reduce those impacts to a less than significant level.

Please let us know whether the County would like referrals to lichenologists that can perform the necessary surveys.

Thank you for your attention to this request.

Sincerely,

**Brian Trautwein**,  
Environmental Analyst  
Environmental Defense Center  
906 Garden Street  
Santa Barbara, CA 93101  
[btraut@edcnet.org](mailto:btraut@edcnet.org)  
(805) 963-1622 X 108  
(805) 962-3152 fax

EDC2-1

**Response to Comment Set EDC2**

**EDC2-1:** The commenter suggests conducting lichen surveys in the Project area in order to ensure that the DEIR's impact analysis is complete.

Text was added to the introduction and Section 3.5.4.2 of the Setting Section describing lichens and their sensitivity. They are also covered in the impact analysis and mitigation measures.

## Comment Set G&CB

**Day, John**

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**From:** sunset@verizon.net  
**Sent:** Wednesday, August 08, 2007 4:33 PM  
**To:** Day, John; Drude, Kevin  
**Subject:** [Fwd: wind generation project]

>From: sunset@verizon.net  
>Date: 2007/08/08 Wed PM 06:30:26 CDT  
>To: jday@co.santa-barbara.ca.us, kevin@co.santa-barbara.ca.us  
>Subject: wind generation project

>This is a dear John letter:

>

>John my name is George Bedford. My wife Cheryl and I live at 4026 San Miguelito Cyn Rd. Lompoc.

>

>We are very concerned about the wind generation project proposed for the CYN. Our home is located on a ridge at 1750 ft elev. We were unable to attend the work shop on the 6th but wanted to make sure our voices were heard.

>

>We feel that with the height of the towers there will be major visual impact, secondly the tip speed of the blades will create a noise problem, thirdly Miguelito Cyn Rd is a very narrow country road that will need major improvements to make habitable. This road also winds with Miguelito Creek making widening very difficult.

>Please forward any correspondence to sunset@verizon.net

**G&CB-1**

**Response to Comment Set G&CB**

**G&CB-1:** Please see Response to Comment EB1-2 regarding the Project's potential noise and visual impacts. Other than tree trimming along the boundaries of San Miguelito Road, no other roadway improvements are proposed as a result of the Project. Any damage to San Miguelito Road due to construction traffic will be repaired and the road restored to pre-construction condition (Mitigation Measure TC-3).

# Comment Set JB

Enclosure not received  
J. Day 9/5/07

SEPT 1, 2007

RECEIVED  
COUNTY OF SANTA BARBARA

SEP 05 2007

To Whom It May Concern:

PLANNING AND DEVELOPMENT  
DEPARTMENT - ENERGY DIVISION

Re: Lompoc Windfarm Proposed Project

I AGREE WITH THE ENCLOSED LETTER TO THE LOMPOC RECORD. WHY NOT HAVE AN ADDITIONAL WINDFARM ON THE 74,000 VANDERBERG AIR FORCE BASE WHERE THE WIND REALLY BLOWS?

IN ADDITION OUR HOME, DIRECTLY ACROSS FROM THE LARSON PROPERTY IS AN ACOUSTICAL BOWL CREATED BY THE SURROUNDING HILLS. WE CAN HEAR ANYTHING OVER AT THE LARSON BARN, BENHART'S PROPERTY AND THE BARKWELL'S. I DOUBT THAT YOUR ENGINEERS HAVE TAKEN THIS INTO CONSIDERATION IN THE PLANNING BECAUSE YOU HAD TO LIVE HERE TO KNOW THIS. THE NOISE FROM THOSE 7 LOCATIONS WOULD JUST WHIRL AROUND IN THIS BOWL MAKING EVERYONE THAT LIVES HERE EXTREMELY UNHAPPY AND UNHEALTHY. ALSO THE SIGHT OF THOSE HUGE WINDMILLS CERTAINLY WILL DESTROY THE SCENIC VIEW! IN SHORT THIS PART OF THE PROJECT WILL NOT ONLY BE VERY DISTURBING BUT ALSO WILL SIGNIFICANTLY DECREASE OUR PROPERTY VALUE. IF YOU WILL BE MAKING ADJUSTMENTS TO THE POLS AT JALAMID BEACH - WILL NOT OS THAT WILL HAVE TO LIVE WITH IT? AND - WILL YOU BE COMPENSATING US FOR LOST PROPERTY VALUES???

GRANTED WE NEED POWER BUT PLEASE KEEP IT OUT OF SIGHT AND SOUND FOR THE LOCAL PEOPLE!

Sincerely,

Jean Beattie 805-736-4420  
3765 SAN MIGUELITO RD  
Lompoc, Ca 93436

JB-1

JB-2

JB-3

## Response to Comment Set JB

**JB-1:** Please see Response to comment EB1-2 for information on the threshold of significance and the monitoring and corrective action that would be required to ensure that the baseline noise level would not increase by more than 10 dBA CNEL on adjacent, nonparticipating properties.

**JB-2:** Since the publication of the Draft EIR, additional visual simulations have been prepared for the end of San Miguelito Road (KOP 11), San Miguelito Road at the entrance to Miguelito County Park (KOP 12), and inside Miguelito County Park (KOP 13) to better reflect the presence of the Project to local residents and other users of San Miguelito Road. The revised Aesthetic/Visual Resources analysis, as presented in Section 3.2, concluded that the visual impacts from these locations would be significant and unavoidable (*Class I*).

As presented in Section 3.10.1.2, “most of the LWEF site, including all areas where development would occur, are zoned Agriculture II, 100 or more acre minimum parcel size (AG-II-100) (Figure 3.10-1). The purpose of the AG-II-100 district is to establish agricultural land uses for prime and nonprime agricultural lands located outside of Urban, Inner Rural, and Rural Neighborhood areas, as shown on the Santa Barbara County Comprehensive Plan Land Use Element Maps. The intent is to preserve these lands for long-term agricultural use. The County Land Use & Development Code (LUDC) (Chapter 35.57) specifically allows for large wind energy projects on agricultural land, subject to a Conditional Use Permit (CUP).” Subject to the approval of a CUP, the proposed Project is an allowed use under current zoning. Figure 3.10-1 also illustrates the zoning of lands along San Miguelito Road, including the project area.

**JB-3:** Please see Response to Comment JB-2.

## Comment Set LPAS1



### La Purisima Audubon Society

Post Office Box 2045  
Lompoc, California 93438

*Serving the Lompoc, Santa Maria, and Santa Ynez Valleys*

RECEIVED  
COUNTY OF SANTA BARBARA

AUG 28 2007

PLANNING AND DEVELOPMENT  
DEPARTMENT - ENERGY DIVISION



### Santa Barbara Audubon Society, Inc.

*A Chapter of the National Audubon Society*

5679 Hollister Avenue, Suite 5B, Goleta, CA 93117

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## LOS ANGELES AUDUBON SOCIETY

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Website: [www.LAAudubon.org](http://www.LAAudubon.org) E-mail: [LAAS@LAAudubon.org](mailto:LAAS@LAAudubon.org)

August 9, 2007

Mr. John Day  
Santa Barbara County P&D  
Energy Division  
123 E. Anapamu St.  
Santa Barbara, CA 93101

Re: Lompoc Wind Energy Project DEIR

Dear John:

The La Purisima Audubon Society is a California non-profit 501(c)(3) corporation. Our mission is to engage in projects relative to conserving and restoring natural ecosystems, interact with other organizations with similar concerns, and provide educational opportunities to the local community to increase their awareness, appreciation, and involvement in their environment.

The Santa Barbara Audubon Society is a California non-profit 501(c)(3) corporation. The Santa Barbara Audubon Society educates members of our community about birds and their habitats, advocates responsible legislation and public policies which help preserve our natural resources, and administers science-based projects using birds as indicators of environmental health.

Los Angeles Audubon is a California non-profit 501(c)(3) corporation established in 1911. The mission of Los Angeles Audubon is to promote the enjoyment and protection of birds and other wildlife through recreation, education, conservation and restoration. Los Angeles Audubon supports renewable energy provided that decisions about the placement and operation of the infrastructure are based on sound science to substantially limit adverse impacts on birds, wildlife and their habitat. Since 2003, we have been working to resolve the conflicts between wind energy and birds, including a year of effort with the California Energy Commission and California Department of Fish & Game to create guidelines in California to site wind projects to reduce the impacts on birds and bats.

LPAS1-1

## Comment Set LPAS1, continued

2

While the actual number of birds killed by wind turbines is unknown, estimates have been made in the range of 30,000 to 60,000 per year at the current level of wind development. The wind industry is prepared to increase the number of turbines 30 fold over the next 20 years, in order to fulfill the President's request that renewable energy projects supply 20% of the nation's energy needs by 2030. At the current estimated mortality rate, the wind industry will be killing 900,000 to 1.8 million birds per year. While this number is a relatively small percentage of the total number of birds estimated to live in North America, many of the bird species being killed are already declining for other reasons, and losses of more than a million birds per year would exacerbate these unexplained declines. Data from the FWS Migratory Bird Management and Breeding Bird Survey by the US Geological Service indicate that at least 223 species of our native bird species are in significant decline (about 1/4 of all species in US). The mortality at wind farms is significant, because many of the species most impacted are already in decline and all sources of mortality contribute to the continuing decline.<sup>1</sup>

National Audubon analyzed Christmas Bird Counts and citizen science bird population data from 1967 for release in a 2007 report titled Common Birds in Decline. The report found that "populations of some common birds nosedived over the past forty years, with several down nearly 80 percent".<sup>2</sup> "In California, Northern Pintail, Horned Lark, and Loggerhead Shrike topped the list with declines between 96 and 75%, mirroring national trends in the same species".<sup>3</sup> The dramatic national declines are attributed to habitat loss and fragmentation. Both Horned Lark and Loggerhead Shrike are recorded on project site, as are other declining species.

Our comments on the DEIR follow:

### 1. The pre-construction risk assessment of birds and bats is inadequate.

- 26 days of surveys for birds over a five year period is inadequate

In 3.5.14 Wildlife and Bird Surveys the DEIR reports "wildlife surveys of the WTG corridors, including surveys for birds, were conducted on 6 separate dates in the spring, summer, and fall of 2002, and on 7 separate dates in the spring and summer of 2005.<sup>4</sup> Additionally, "Additional reconnaissance-level surveys were conducted on 4 separate dates in September 2006," also "Olson (2007) conducted avian point count surveys during three, 3-day periods in December 2006 at 18 potential WTG sites."<sup>5</sup> This totals 26 days of survey over a five year period.

