



Wintu Audubon Society

Birding in Northern California

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December 3, 2023

Leonidas Payne, Project Manager
California Energy Commission
Docket Unit MS-4, Docket No. 23-OPT-01

Subject: Notice of Preparation for Fountain Wind Project, Docket #23-OPT-01

Dear Mr. Payne:

Wintu Audubon is pleased to provide the following comments on the Notice of Preparation (NOP) for the Draft Environmental Impact Report (EIR) for the Fountain Wind Project. ConnectGEN proposes to construct and operate up to 48 wind turbines up to 610 feet high (at turbine tip) on approximately 2,855 acres of private, leased land located east of Round Mountain in unincorporated Shasta County. We have the following comments on the scope and content of the information and environmental analysis we believe must be included in the EIR.

Wintu Audubon is an active chapter of the National Audubon Society, covering Shasta and portions of Tehama, Trinity, Siskiyou and Modoc counties in California. Wintu Audubon has an active Board of Directors and Conservation Committee engaged in advocating for conservation and restoration of natural ecosystems, focusing on birds, other wildlife, and their habitat. Wintu Audubon also promotes the enjoyment of the natural environment through education and interactive programs. Wintu Audubon offers its services as a local conservation organization with special knowledge of and concern for wildlife potentially impacted by the project. We are concerned about the bird, bat and other wildlife impacts that may result from this major wind development project.

The National Audubon Society and California Audubon both recognize the advantages of wind power projects to address climate change, provided impacts are fully identified and mitigated. Wintu Audubon supports that policy position as well. Nonetheless, Wintu Audubon is concerned about the potential for impacts to birds and bats of this project and the full consideration and analysis of means to mitigate for those impacts. Wintu Audubon takes no overall position in favor or opposed to the project at this time.

The CALIFORNIA GUIDELINES FOR REDUCING IMPACTS TO BIRDS AND BATS FROM WIND ENERGY DEVELOPMENT¹ (CEC Guidelines) make special mention of the role that should be played by conservation organizations such as Wintu Audubon in wind power development projects in California. The CEC Guidelines strongly recommend (at pages 27-29) that project applicants and designers consult with appropriate conservation organizations to design surveys appropriate to the landscapes and habitats affected prior to public release of draft CEQA documents. It is unclear at this point to what extent the CEC has used its Guidelines in determining needed studies and protocols. The Shasta County Draft and Final EIR referenced instead the *Land-Based Wind Energy Guidelines* of U.S. Fish and Wildlife Service² (USFWS). We can find no reference in the CEC Docket whether determinations of adequacy of survey data, protocols and related bird and bat information and project planning have been based on CEC or USFWS guidelines. The EIR should include a thorough explanation of the relative advantages of adherence to these guidelines, with justification for reliance on one or the other or both.

Construction and operation of the project will cause bird and bat impacts due to fractured and lost habitat from road improvements and widening, new road alignments, powerline, MET Tower and turbine placements. Operation of the turbines pose risk of injury and mortality to birds and bats, particularly bald and golden eagle, a number of other raptor species, several Pacific Flyway species including greater sandhill crane, and several special status passerines. Despite the passage of time since their completion, the surveys conducted to date may in some part still be adequate in determining the potential for impacts to birds and bats, however, we note that the environmental baseline for the project must be set on the date this NOP was issued, not the previous issuance of the Shasta County EIR's NOP, nor the previous Draft or Final EIR. If surveys have not been adequately updated, or cannot be relied upon due to changed conditions or the passage of time, new surveys must be conducted.

The EIR should fully examine the potential for mortality to or displacement of special status bird and bat species, that inhabit, nest in, pass or migrate through or forage within this area (including but not limited to greater sandhill crane, bald eagle, willow flycatcher, yellow warbler, Northern goshawk, Northern spotted owl and great grey owl). The Draft EIR should fully examine the potential for injury or mortality to birds and bats from turbine strikes and power line collisions. The EIR should fully examine the potential for impacts due to disturbance to nest sites and foraging habitats, impacts from increased human intrusion from traffic, noise, road widening and other road improvements, ancillary structures and turbine pads. The Draft EIR should fully examine the potential for habitat losses due to fragmentation of habitats and edge effects of roads, turbines and turbine pads, new powerlines and ancillary structures. Due to the widespread nature of the project, with roads and turbine placements in disparate locations, the potential for habitat losses due to fragmentation and edge effects is greater than it would be for a project with a more concentrated development pattern.

The CEC Guidelines state: "For nocturnal migratory birds, conduct additional studies as needed if a project potentially poses a risk of collision to migrating songbirds and other species." The use of acoustical or near-infrared survey methods should be considered and the reasons for requiring them or

CEC and CDFW, September, 2007. <https://www.energy.ca.gov/data-reports/reports/reducing-impacts-birds-bats-wind-energy>

² USFWS, March 23, 2012. <https://www.fws.gov/media/land-based-wind-energy-guidelines>

not requiring them fully justified. The Draft EIR must contain a full analysis of the possibility of low-level sandhill crane migration during storm events, based on data from appropriately designed surveys. We

recommend that multiple survey methods (radar, acoustical and near-infrared) be employed to complete nighttime migration surveys in Winter.

Several of the species that may be at risk of take due to turbine strikes or other project related construction or operation are fully protected under the California Fish and Game Code (FGC), including bald and golden eagle and greater sandhill crane. California Senate Bill (SB) 147 was passed in 2023, providing for the issuance of take permit(s) pursuant to California Endangered Species Act (CESA) for wind energy projects for fully protected bird species, including these species. The EIR should fully analyze the need for an incidental take permit for these species, including the requirement to fully mitigate any take in accordance with the applicable FGC sections. The NOP does not properly identify the Department of Fish