California Energy Commission and California Fish & Game draft guidelines recommend that developer "Conduct BUCs (Bird Use Counts) for 30 minutes once every week (emphasis added) during the seasons of interest, which for most projects in California includes all four seasons. Sequence observation times to cover most daylight hours (for example, alternate each week with morning and afternoon surveys) and different weather conditions, such as windy days."<sup>6</sup>

Following these minimum guidelines over only a one year period would have produced 52 days of survey, twice the level of effort presented by the lead agency in the DEIR.

The DEIR fails to disclose the scientific basis for lead agency's decision to conduct or allow such minimal surveys. The failure to disclose this basis is an omission in the DEIR.

- The surveys are inadequate as they did not include wildlife professionals

"Pre-development evaluations should be conducted by a team that includes Federal and/or State agency wildlife professionals with no vested interest (e.g., monetary or personal business gain) in the sites selected."<sup>7</sup>

<sup>1</sup> Testimony of Donald Michael Fry, PhD, Director, Pesticides and Birds Program, American Bird Conservancy, The House Subcommittee on Fisheries, Wildlife and Oceans Oversight Hearing on: "Gone with the Wind: Impacts of Wind Turbines on Birds and Bats," May 1, 2007, Room 1324 Longworth House Office Building.

<sup>2</sup> National Audubon Society, Common Birds in Decline, July, 2007

<sup>3</sup> Audubon California, Common Birds in Decline, July, 2007

<sup>4</sup> DEIR, 3.5.-14

<sup>5</sup> *Ibid*

<sup>6</sup> California Energy Commission and California Department of Fish & Game, California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development, Committee Draft Report, July 2007, CEC-700-2007-008-CTD, p.45, beginning line 1478

<sup>7</sup> U.S. Fish & Wildlife Service, Interim Guidance on Avoiding and Minimizing Wildlife Impacts from Wind Turbines memorandum, May, 2003, p.2

LPAS1-1,  
Cont.

LPAS1-2



## Comment Set LPAS1, continued

3

The DEIR fails to disclose lead agency's basis for not including wildlife professionals from state and federal agencies with no vested interest in the site selection, or for not including wildlife professionals from state and federal agencies in the surveys and study design.

**LPAS1-2,  
Cont.**

- The scope of the surveys is inadequate to assess the project site for risk to birds

The DEIR states "Most of the 2005 surveys were conducted in the afternoon, but some took place in the mornings." Bird activity is lowest in the afternoon, and highest in the mornings despite coastal fog that might limit visibility of observers but not the activity nor song of birds. The DEIR fails to disclose why lead agency chose not to identify bird species by song and only by sight.

**LPAS1-3**

The DEIR fails to disclose how the dates of the surveys were chosen, nor whether "observers" were also conducting plant surveys (especially in 2002) while conducting bird surveys. This could effect observer bias and call into question the adequacy of those surveys, reducing even further the level of effort by developer.

**LPAS1-4**

The DEIR fails to disclose if habitat was prioritized for potential for the presence of more populous and diverse populations of birds for the bird surveys. Although the various habitat on the site is described in the DEIR along with some species of birds that were observed in that habitat, the habitat types more productive for birds such as riparian habitat or habitat with water sources or grassland were given no priority in the avian surveys.

**LPAS1-5**

Additionally, birds in the most productive habitats – coastal sage scrub, riparian habitats, or oak woodland - were surveyed from afar and only during flight, excluding terrestrial species or species that prefer the insides of bushes and vegetation rather than the outside.

- The pre-construction surveys are inadequate to site the turbines to reduce the impacts on birds and bats

The DEIR is inadequate in discussion of importance of siting to minimize impacts on birds and bats, and omits discussion of wildlife and landscape issues in determining turbine placement.

**LPAS1-6**

"Assessing the Impacts of turbine siting and determining appropriate turbine placement requires a thorough understanding of the distribution and abundance of birds and bats at a proposed site and site-specific knowledge of how wildlife interacts with landscape features at the site. Orloff and Flannery (1992 and 1996), Smallwood and Thelander (2004 and 2005), and Smallwood and Neher (2004) all estimated associations between bird fatalities and attributes of wind turbine locations relative to topography and other factors. They concluded that wind turbine siting contributes substantially to bird mortality and that careful siting of new wind turbines could substantially reduce fatalities;"<sup>8</sup>

- The pre-construction surveys are inadequate to compare with post-construction monitoring.

Lead agency wishes to mitigate for unavoidable impacts with post-construction monitoring, but the pre-construction data is scientifically inadequate to do so. These pre-construction surveys do not rise to the level of BACI (Before – After, Control – Impacts) study methodology recommended by the National Wind Coordinating Committee for monitoring wind project sites.

**LPAS1-7**

"The BACI design is the most reliable design for sustaining confidence in scientific conclusions. Data should be collected for two or more time periods before and again two or more time periods after construction of the wind plant on both the assessment area (wind plant) and multiple reference areas."<sup>9</sup>

If lead agency plans a monitoring survey of 2 years of weekly surveys as suggested in Mitigation Measure BIO-3: Avian Monitoring later in the document, then pre-construction efforts should match this effort for scientific comparison.

<sup>8</sup> California Energy Commission and California Department of Fish & Game, California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development, Committee Draft Report, July 2007, CEC-700-2007-008-CTD, p.64, beginning line 2306

<sup>9</sup> National Wind Coordinating Committee, Studying Wind Energy/Bird Interactions: A Guidance Document, Prepared for the Avian Subcommittee and NWCC, December 1999

## Comment Set LPAS1, continued

4

Surveys were conducted in 2002 and then again 2005, and 2006. This five year span would have been more than enough time to collect data from adequate surveys by avian biologists and wildlife professionals.

The surveys are inconsistent, not comparable, are conducted with different methodologies that are not compatible, and cannot serve as good scientific baseline comparisons for post-construction monitoring.

The DEIR itself reports this discrepancy. "These surveys were performed by CH2M HILL biologists using a methodology similar to that used in 2002 and 2005."<sup>10</sup>

"Similar" methodology is not consistent with good, scientific data for comparison.

The surveys fail to assess nocturnal movements of birds and bats.

There are no nocturnal studies or assessments of these animals even though they are both recognized as potentially on site.

Most songbirds, waterfowl, shorebirds, herons, and egrets migrate at night (Kerlinger and Moore, 1989). Nocturnal migrants generally take off after sunset, ascend to their cruising altitude between 300 and 2,000 feet (90-610 meters), and return to land before sunrise (Kerlinger, 1995). For most of their flight, songbirds and other nocturnal migrants are above the reach of wind turbines, but they pass through the altitudinal range of wind turbines during ascents and descents and may also fly closer to the ground during inclement weather or when negotiating mountain passes (Able, 1970; Richardson, 2000).

Recent published scientific reports indicate that greater than 10% of nocturnal migrating songbirds migrating over ridges fly at elevations putting them within the area of rotating turbines (Mabee et al. 2006, WILDLIFE SOCIETY BULLETIN 34(3):682-690). It is not known whether these birds are at risk of being struck by turbine blades, whether they can adequately avoid them, and whether inclement weather might increase the collision risk, as it does with communications towers.<sup>11</sup>

While most turbines are placed in open grazed habitat, the turbines to be placed at La Tinta Hill and Sudden Peak are of special concern due to their proximity to more productive habitat, and their elevation, and Middle, Sudden, Quarry, and Signorelli ridges. These sites require a more thorough investigation of the presence of birds, especially nocturnal migrating birds in fall and spring migration periods.

"Since most movement occurs early in the evening, bird collisions are more likely to occur during the first two to three hours after sunset (18:00 to 20:00)."<sup>12</sup>

Even if no migratory songbirds were seen in the afternoons or mornings on site by observers in the 20 days of surveys, these birds may pass through the project site after sundown and prior to sunrise.

The site is on the Pacific Flyway, a migratory pathway in California.

There were no nocturnal assessments of risk to migratory birds, only point counts in the afternoon for birds that were noticed to be on the site during brief surveys, as little as one day per migratory period. Migratory birds travel in unpredictable "pushes" of great density, and may appear on site on any day during peak migratory periods (generally March 1 through May 30 and August 1 through October 30), and not on the one or two days during that peak migratory period that proponent's observers may have chosen to have been there. A more robust search is certainly required to disclose the risks to migratory songbirds. The intention of such an inadequate search for migratory birds seems to be to avoid or omit disclosure of those risks.

### 2. The DEIR does not adequately assess the impacts to species of bats

<sup>10</sup> DEIR, 3.5-3

<sup>11</sup> California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development, California Energy Commission and California Department of Fish & Game, Committee Draft Report, July 2007, CEC-700-2007-008-CTD, p. 51, beginning line 1769.

<sup>12</sup> Nocturnal Avian Migration Assessment of the San Geronio Wind Resource Study Area, Fall 1982 (McCrary, et al (1982), p.65.

**LPAS1-7,  
Cont.**

**LPAS1-8**

**LPAS1-9**

**LPAS1-10**

## Comment Set LPAS1, continued

5

The DEIR states "The actual number of fatalities at the Project could be lower or higher depending on use of the area, particularly by migrating bats."<sup>13</sup>

This is an extremely general statement, and admits that the use of the area by migrating bats has not been studied by lead agency, an important inadequacy in the DEIR.

This admission in the DEIR combined with the disclosure that up to six species of bats might be expected to be on the site, or are present near the site, suggests that a nocturnal study of migrating bats is more than important for this site in order to assess risk, compare pre-construction with post-construction data, to determine use by species, to evaluate mortality of species in monitoring, and to disclose the true impacts that the project may have on bats.

The DEIR omits a discussion of the basis for making the decision not to study migrating bats with nocturnal assessments, or how they could arrive at a scientific estimation of mortality of bats without conducting nocturnal assessment, or how they plan to compare pre-construction studies with post-construction studies of migrating bats without conducting nocturnal assessments, nor what mitigation including compensation would be appropriate for fatalities of bats at and above the level predicted.

**LPAS1-10,  
Cont.**

### 3. The DEIR is inadequate in assessing the impacts to raptors

We disagree with the following conclusion in the DEIR.

*"Given the results of surveys for this Project and a review of the literature for newer projects with designs applicable to the Project, estimates of raptor mortality loss are expected to be low. Avian mortality studies at the Buffalo Ridge, Nine Canyon, and Vansycle wind energy generation sites found that raptor mortalities made up less than 2 percent of the bird species recovered during carcass removal (Erickson et al., 2000, Erickson et al., 2003; Johnson et al., 2000)."*<sup>14</sup>

Comparisons of raptor mortality in other parts of the country with very different habitat are not adequate. California's coastal habitat is unique. Studies at Altamont Wind Energy Resource Area or at Solano Wind Resource Area are more appropriate, and higher in fatalities, than the wind energy sites compared above. Publishing the conclusion above in the DEIR may be an attempt to avoid disclosure of the true risks of the project by diluting the disclosure of risk with citations from projects outside of California.

*"Data on wildlife use and mortality collected at one wind energy facility are not necessarily applicable to others; each site poses its own set of possibilities for negative effects on wildlife."*<sup>15</sup>

Lead agency should make every effort to assess the risk to raptors by adequate pre-construction surveys, especially in winter, rather than literature citations from projects outside California.

- The DEIR is inadequate and possibly intentionally deceptive by including possibly unproven claims about risk factors of various groups of birds to wind energy facilities.

Impact BIO-10: Avian and Bat Collisions with WTGs includes a section of "Factors that affect the risk of the various groups (of birds) to wind energy facilities, particularly WTGs"

*Some of these claims are controversial and have not been verified by controlled scientific studies conducted, published, and peer reviewed by other scientists.*

Lead agency should not omit references and scientific sources for each of these controversial claims nor should a DEIR be a forum for publication of controversial claims by lead agency, if unsubstantiated or not backed by science.

For example:

**LPAS1-11**

**LPAS1-12**

<sup>13</sup> Ibid, 3.5-53

<sup>14</sup> Ibid, 3.5-52

<sup>15</sup> U.S. Fish & Wildlife Service, Interim Guidance on Avoiding and Minimizing Wildlife Impacts from Wind Turbines memorandum, May, 2003

## Comment Set LPAS1, continued

6

"WTG size and rotor height – Older style WTGs were shorter with rotors that were lower to the ground, which brought a greater percentage of raptors foraging in the area into the same height as the rotors. Larger, modern WTGs are taller with rotors higher off the ground; thus, foraging raptors are less likely to collide with rotors."<sup>16</sup>

This claim omits the increased hazard to migratory songbirds and passerines of higher turbines.

"Rotor blade tip speed and rotational speed – Newer WTGs with slower speeds appear to be associated with lower avian fatality rates."<sup>17</sup>

This claim has not been proven through scientific research, and, in fact, blade tips may be faster.

"Overall number of WTGs and design of placement – The modern, larger WTGs result in fewer WTGs overall, which reduces the number of potential bird collisions with WTGs. Because there are fewer WTGs, they are spaced at wider intervals, further reducing the number of potential collisions."<sup>18</sup>

This claim has not been proven, and in fact, may increase the number of potential bird collisions due to size and placement.

**LPAS1-12,  
cont.**

### 5. The DEIR does not adequately describe or mitigate for the impacts of loss of habitat due to construction and installation

As shown in Table 2-5, approximately 54 acres would be temporarily disturbed, and approximately 34 acres would be permanently disturbed. Although the exact placement of WTGs and power poles is not known, as shown on Figures 3.5-2 and 3.5-3, most of the area that would be disturbed is composed of annual grasslands; therefore, most impacts would occur to this vegetation community, although others could be affected as well, depending on the ultimate placement of facilities."<sup>19</sup>

This is a very general statement and does not characterize or predict the impacts of the project on habitat other than annual grassland, not even within a scientifically predictive range.

Developer could place the turbines almost anywhere and be within this inadequate prediction.

Recent estimates and aerial views of habitat loss to construction of wind turbine sites show that up to four acres of habitat is damaged or lost per turbine installed.<sup>20</sup> With 80 turbines, that potential amounts to an estimated loss of ten times the predictions of the DEIR, or 240 acres, just for the installation of the turbines without considering the habitat lost to construction of roads, power lines, transmission lines or other components of the project.

Additionally, the DEIR is intentionally vague about placement of the turbines and about the habitat that may be disturbed. The purpose of a DEIR is to disclose potential impacts to the environment to the best ability of the lead agency. If the agency is unsure of those impacts, or unsure of the placement of the project, it is unfair to the public and possibly a violation of CEQA to underestimate those impacts and offer vague and general disclaimers as to the real size and impacts of the project.

Additionally, there is no provision in the DEIR for mitigation in the probable event that more than 54 acres would be temporarily disturbed, or more than 34 acres would be permanently disturbed.

**LPAS1-13**

### 6. Mitigation Measure BIO-3:Avian Monitoring is inadequate

- Lead agency has not established mitigation for discovery of sensitive or endangered species on site, raptor nests, increased migratory movements or fallouts, or other discoveries that may be made during Avian Monitoring.

**LPAS1-14**

### 7. Mitigation Measure BIO-4: Avian and Bat Mortality Study is inadequate.

- Lead agency's reliance on carcass searches and point counts is inadequate to assess mortality of birds and bats

**LPAS1-15**

<sup>16</sup> DEIR, 3.5-51

<sup>17</sup> Ibid

<sup>18</sup> Ibid

<sup>19</sup> Ibid, 3.5-42

<sup>20</sup> Boone, Dan, "Using GIS Technology to Evaluate Forest Habitat and Public Land Impacts of Wind Energy Development, Wildlife & Wind Energy Conference, Kutztown University, Pennsylvania, December 2, 2006

## Comment Set LPAS1, continued

7

The study shall follow the guidelines developed by the National Wind Coordinating Committee (Anderson et al., 1999) and include periodic (at least biweekly) searches for bird and bat carcasses at and near WTGs, power poles, and meteorological towers."<sup>21</sup>

These guidelines were published in 1999, and are outdated.

In the DEIR and in the mortality study lead agency fails to discuss or has omitted 1) current technologies available for monitoring fatalities of groups of birds such as raptors, migratory birds, and bats. These technologies include mobile radar, acoustic monitoring, and other affordable technologies currently available for monitoring avian mortality (see below); 2) the relevance of avian monitoring to and the importance of adequate pre-construction studies for comparison to mortality monitoring.

Additional affordable technologies are available that can assure lead agency's compliance with its own county statutes in addition to carcass searches, but are not discussed. Since wind energy developer is from Spain, that company should be familiar with monitoring advancements in that country. The U.S. especially California, and especially Santa Barbara County, in complying with its own statutes and guidelines, should employ the most up to date methods available for monitoring fatalities or disclose the scientific process that has eliminated them.

Additionally, preventive modern technology is not discussed. Real-time radar is currently operational in Spain, the country of project developer, to prevent collision mortality to migrating birds of prey. Acoustic monitoring is available. Marine radar is available and in fact can show if migratory birds are avoiding turbines.

Lead agency should disclose the basis for rejecting these feasible monitoring technologies.

- Lead agency technical advisory committee is inadequate.

There are no powers, triggers, nor process outlined for this body to take mitigation or adaptive management actions. Lead agency has the only vote that can determine action, and no time frame is suggested for trigger, response or mitigation to "excessive mortality" at a particular turbine.

There is no discussion of prevention of "excessive mortality"

"The committee shall be composed of County staff; the biologist in charge of implementing the mortality study; a representative of the Project owner or operator; and other experts the County deems necessary, which could include representatives of state and federal agencies."<sup>22</sup>

This technical advisory committee is inadequate and does not include an independent biologist that is free of financial influence of the lead agency or the developer, nor does it guarantee the participation of state and federal agency wildlife professionals.

The deliberations of this body and the data reviewed therein may not be publicly available for review and does not contribute to the overall body of knowledge on wind development in California. Full disclosure serves the public interest, or lead agency should discuss why information and data should be privileged.

Lead agency should disclose any confidentiality agreements that have been entered into between developer and biologists and environmental consultants, and between lead agency and biologists or environmental consultants.

### 8. Mitigation Measure BIO-5: Additional Measures to Protect Birds and Bats is inadequate

- The DEIR is inadequate in defining "excessive mortality" by comparison of project to other projects.

"The annual death rate attributable to the Project for all birds combined, or raptors considered separately, or bats, is more than twice the average rate documented for other comparable wind projects. (The mortality rate shall be expressed as death per megawatt (MW) of WTG nameplate electrical generation capacity, adjusted for searcher efficiency and scavenger removal. The average rate shall be based on projects in California for which data is available at the time an assessment for this Project is conducted. *Comparable wind project means a project with*

<sup>21</sup> DEIR, 3.5-73

<sup>22</sup> Ibid, 3.5-75

LPAS1-15,  
Cont.

LPAS1-16

LPAS1-17

## Comment Set LPAS1, continued

8

over 50 MW generating capacity, using modern WTGs with a nameplate electrical generation capacity greater than 1 MW, operating at approximately 15 to 25 RPM, with total WTG height greater than approximately 300 feet.)<sup>23</sup>

For purposes of monitoring and mitigation, "excessive mortality" for the project should be defined in comparison to the mortality rates of comparable turbines, not projects.

This will allow lead agency to take operational adaptive management or other mitigation measures such as seasonal shutdown or removal of turbines that offend with an excessive mortality rate, rather than conceal the offending turbine within an average of the site. There are no other adaptive management or mitigation measures for offending turbines other than shutdowns or removal.

9. The DEIR is **inadequate in failing** to consider "cumulative impacts" of wind energy on populations of birds.

10. The DEIR fails to provide for adequate mitigation for impact BIO-10 which is considered significant and unavoidable.

We urge the County of Santa Barbara as lead agency in this DEIR to require the wind developer of the Lompoc Wind Project to go to the fullest extent of available science and technology to understand, disclose, and minimize the considerable impacts on birds and bats of this project as presented.

Thank you for the opportunity to comment on this project.

Sincerely,



Tamarah Taaffe  
Treasurer  
La Punsima Audubon Society



Stephen J. Ferry  
Conservation Chair  
Santa Barbara Audubon Society



Garry George  
Executive Director  
Los Angeles Audubon Society

**LPAS1-17,  
Cont.**

**LPAS1-18**

**LPAS1-19**

<sup>23</sup> Ibid

## Response to Comment Set LPAS1

**LPAS1-1:** The commenter states that the pre-construction risk assessment for birds and bats is inadequate. The commenter specifically cites amount of wildlife and bird surveys carried out over the last five years, which amounts to 26 survey days.

A total of 51 additional field days of surveys and a NEXRAD Radar migration analysis has occurred and is reported in the EIR. Additional BACI surveys are required that will also increase the body of knowledge on avian and bat species on the project site. Please also see Response to Comment DFG-1.

**LPAS1-2:** The commenter states that the surveys that were performed are inadequate because they did not include Federal and/or state agency wildlife professionals with no vested interest in the sites surveyed.

Dr. Sidney Gauthreaux, is a third-party consultant, with no vested interest in the sites surveyed conducted the NEXRAD Radar analysis. SAIC biologists also have no vested interest in the site. SAIC biologists reviewed data and analysis provided by the Applicant and used only that data and analysis that they considered to be unbiased and factual to determine the potential effects to birds and bats.

**LPAS1-3:** The commenter suggests that the DEIR provide a basis for having performed most of its bird surveys in the afternoon when bird activity is generally at its lowest.

A total of 51 additional field days of surveys and a NEXRAD Radar migration analysis has occurred and is reported in the EIR. Point count surveys, evening surveys, and random transect surveys were conducted during early morning hours when birds are typically most active. The NEXRAD analysis focused on night-time migration over the site. The winter and spring surveys, and NEXRAD analysis are available in Appendix B.

**LPAS1-4:** The commenter suggests that the DEIR mention how bird survey dates were chosen, as well as whether the bird surveys were conducted in conjunction with plant surveys, which could have introduced bias into the bird surveys.

Additional point count surveys and analysis has been conducted for this EIR. Sapphos Environmental has conducted two additional seasons-worth of bird surveys in 2007 and 2008 that consisted of 24 field days for the winter surveys and 27 days of surveys in Spring 2008. These surveys were conducted independent of vegetation surveys.

**LPAS1-5:** The commenter suggests that the DEIR disclose whether certain habitat types were prioritized according to their species richness during bird surveys. Also, the commenter points out that the surveys may be biased against “terrestrial” species when observations were conducted from afar in habitats such as coastal sage scrub, riparian, and oak woodland. Point count surveys were chosen within habitats that would be affected by WTG placement. A total of 54 point count stations were selected in annual grasslands, central coast scrub and all

were selected within the proposed WTG corridors. Raptor transect lines, raptor nesting habitat surveys and ridgeline surveys were conducted specifically to increase the observations of these species in a variety of habitats.

**LPAS1-6:** The commenter suggests further discussion of the importance of WTG siting in relation to wildlife interactions with the landscape as a mitigation measure.

Mitigation Measure 15.a includes the following text: “The turbines shall be sited so that each tower is located at least 500 feet away from critical biological resources identified in preconstruction surveys, specifically: active raptor nest sites, active state or federally listed species’ nests, open water which would attract birds or bats (including stock-ponds), thicker riparian habitat in Canada Honda and Miguelito creeks, eucalyptus tree groves, or vernal pools, if present. The turbines shall be sited so that each tower is located at least 250 feet from the unnamed intermittent tributaries containing Central Coast Riparian Scrub habitat located up-gradient of major streams. Preconstruction surveys (described in MM Bio-11a) shall identify existing raptor nests and other sensitive resources. The Applicant shall, in consultation with the CDFG, attempt to dissuade raptors from building new nests within 500 feet of any turbine.

**LPAS1-7:** The commenter finds that the pre-construction surveys conducted are inadequate to compare with post-construction monitoring. The commenter recommends that pre-construction surveying meet the criteria of the BACI study methodology.

Mitigation Measure Bio-16 requires a Monitoring and Adaptive Management Plan that will include additional surveys to assess the project’s effects on bird and bat species including the following components: a Before-after/Control-impact (BACI) Study (to compare pre- and post-construction bird use on the site) and a Bird/Bat Mortality Study (to estimate bird and bat mortality rates during wind farm operations and to identify WTGs causing unanticipated levels of mortalities). The Monitoring and Adaptive Management Plan shall be prepared by a County-approved biologist and be subject to County approval. Approval of the entire Plan by the County, in consultation with CDFG, is required prior to land use clearance for the first and subsequent project phases.

**LPAS1-8:** The commenter states that the pre-Project surveys are inconsistent, not comparable, and conducted with different, incomparable methodologies. As such, the commenter finds that the pre-Project surveys will not serve as good baseline comparisons for future post-construction monitoring.

Please see Response to Comment LPSAS1-7.

**LPAS1-9:** The commenter states that the surveys fail to assess nocturnal movements of birds and bats, especially movements of migrating birds.

Dr. Sidney Gauthreaux, a third-party consultant, conducted a NEXRAD Radar analysis to determine the potential effects to birds migrating over the site at night in the spring and fall seasons of 2006 and 2007. The results of this analysis determined that the potential effects to birds migrating over the site at night in the spring and fall seasons was low.



**LPAS1-10:** The commenter states that the DEIR inadequately assesses the Project's impacts on bats. The commenter highlights the importance of nocturnal surveys that look at local and migrating bat species in order to form an accurate pre-Project assessment that can later be compared to post-construction survey data.

Additional field work was conducted on bats for the EIR. The Group conducted two week's worth of acoustic surveys for bat use on the project site in 2008 (Section 3.5.3). Data were collected by biologists who were familiar with the area and who had conducted previous local surveys on VAFB. CCBRG biologists were able to increase site specific knowledge with some data to better describe bat use of the site.

Impacts to bats were classified as Class I. Mitigation for this impact includes collecting additional information so as to add to the body of knowledge for this type of impact.

**LPAS1-11:** The commenter disagrees with the assessment of potential impacts to raptors in the DEIR. This assessment is partially based upon raptor mortality data from other wind farms located outside of California; the commenter finds that these comparisons are inadequate because the habitats at the other wind farms are not similar enough to the habitat in the Project site.

Additional analysis on raptor mortality was added to the EIR; information on specific species' potential for impacts was added to Impact BIO-10. In addition, the following text was added to the baseline:

Summarizing the data included in the 2006 Olson report focusing on the Point Count Survey results, Olson reports observing an average of 1.46 raptors for every 20 minutes of survey, which equals an adjusted rate of 2.19 raptors per 30-minute survey. These data were collected in only one season (winter) for only one year; raptor counts in this portion of southern California are typically elevated during the fall and winter, likely making the Olson average higher than a typical yearly average; therefore, some caution is warranted using these results. Out of the 11 windfarm sites that were included in Appendix G: "Estimating Impacts to Raptors Using Bird Count and Fatality Data from Existing Projects" of the CEC Guidelines that used standardized methods to collect data and were located in the western United States, the LWEP site is on the high end of the comparative values (the LWEP site has more raptor observations per 30-minute survey than nine of the eleven sites used in Table 1 and more than 27 out of 29 wind energy sites depicted in Figure 4 of the Appendix). For the 11 Site Comparisons in Table 1, the range of raptor observations was from 0.15 to 5.25 raptors per 30 minute count. Only two sites (High Winds, California and Diablo Winds, California) have substantially higher raptor counts (High Winds = 5.25 and Diablo Winds = 4.35 raptors per 30 minute count). These two sites represent the two highest fatality rates per MW for raptors in the analysis.

**LPAS1-12:** The commenter states that the DEIR provides inadequately supported claims about the risk factors of various groups of birds to WTG's. The commenter recommends including more scientifically sound sources to substantiate such claims. For example, the DEIR claims that taller, modern WTG's will lower raptor mortality. The commenter points out that taller WTG's

would likely cause increased mortality of migratory songbirds and passerines. The DEIR also claims that WTG's with slower speeds are associated with lower avian fatality rates, although the commenter responds that such a claim has not been proven through scientific research. Lastly, the DEIR claims that modern, larger WTG's lead to few WTG's overall that are spaced at larger intervals, which reduces the risk of bird collisions with WTG's. The commenter responds that this claim is unproven and may actually increase the risk of bird collisions.

At present, the risk factors are not well understood or scientifically established over a range of sites. Many published studies are inconclusive, contradictory, or unreplicated.

Additional analysis on avian mortality was added to the EIR; information on specific species' potential for impacts was added to Impact BIO-10. In addition, this impact was already classified as a Class I impact, significant and unmitigable; the impact classification cannot be increased. The Adaptive Mitigation strategy detailed in Mitigation Measure BIO-16 allows for additional research and application of appropriate mitigation, including new advancements in technology that might best reduce impacts to avian and bat species.

**LPAS1-13:** The commenter states that habitat loss due to construction and installation is inadequately described and mitigation inadequately addressed. The commenter challenges the area estimates of disturbed land, suggesting that they are underestimated. The commenter also requests that the predictions for turbine placement be more specific.

Additional information and analysis has been added to Impact BIO-1 which describes temporary and long term impacts to habitat during the installation of WTGs. Additional information has also been added to Impact Bio-12 that includes an estimate of habitat affected from the installation of WTGs.

**LPAS1-14:** The commenter points out that the lead agency has not established mitigation for discovery of sensitive or endangered species, raptor nests, increased migratory movements or fallouts, or other discoveries that may be made during Avian Monitoring.

The following text has been added to the EIR, Mitigation Measure BIO-12b:

“If ground disturbance or vegetation removal is scheduled to occur during the avian nesting or bat roosting season (from February 1 through August 31) the Applicant shall fund a County-approved biologist to survey for active avian nests and roosting bats immediately prior to the start of construction in a given area (including removal or trimming of trees and shrubs). The survey shall occur at the sites of construction activity, as well as up to 500 feet away. If an active raptor nest is found, no construction activity shall occur within 500 feet of the nest unless otherwise directed by CDFG. The County-approved biologist shall conduct a study to collect more detailed information on nesting raptors in the Project area. Areas of dense vegetation, including the riparian corridors along Miguelito Creek, the eucalyptus groves onsite, and mixed evergreen forest within 500 feet of Project facilities shall be surveyed at weekly intervals to collect data on nesting season length, species nesting in the area, density of nests, and success rates. Information shall also be collected on the use of perches and the relative amount of foraging by raptors in the Project area. Count locations

shall also be established in areas of representative habitat to characterize the prey base for raptors. Counts shall be made of California ground squirrels, brush rabbits, black-tailed jackrabbits, and other small mammals observed during each visit.”

In addition, Mitigation Measure Bio-16 requires a Monitoring and Adaptive Management Plan that will include additional surveys to assess the project’s effects on bird and bat species including sensitive species; the plan will include the following components: a Before-after/Control-impact (BACI) Study (to compare pre- and post-construction bird use on the site) and a Bird/Bat Mortality Study (to estimate bird and bat mortality rates during wind farm operations and to identify WTGs causing unanticipated levels of mortalities).

**LPAS1-15:** The commenter states that the post-construction mortality study is inadequate because the guidelines proposed for the study are outdated. The commenter suggests the implementation of affordable modern technologies in the mortality, and also sees a need for better pre-construction studies for comparison to mortality monitoring.

Mitigation Measure Bio-16 requires a Monitoring and Adaptive Management Plan that will include additional surveys to assess the project’s effects on bird and bat species, specifically the plan will include a Bird/Bat Mortality Study to estimate bird and bat mortality rates during wind farm operations and to identify WTGs causing unanticipated levels of mortalities. This plan has flexibility designed into it to account for new technologies and the most up-to-date, proven methods for collecting data. The Monitoring and Adaptive Management Plan shall be prepared by a County-approved biologist and be subject to County approval. Approval of the entire Plan by the County, in consultation with CDFG, is required prior to land use clearance for the first and subsequent project phases.

**LPAS1-16:** The commenter states that the “technical advisory committee” as described in the DEIR is inadequate, since the DEIR does not explain how this committee will take mitigation or adaptive management action in order to prevent excessive mortality. The commenter also sees a need for an independent biologist to be on the committee who is free from financial influence of the lead agency and the developer. Lastly, the commenter suggests that the deliberations of the committee and its decisions should be fully disclosed to the public in order to contribute to the overall body of knowledge on wind development in California.

The County will enforce the adaptive mitigation detailed in Mitigation Measure 16 unless CDFG adopts them as part of a Sec. 2081 incidental take permit or Sec. 1602 streambed alteration agreement. In reviewing and approving the final plan and applying the required measures, the County will consult with CDFG and USFWS, as appropriate. The County will ensure that the prey base, BACI, and mortality monitoring measures are implemented. The County will review all quarterly and annual reports provided pursuant to the Avian and Bat Mitigation Plan and ensure that appropriate adaptive management measures are undertaken if AMP thresholds are reached.

**LPAS1-17:** The commenter suggests applying an “excessive mortality” definition to individual WTG’s rather than to the Project site as a whole. In this way, “excessive mortality” could be defined in comparison to WTG’s of similar size, blade speed, etc. This definition allows the lead

agency to identify WTG's which cause disproportionate mortality and take mitigation measures such as WTG removal or shutdown.

Specific thresholds have been added in Mitigation Measure BIO-16 to define impacts from individual WTGs and the project site as a whole.

**LPAS1-18:** The commenter states that the DEIR fails to consider "cumulative impacts" of wind energy on bird populations.

Cumulative Impacts are discussed in Section 4.5.4 and under Impact C-BIO-1 it is stated that "cumulative impacts of expanding growth in the Lompoc Valley would be significant, although with mitigation measures, most significant cumulative impacts would be reduced to less than significant levels. However, cumulative impacts to avian and bat species would be significant and unavoidable."

**LPAS1-19:** The commenter suggests that the DEIR require the wind developer to do as much as science and technology will allow in order to understand, disclose, and minimize the impacts on birds and bats of this project.

In addition to the studies outlined in Mitigation Measure BIO-16, additional mitigation options are included in Mitigation Measure 16 for research to add to the body of knowledge for future wind energy projects.

## Comment Set LPAS2



### La Purisima Audubon Society

Post Office Box 2045  
Lompoc, California 93438

*Serving the Lompoc, Santa Maria, and Santa Ynez Valleys*

August 30th, 2007

Mr. John Day  
Santa Barbara County P&D  
Energy Division  
123 E. Anapamu St.  
Santa Barbara, CA 93191

Re: Lompoc Wind Energy Project DEIR

Dear John,

LPAS feels that the DEIR is inadequate in that it does not address the threat to California Condor recovery. Condors can fly more than fifty miles while foraging. The Lompoc Wind Energy site is well within range of three Condor feeding stations. As the California Condor Recovery Program succeeds, and Condors learn to feed on their own, their foraging areas will expand to the shoreline. This selected wind turbine project site is of special concern due to the updraft it offers to foraging Condors. Please refer to the attached map.

Luis Barrios and Alejandro Rodriguez, in their study published in the February 2004 issue of the Journal of Applied Ecology concluded that in the Straits of Gibraltar, where there are updrafts along the coastline, wind turbines kill Griffon Vultures. They also concluded that new wind installations must be preceded by detailed behavioral observations of soaring birds as well as careful mapping of their migration routes.

We urge the County of Santa Barbara, as lead agency in this DEIR, to require the wind developer of the Lompoc Wind Energy Project to apply the available science and technology to its fullest extent to understand, disclose, and minimize the considerable impacts on soaring birds of this project.

Thank you for the opportunity to comment on this project.

Sincerely,

Tamarah N. Taaffe  
Chairperson, Lompoc Wind Energy Committee  
La Purisima Audubon Society

*"Dedicated to Conservation"*  
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*Received 8/30/07 at  
Lompoc Wind Energy DEIR  
Comment Hearing*

LPAS2-1

**Response to Comment Set LPAS2**

**LPAS2-1:** The commenter suggests that the DEIR address the California Condor recovery, citing the Project area's proximity to three Condor feeding stations, and the danger that WTG's might pose to the soaring Condors.

The following text is included in the EIR baseline:

“An additional concern is that California condors (*Gymnogyps californianus*) have been released both south in Ventura County and north at the Pinnacles in San Benito County. There is a possibility that condors could be found in the Project vicinity while traveling between the two population areas or while foraging, especially during fall and winter.”

## Comment Set N&BT

**The noted attachment is available for viewing at the Santa Barbara County Energy Division office**

Minnesota's Energy Future: Evaluating Windpower, Part 3 of 3

Day, John

---

**From:** Norm & Betty Taylor [njl.bjt@verizon.net]  
**Sent:** Saturday, July 21, 2007 3:27 PM  
**To:** Day, John; Gray, Joni  
**Subject:** Lompoc Wind Power Project  
**Attachments:** United\_States\_USGS\_small.jpg; image002.jpg; image004.jpg; image006.jpg; image009.jpg; image011.jpg; image013.jpg; image015.jpg; image017.jpg; image019.jpg

Dear Mr. Day / Ms. Gray,

Please take time to review this document before making your decision on the Lompoc Wind Power Project.

Sincerely,

Norman Taylor  
 Santa Barbara County Resident

**N&BT-1**

(Part 3 of 3)

### Minnesota's Energy Future:

### Evaluating Windpower

Testimony  
 of  
 Dell Erickson

Before the  
 Minnesota Senate: Commerce and Utilities Committee  
 Regarding  
 Wind Power in Minnesota

St. Paul, Minnesota  
 February 26, 2003

Minnesota's Energy Future: Evaluating Windpower

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7/23/2007

**Response to Comment Set N&BT**

**N&BT-1:** As acknowledged by the Project EIR and other available literature, including the reference provided by the commenter, wind development projects, while providing a renewable source of energy, do present impacts associated with construction and operations. In the case of the proposed Project, significant and unavoidable (*Class I*) avian and visual impacts would occur. It is up to the County decision makers to decide if the benefits of the Project outweigh the impacts.



## Comment Set PG&E



**Pacific Gas and  
Electric Company®**

September 4, 2007

**RECEIVED  
COUNTY OF SANTA BARBARA**

**SEP 07 2007**

LAND SERVICES  
850 "O" Street, Bag #23  
Fresno, CA 93760-0001

**PLANNING AND DEVELOPMENT  
DEPARTMENT - ENERGY DIVISION**

Santa Barbara County P&D  
Energy Division  
Attention: John Day  
123 E. Anapamu Street  
Santa Barbara, CA 93101

**RE: Draft EIR for the Proposed Lompoc Wind Energy Project**

Dear Mr. Day:

Pacific Gas and Electric Company (PG&E) appreciates the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the proposed Lompoc Wind Energy Project (Wind Project or Project).

As the DEIR acknowledges, the siting and design of transmission line facilities are under the sole jurisdiction of the California Public Utilities Commission (CPUC). PG&E must comply with the CPUC's General Order 131-D on the construction, modification, alteration, or addition of all electric transmission facilities (i.e., lines, substations, etc.). In cases where no new line over 200 kV is required and PG&E's electric facilities are part of a larger project (e.g., this project), the Order exempts PG&E from obtaining a permit from the CPUC provided that the planned facilities have been included in the larger project's California Environmental Quality Act (CEQA) review, and the project's lead agency finds no significant unavoidable environmental impacts from construction of PG&E's facilities. PG&E may proceed with construction once PG&E has filed notice with the CPUC and the public on the project's exempt status, the public has had a chance to protest PG&E's claim of exemption, and the notice is final.

Part I below provides a detailed explanation of the basis for the CPUC's jurisdiction. Part II provides comments and suggested revisions concerning PG&E's transmission line facilities that interconnect the Wind Project to the PG&E electrical system. PG&E is committed to working with the County of Santa Barbara and the project applicant to provide a safe, reliable interconnection for this Project and to resolving any issues that may arise in the process.

### **I. The CPUC's Jurisdiction Over Transmission Facilities**

#### **A. The Constitution and Supporting Case Law Confer Exclusive Jurisdiction to the CPUC Over the Siting and Design of Electrical Facilities**

**PG&E-1**

## Comment Set PG&E, continued

Mr. John Day

-2-

September 4, 2007

The California Constitution vests in the Commission exclusive power and authority with respect to “all matters cognate and germane to the regulation of public utilities.” (Cal. Const., art. XII, § 5; *Pacific Tel & Tel. v. Eshleman* (1913) 166 Cal. 640, 652-660.) The Constitution, moreover, explicitly prohibits municipalities from regulating “matters over which the Legislature grants regulating power to the Commission.” (Cal. Const., art. XII, § 8.)

In Decision 94-06-014, by which the Commission adopted General Order 131-D, (1994) 55 Cal.P.U.C.2d 87 (Dec. No. 94-06-014), the Commission reaffirmed that the exercise of regulatory authority over construction for utility purposes carried out by public utilities is subject to the exclusive jurisdiction of the Commission.

The California Constitution gives the state Legislature “plenary power ... to confer ... authority and jurisdiction upon the [Public Utilities] [C]ommission ....” (Cal. Const. Art. XII, § 5.) And the state Legislature in turn has granted broad authority to the Commission to regulate utilities. The Commission is authorized by statute to “do all things ... which are necessary and convenient in the exercise” of its power. (Public Utilities (PU) Code § 701.) In particular, the Commission can make orders governing the services, equipment, physical property, and safety devices used by public utilities.” (PU Code §§ 761, 762, 768.) (55 Cal.P.U.C.2d at 95.)

Decision 94-06-014 also affirmed that cities and counties could not regulate the location or construction of electric substations.

The question of whether local agencies are pre-empted from regulating the construction or installation of utility facilities is answered in section 8 of Article XII of the California Constitution, which states in pertinent part: “A city, county, or other public body may not regulate matters over which the Legislature grants regulatory power to the Commission.” (55 Cal.P.U.C.2d at 95.)

Both the California Public Utilities Commission and the California courts have repeatedly reaffirmed the Commission’s exclusive jurisdiction over public utility facilities. “[S]uch matters as the location of lines, their electrical and structural adequacy, their safety, and their meeting of the needs of the public within this state are clearly, by law, subject to the jurisdiction of this Commission.” (55 Cal.P.U.C.2d at 95, citing *Duncan v. PG&E* (1965) 61 PUR 3d 388, 394.)

For example, in *Town of Woodside v. PG&E* (1978) 83 Cal.P.U.C. 418 (Dec. No. 88462), the Commission clarified that its jurisdiction over utilities preempted local zoning ordinances. *Town of Woodside* addressed Woodside’s contention that PG&E could not convert a 4 kV line to 12 kV without complying with the Town’s zoning ordinance. The Town argued that its zoning ordinance was complementary to the

**PG&E-1,  
Cont.**

## Comment Set PG&E, continued

Mr. John Day

-3-

September 4, 2007

power exercised by the Commission and was therefore controlling in regulating the placement, above or below ground, of the new line. The Commission held the Town's position to be incorrect:

Questions relating to the electric plant, including distribution facilities, of electrical corporations are matters of statewide concern. [Citations.] The regulation of PG&E's electric distribution facilities, including those in Woodside, is within the exclusive jurisdiction of the Commission. [Citations.] (83 Cal.P.U.C. at 422 (emphasis added).)

### **B. The CPUC Has Preempted All Local Regulation Of Public Utility Facilities**

Likewise, several California courts have found that discretionary (as opposed to ministerial) regulation by local governments is preempted by the Commission's jurisdiction because the construction, design, and operation of public utility facilities are matters of statewide concern. In *Pacific Telephone and Telegraph Co. v. City and County of San Francisco*, (1959) 51 Cal.2d 766, the California Supreme Court held that the right and obligation to construct and maintain telephone lines had become matters of statewide concern and therefore the City of San Francisco could not exclude telephone lines from certain streets based on its assertion that the regulation of utility lines in public streets was a "municipal affair." (Id., at 774.) Similarly, in *California Water and Telephone Co. v. County of Los Angeles* (1967) 253 Cal.App.2d 16, the appellate court stated that "the construction, design, operation and maintenance of public water utilities is a matter of statewide concern." (Id. at 30.) Hence, that court found the County's water ordinance to be void since the local legislation (based on the police power) was pre-empted by the authority vested in the Commission.

Local legislation in conflict with general law is void. Conflicts exist if the ordinance duplicates, contradicts, or enters an area fully occupied by general law, either expressly or by legislative implication. If the subject matter or field of the legislation has been fully occupied by the state, there is no room for supplementary or complementary local legislation, even if the subject otherwise one properly characterized as a 'municipal affair.' (253 Cal.App.2d at 27; emphasis supplied.)

The same rule was affirmed in *San Diego Gas & Electric Co. v. City of Carlsbad* (1998) 64 Cal.App.4th 785, where the court addressed the City of Carlsbad's effort to enforce a local floodplain ordinance to regulate dredging performed by the public utility. The City argued that it should have concurrent jurisdiction over the dredging because the CPUC had not taken any action to regulate in this area, and because dredging was not an essential utility facility or activity. The court rejected this argument, holding that the city's floodplain ordinance was impliedly preempted by the constitutional and statutory

**PG&E-1,  
Cont.**

## Comment Set PG&E, continued

Mr. John Day

-4-

September 4, 2007

scheme granting power to the Commission. According to the court, even though the Commission had not expressly exercised this power, the power still resided in the CPUC. (See also *Harbor Carriers, Inc. v. City of Sausalito* (1975) 46 Cal.App.3d 773, 774.)

PG&E-1,  
Cont.

### II. Specific DEIR Comments

PG&E recommends the following revisions and clarifications to the DEIR:

Under **2.3.7 Lompoc Wind Energy Power Line**, 2<sup>nd</sup> paragraph, we suggest you clarify the fact that Public Resources Code (PRC), Section 4292 states that the 10-foot clearing applies only to poles or towers that support certain equipment (switches, fuses, transformers, lightning arresters, line junctions, or dead end or corners). The references to tree trimming in this paragraph differ from those in the 3<sup>rd</sup> paragraph. PRC, Section 4293 states 10-foot clearance for 110,000 volts or higher.

PG&E-2

Under **2.2.2 Lompoc Wind Energy Power Line**, 3<sup>rd</sup> paragraph, it states that the 1500 foot span across Miguelito Canyon may be accomplished by using a three-pole structure. Under **2.3.7 Lompoc Wind Energy Power Line** (4<sup>th</sup> paragraph), however, it does not mention a three-pole structure as a possible design technique. This paragraph should state that a three-pole structure may also be used.

PG&E-3

**Table 2-5** - Power Poles calculations appear to be incorrect. I believe the area calculations are missing the “pi” factor.

PG&E-4

**2.5.2 Step 2 – Erecting the Supporting Structures.** Normally wood poles are not set with a crane. Consider revising as follows (**bold italics**):

#### **2.5.2 Step 2 – Erecting the Supporting Structures**

The *wood* poles would be installed by conventional methods or by helicopter, as needed. The steel pole shafts may be delivered to the pole site in two or more sections depending on pole design. For safety and ease of construction, the *steel* poles would be assembled on the ground in the pole laydown area. The sections would be pulled together with a winch and the cross arms bolted to the pole. Insulators would be attached to the cross arms and secured. A crane (delete “would”) *may be used* to erect the poles and set them in the excavation(delete “for wood poles”), or on the anchor bolts embedded in the concrete foundation for *certain* (delete “angle poles or”) steel poles. Finally, the securing nuts on the foundation would be tightened.

PG&E-5

Under **2.5.3 Step 3 – Stringing the Conductors**, 3<sup>rd</sup> paragraph, change “tower to tower” to “pole to pole”. Also change the other reference to “tower” further down in the paragraph.

PG&E-6

## Comment Set PG&E, continued

Mr. John Day

-5-

September 4, 2007

### 5.3.2.2 Description of Impacts Mitigation Measure ALT-VIS-1: Visibility of Power Line (5-18)

Because PG&E is under the exclusive discretionary approval authority of the CPUC, we suggest that references to County approval of the power line pole locations and design be revised to indicate that PG&E has agreed to consult with the County on pole location and design.

Thank you again for the opportunity to submit these comments. If you have any questions regarding this information you may contact me at (559) 263-5237 or my email address [ASJ4@pge.com](mailto:ASJ4@pge.com).

Sincerely,



Andrew Smith  
Senior Land Planner

PG&E-7

## **Response to Comment Set PG&E**

**PG&E-1:** The project description for the power line has been revised so that the mitigation measures applicable to the PG&E power line are noted as “Avoidance and Protection Measures” in Section 2.8.5. As discussed on November 9, 2007, PG&E agrees to work with County monitors to assure that the project is built as presented in the revised power line description. Should PG&E deviate from the Avoidance and Protection Measures, this would trigger CPUC enforcement actions to ensure compliance.

**PG&E-2:** The noted clarification has been made.

**PG&E-3:** As illustrated in Figure 2-4, the southern alignment of the power line has been rerouted through the Sudden and Larsen properties. Spanning of Miguelito Canyon is no longer required.

**PG&E-4:** The values for the power line in Table 2-5 have been corrected to reflect the current alignment and applicable temporary and permanent disturbance areas.

**PG&E-5:** The noted corrections have been made.

**PG&E-6:** The noted corrections have been made.

**PG&E-7:** The noted clarification has been made.

## Comment Set P&WC

RECEIVED  
COUNTY OF SANTA BARBARA

AUG 31 2007

To All Concerned:

PLANNING AND DEVELOPMENT  
DEPARTMENT - ENERGY DIVISION

Aug. 28, 2007

My wife and I moved to Lompoc 38 years ago in order to teach in local schools. We consider ourselves loyal, concerned citizens of this area, and will remain through our retirement years. We would like to take this opportunity to express strong support for the development of alternative energy production.

We attended the August 6th Environmental Impact Report presentation in Lompoc, and left the event encouraged by the considerations which were showcased. Of course, we have concerns about any such project; primarily two:

1. Migratory flyways. The wind turbine project must consider this to be a priority for mitigation. As a retired biology teacher I could not abide the wholesale slaughter of migrating birds and bats. However, project managers could employ and cooperate with wildlife researchers to assess the least threatening corridors in the project zone, and could adjust the height, color and seasonal timing of operation for the turbines in the zone. Developers have much to prove to us in this area, but it can be done.
2. Residents in the ground zero passage. Our neighbors in the Migulito Canyon area must be treated with utmost respect and sensitivity. These residents will unavoidably pay the greatest personal price for the privilege of being part of cutting edge technology. Hopefully, project leaders would meet frequently with those most directly affected by the disruptions. They should be assured that, after the "dust settles" on the phased project, they would be left with vastly improved roads, access routes, and appropriate infrastructure improvements for each property owner.

P&WC-1

P&WC-2

Now for the issue of visibility. Our home is in the south hills of town, near Beattie Park, and we will certainly have a clear view of new power lines, as currently proposed, and may have a view of several of the tallest turbine towers above the hilltops to the southwest. Our view: WE CAN LIVE WITH IT! It is incomprehensible to us that citizens, even those from as far away as Vandenberg Village, could take a distant, minimal view of turbine blades to be some sort of blight or embarrassment. A preferred viewpoint, one which shows some vision, might be one of pride—that the Lompoc area could act as a pioneer for energy alternatives!

P&WC-3

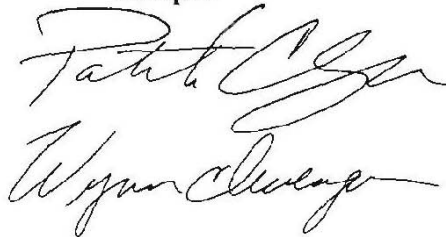
## Comment Set P&WC, continued

We have recently returned from two separate trips to Europe. Of relevance to the turbine issue is the fact that we found many areas in the Netherlands and Spain which had operating wind turbines. Throughout Holland and other provinces turbines were spinning away, sometimes immediately adjacent to 400 yr. old windmills which tourists travel to admire. In Spain, wind "forests" were prominently displayed on ridgetops, rising above vast olive groves. The citizens and their governments were proud of the progressive efforts to find alternatives for energy; there was no attempt to hide their efforts.

In conclusion, we wish to encourage Lompoc residents-- all Americans for that matter, to take the long view, to rise to the big picture, of our future needs. All important change must start somewhere, and evolve to efficiency. Our energy needs are great and growing. We must do everything possible to lessen our dependence on fossil fuels-- especially from the sources which have a history of negative impacts on our foreign policies, and also to prevent the sort of energy extortion we Californians suffered at the hands of corrupt corporations, such as Enron, a few years ago.

Rather than endlessly attend to "not in my back yard" arguments we need to take a collective attitude of activism and pride in all efforts to co-exist with our natural environment. We can insist on commitment to our concerns; we can hold project managers to their word; we can help shape our own future. We urge Lompoc citizens to get involved with the assurance of quality in such projects.

Sincerely,  
Patrick & Wynn Clevenger  
Lompoc

The image shows two handwritten signatures in black ink. The top signature is for Patrick Clevenger and the bottom one is for Wynn Clevenger. Both signatures are written in a cursive, flowing style.

P&WC-3,  
Cont.



## Response to Comment Set P&WC

**P&WC-1:** The commenter suggests that mitigation measures such as adjustment of height, color, and seasonal timing of WTG's be put in place for the protection of migratory birds and bats.

Additional mitigation has been added to Mitigation Measure BIO-16 which now requires a Monitoring and Adaptive Management Plan that includes an assortment of additional, specific adaptive mitigation such as specific design features of the WTGs, painting rotor blades, acoustic deterrents, additional research, additional monitoring, and other measures discussed in the CEC Guidelines that could be applied as needed.

**P&WC-2:** Mitigation Measure NOI-5 has been revised as follows:

**Mitigation Measure NOI-5: Resident Notification.** In coordination with the County, the Applicant shall hold a pre-construction meeting for Miguelito Canyon residents to review the anticipated construction schedule and associated noise, traffic, and road/lane closure impacts. The Applicant shall notify residences within 1 mile of any unusually loud construction activities, including the use of helicopters, blasting or pile driving, at least 1 week prior to their scheduled occurrence. In addition, the residents shall be notified at least one week prior of any anticipated road/lane closures and property owner ingress/egress restrictions. Such activities shall be limited to between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise approved by the County.

Please see Response to Comment G&CB-1 regarding restoration of roads.

**P&WC-3:** Comment noted.

## Comment Set SBAS

### **Santa Barbara Audubon Society, Inc.**

*A Chapter of the National Audubon Society*



5679 Hollister Avenue, Suite 5B, Goleta, CA 93117

(805) 964-1468

September 4, 2007

RECEIVED  
COUNTY OF SANTA BARBARA

SEP 04 2007

PLANNING AND DEVELOPMENT

Dr. John Day  
Santa Barbara County Planning and Development  
Energy Division  
123 E. Anapamu St.  
Santa Barbara, CA 93101

#### **Re: Lompoc Wind Energy Project DEIR**

Dear Dr. Day:

The Santa Barbara Audubon Society is a California non-profit 501(c)(3) corporation. The Santa Barbara Audubon Society educates members of our community about birds and their habitats, advocates responsible legislation and public policies which help preserve our natural resources, and administers science-based projects using birds as indicators of environmental health.

Santa Barbara Audubon, in conjunction with the La Purisima Audubon Society and the Los Angeles Audubon Society, previously submitted comments on the subject DEIR in a letter dated August 9, 2007. The present letter is an addendum to Santa Barbara Audubon's previous submittal.

Section 3.5.1.4 of the DEIR, Wildlife and Bird Surveys, is inadequate because it did not consider available radar data that could be used to determine the timing and density of bird populations in the project area. Radar data is available to the public from most U.S. Air Force and other military installations, including possibly Vandenberg Air Force Base. These radar images can be delimited and interpreted by experts such as Dr. Sidney Gauthreaux of Clemson University for a reasonable amount of money. Dr. Gauthreaux has analyzed radar data from Edwards Air Force Base for a wind energy project in Kern County. The analysis showed that a high number of birds pass through the area of that project, and also provided definitive data on when they pass through. Such data could be extremely important in determining where to locate the WTGs for the Lompoc Wind Energy Project and whether a mitigation measure such as shutting down the WTGs during bird migration would be feasible.

A preliminary interpretation of radar images over a period of three to five years could give valuable information on the magnitude, timing, and movements of migratory birds above and possibly through project site, depending on the radar's field of detection. This preliminary radar

**SBAS-1**

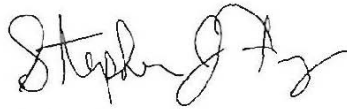
## Comment Set SBAS, continued

2

analysis on migratory birds during the fall and spring migration might indicate whether further study on the site may be needed, or not. The DFIR is inadequate by not conducting a preliminary analysis of publicly available data on migratory birds.

Thank you again for the opportunity to comment on this project.

Yours truly,



Stephen J. Ferry  
Conservation Chair  
Santa Barbara Audubon Society

**SBAS-1,  
Cont.**

## **Response to Comment Set SBAS**

**SBAS-1:** The commenter suggests that the baseline information presented in the EIR is inadequate because it did not present radar analysis of migration occurrences over the project site.

Dr. Sidney Gauthreaux, a third-party consultant, conducted a NEXRAD Radar analysis to determine the potential effects to birds migrating over the site at night in the spring and fall seasons of 2006 and 2007.

## Comment Set SBTHP

Comment on the Lompoc Wind Energy Project EIR

Day, John

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**From:** Jarrell Jackman [docjj@sbthp.org]  
**Sent:** Wednesday, August 29, 2007 6:16 PM  
**To:** Day, John  
**Subject:** Comment on the Lompoc Wind Energy Project EIR

To Mr. John Day:

I am writing regarding the Lompoc Wind Energy Project EIR. This project has come to my attention from a member of the Santa Barbara Trust for Historic Preservation. The Trust is a countywide Preservation organization, and I am surprised we were not on your list for notification of the EIR. I know from my time on the County Advisory Landmarks Commission, that I asked staff to notify us of all projects with potential impacts on County historical resources.

In this instance, in reviewing the document on *line*, I have found the EIR inadequate in Section 3.2 as it pertains to La Purisima Mission State Historic Park. In table 3.2-2 the impact level on the Park is listed as Class III in both the daytime and the nighttime. La Purisima Mission has the only fully protected viewshed of the 21 missions in California. That is, all other missions are ensconced in urban settings and in full view of urban encroachment. La Purisima is a National Historic Landmark and is one of the most important historical sites in California. I am assuming you have notified the National Trust for Historic Preservation Office in San Francisco and the appropriate people at the US Dept of Interior to comment on the impacts of Wind Energy Project on the Mission Viewshed.

Because it is a National Historic Landmark, and because this the only Mission with a fully protected viewshed, there is no question that if there is ANY visual impact on La Purisima it must be considered a Class I Impact.

Thank you for permitting the Trust to comment on the EIR

Sincerely, Jarrell Jackman  
 Jarrell C. Jackman, Ph.D.  
 Executive Director  
 Mail: Santa Barbara Trust for Historic Preservation  
 PO Box 388, S Barbara, CA 93102  
 Phone: (805) 965-0093  
 FAX: (805) 568-1999  
 Website: <http://www.sbthp.org/home.htm>



SBTHP-1

8/30/2007

**Response to Comment Set SBTHP**

**SBTHP-1:** Please see Responses to Comments CDPR-1 and CSPRA-1.

## Comment Set SYBCI

Day, John

---

**From:** Sam Cohen [scohen@santaynezchumash.org]  
**Sent:** Thursday, August 30, 2007 3:39 PM  
**To:** Day, John  
**Cc:** Sam Cohen  
**Subject:** Lompoc Wind Energy Draft DEIR Comments

For use in your public meeting tonight on Lompoc, the Santa Ynez Band of Chumash Indians provides a draft copy of the following comments to the Lompoc Wind Energy Draft Environmental Impact Report. Final comments should be delivered by the September 4, 2007 deadline.

Sincerely,

Sam Cohen  
Government and Legal Specialist  
SYBCI  
P.O. Box 517  
Santa Ynez, CA 93460  
805-688-7997

Review of Draft EIR (DEIR)

Page 36-14  
Section 3.6.6 Evaluation of Results

Given the fact that 18 archaeological sites and 11 archaeological isolates were found during the current phase 1 investigation, the Project area is considered highly sensitive in terms of archaeological resources.

Page 36-6 to 36-13  
3.6.4 Results of Field Surveys

LWF 1 through LWF 11 all end with:

“A Phase 2 archaeological investigation would be necessary ...”

Page 36-13 to 36-14  
3.6.4.2 Lompoc Wind Energy Power Line

A records and literature search “reveal[ed] the presence of three previously documented prehistoric sites (CA-SBA-1751, CA-SBA-2066, and CA-SBA-2465), all located slightly within or adjacent to the centerline of the powerline route.”

Proposed Mitigation in DEIR

Executive Summary Pages ES 15 – ES 17

**A-CULT-1: Additional Archaeological Surveys.** If it is determined that a Project element requiring ground disturbance cannot be located at least 100 feet from the mapped boundaries of an archaeological site, a new Phase 1 survey of that specific location shall be conducted. If this survey confirms that ground disturbance would occur within 100 feet of a site boundary, then an Extended Phase 1 investigation shall be conducted by employing a small number of shovel test units (STU). These STUs would be used to determine the actual subsurface boundary of the

SYBCI-1

## Comment Set SYBCI, continued

archaeological site relative to the proposed disturbance, and therefore verify whether or not the site would be affected by the disturbance. The STUs should be 20 inches in diameter and excavated in arbitrary 8-inch levels.

If the presence of cultural materials is confirmed in areas that would be disturbed by Project construction, then Phase 2 subsurface testing shall be conducted to evaluate the nature, extent, and significance of the cultural resources. This evaluation program shall be designed to assess each archaeological site consistent with County Archaeological Guidelines.

Should this program determine that the affected archaeological sites are significant, Phase 3 mitigation in the form of data recovery excavation shall be implemented consistent with County Archaeological Guidelines.

**A-CULT-2: Archaeological Isolates.** In the case where ground disturbance is proposed within 30 feet of Archaeological Isolates LWF Iso-1, Iso-8, Iso-9, Iso-10, and Iso-11, a single STU should be excavated within 3 feet of the isolate in order to determine if there are subsurface deposits present. If the isolate cannot be relocated, the STU should be placed in the general vicinity of its mapped location. If subsurface cultural deposits are identified, they should be assessed and characterized in accordance with Mitigation Measure A-CULT-1.

**A-CULT-3: Road Preparation.** Where existing graded ranch roads pass through an archaeological site, such roads may be utilized and widened through the site area by surfacing them with a 6-inch layer of imported gravel or soil that is free of cultural materials and recognizably different from the site soils. Surfacing the road with gravel should also occur for a distance of 100 feet beyond the mapped boundary of a site, except in cases where the boundary has been established through subsurface testing. Gravel from site LWF-111 should not be used for this purpose because it contains cultural material.

**A-CULT-5: Archaeological and Native American Monitors.** A County-approved archaeologist and Native American monitor shall monitor ground disturbances in all areas containing known archaeological materials to ensure that any previously unidentified cultural resources are recorded.

**CULT-1: Avoidance of Cultural Resources.** Avoidance of cultural resource sites is the preferred measure, and all impacts to CRHR eligible sites shall be avoided to the greatest extent possible.

**CULT-2: Final Plan Notification.** The Applicant shall include a note on a separate informational sheet to be recorded with the final plans for each construction phase designating the known archaeological sites as unbuildable areas, unless the archaeological site is formally evaluated by a County-approved archaeologist as ineligible for the CRHR or a Phase 3 data recovery program has been implemented. The areas shall not be identified as archaeological sites on the informational sheet.

**CULT-3: Temporary Fencing.** Known unevaluated or determined significant archaeological sites and 50-foot buffer areas shall be temporarily fenced with chain link flagged with color or other material authorized by the County where ground disturbance is proposed within 100 feet of the site and a buffer.

**A-CULT-4: Unanticipated Discoveries.** Should human remains, historic or prehistoric artifacts, or other potentially important cultural materials be unearthed or otherwise discovered at any time during activities associated with the development of the Project area, work in the immediate vicinity of the discovery shall be suspended until a County-approved archaeologist and Native American representative are retained by the Applicant to evaluate the significance of the find pursuant to Phase 2 investigations as specified in the County Guidelines (County, 1993). If the cultural resources are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Cultural Resource Guidelines and funded by the Applicant. In the event that suspected human remains are discovered, the County Coroner shall be contacted in accordance with state law. See **Mitigation Measure A-CULT-5** above.

**A-CULT-6: Pre-construction Workshop.** The County shall conduct a pre-construction workshop with cultural resource specialists, Native American monitors, and construction workers and personnel, stressing the importance of cultural resources and discussing penalties for their illicit disturbance.

Suggested Revisions to Proposed Mitigation (underlined text):



## Comment Set SYBCI, continued

**A-CULT-1: Additional Archaeological Surveys.** If it is determined that a Project element requiring ground disturbance cannot be located at least 1000 feet from the mapped boundaries of an archaeological site, a new Phase 1 survey of that specific location shall be conducted. If this survey confirms that ground disturbance would occur within 1000 feet of a site boundary, then an Extended Phase 1 investigation shall be conducted by employing a small number of shovel test units (STU). These STUs would be used to determine the actual subsurface boundary of the archaeological site relative to the proposed disturbance, and therefore verify whether or not the site would be affected by the disturbance. The STUs should be 20 inches in diameter and excavated in arbitrary 8-inch levels. If the presence of cultural materials is confirmed in areas that would be disturbed by Project construction, then Phase 2 subsurface testing shall be conducted to evaluate the nature, extent, and significance of the cultural resources. This evaluation program shall be designed to assess each archaeological site consistent with County Archaeological Guidelines. Should this program determine that the affected archaeological sites are significant, Phase 3 mitigation in the form of data recovery excavation shall be implemented consistent with County Archaeological Guidelines.

SYBCI-2

**A-CULT-2: Archaeological Isolates.** In the case where ground disturbance is proposed within 300 feet of Archaeological Isolates LWF Iso-1, Iso-8, Iso-9, Iso-10, and Iso-11, a single STU should be excavated within 3 feet of the isolate in order to determine if there are subsurface deposits present. If the isolate cannot be relocated, the STU should be placed in the general vicinity of its mapped location. If subsurface cultural deposits are identified, they should be assessed and characterized in accordance with Mitigation Measure A-CULT-1.

SYBCI-3

**A-CULT-3: Road Preparation.** Where existing graded ranch roads pass through an archaeological site, such roads may be utilized and widened through the site area by surfacing them with a 6-inch layer of imported gravel or soil that is free of cultural materials and recognizably different from the site soils provided that there shall be no ground disturbance other than to the imported gravel or soil. Surfacing the road with gravel should also occur for a distance of 100 feet beyond the mapped boundary of a site, except in cases where the boundary has been established through subsurface testing. Gravel from site LWF-111 should not be used for this purpose because it contains cultural material.

SYBCI-4

**A-CULT-5: Archaeological and Native American Monitors.** A County-approved archaeologist and Native American monitor shall monitor ground disturbances in all areas containing known archaeological materials to ensure that any previously unidentified cultural resources are recorded. Areas not known to contain known archaeological materials shall have all ground disturbances monitored by a Native American monitor.

SYBCI-5

**CULT-1: Avoidance of Cultural Resources.** Avoidance of cultural resource sites is the preferred measure, and all impacts to CRHR eligible sites shall be avoided to the greatest extent possible.

**CULT-2: Final Plan Notification.** The Applicant shall include a note on a separate informational sheet to be recorded with the final plans for each construction phase designating the known archaeological sites as unbuildable areas, unless the archaeological site is formally evaluated by a County-approved archaeologist as ineligible for the CRHR or a Phase 3 data recovery program has been implemented. The areas shall not be identified as archaeological sites on the informational sheet.

**CULT-3: Temporary Fencing.** Known unevaluated or determined significant archaeological sites and 50-foot buffer areas shall be temporarily fenced with chain link flagged with color or other material authorized by the County where ground disturbance is proposed within 1000 feet of the site and a buffer.

SYBCI-6

**A-CULT-4: Unanticipated Discoveries.** Should human remains, historic or prehistoric artifacts, or other potentially important cultural materials be unearthed or otherwise discovered at any time during activities associated with the development of the Project area, work in the immediate vicinity of the discovery shall be suspended until a County-approved archaeologist and Native American representative are retained by the Applicant to evaluate the significance of the find pursuant to Phase 2 investigations as specified in the County Guidelines (County, 1993). If the cultural resources are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Cultural Resource Guidelines and funded by the Applicant. In the event that suspected human remains are discovered, the County Coroner shall be contacted in accordance with state law. See Mitigation Measure A-CULT-5 above.

## Comment Set SYBCI, continued

**A-CULT-6: Pre-construction Workshop.** The County shall conduct a pre-construction workshop with cultural resource specialists, Native American monitors, and construction workers and personnel, stressing the importance of cultural resources and discussing penalties for their illicit disturbance.

## Response to Comment Set SYBCI

**SYBCI-1:** Comment provides a copy of existing EIR cultural resources text. No changes to text required.

**SYBCI-2:** The commenter suggests changing Mitigation Measure A-CULT-1 (renamed Mitigation Measure “CULT-1” in the Final EIR) to say that additional investigations are warranted if Project elements that require ground disturbance are located within 1,000 feet of a recorded site boundary (Draft EIR specified 100 feet). Upon further review, the County agrees that 100 feet is insufficient because, in most cases, site recordation is based on surface material only and not based on subsurface testing, which could demonstrate that a site is larger than what is reflected on the surface. However, the County has concluded that 500 feet should be sufficient; the text was revised accordingly.

**SYBCI-3:** The commenter suggests changing Mitigation Measure A-CULT-2 (renamed Mitigation Measure “CULT-2” in the Final EIR) to say that additional investigations are warranted if Project elements that require ground disturbance are located within 300 feet of an archaeological isolate (Draft EIR specified 30 feet). Upon further review, the County agrees that 30 feet is insufficient. However, the County has concluded that 100 feet should be sufficient; the text was revised accordingly.

**SYBCI-4:** The commenter suggests changing Mitigation Measure A-CULT-3 (renamed Mitigation Measures “CULT-3” in the Final EIR) to clarify that proposed ground disturbance would only occur to the imported gravel and soil. Mitigation Measure CULT-3 has been deleted since Mitigation Measures CULT-1 and CULT-2 would provide better protection to known cultural sites and isolates that could be disturbed by project construction.

**SYBCI-5:** The commenter suggests changing Mitigation Measure A-CULT-5 (renamed Mitigation Measure “CULT-5” in the Final EIR) to include Native American monitoring for all ground disturbance, not just within recorded site boundaries. Upon further review, the County agrees with this comment because the Project area is highly sensitive for archaeological resources. Text has been revised so that both a County-approved Native American monitor and archaeologist shall monitor all ground disturbances.

**SYBCI-6:** Comment is similar to SYPCI-2. The County agrees that 100 feet is insufficient, for the same reasons described in Response to Comment SYBCI-2. However, the County has concluded that 500 feet should be sufficient; the text was revised accordingly.

## Comment Set S

Day, John

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**From:** Scolari [geraldscolari@comcast.net]  
**Sent:** Tuesday, September 04, 2007 4:51 PM  
**To:** Day, John  
**Subject:** Lompoc Wind Project E.I.R.

We recommend that re-seeding mixtures for disturbed areas be that which is recommended by United States Natural Resource Conservation Service and not include species that are considered a determinate to agricultural grazing.

**S-1**

Another point which must be kept in mind, is the financial aspects to the landowners would make it possible to improve the infrastructure of the cattle grazing operation.

**S-2**

LeRoy Scolari    Gerald E. Scolari    Sandra K. Scolari    Rosebel V. Cameron

423 No. G St.  
Lompoc, CA 93436  
(805) 736-0934

9/4/2007

## **Response to Comment Set S**

**S-1:** The commenter recommends that re-seeding mixtures for disturbed areas be those which are recommended by the United States Natural Resource Conservation Service and not include species that are considered a determinate to agricultural grazing.

The biological mitigation measures proposed in the EIR, including reseeded, are intended to mitigate biological impacts, which include loss of habitat. To the extent that NRCS recommendations (typically intended to enhance grazing and conserve the soil) are compatible with restoration of habitat they would be incorporated into the restoration and revegetation plan.

The following was added to the revegetation mitigation measures: “Recommendations from USDA Natural Resources Conservation Service for reseeded of agricultural grazing areas will be sought and incorporated as approved by the above agencies. The use of non-native species considered detrimental to agricultural grazing will be avoided.”

**S-2:** Please see Response to Comment BS-3.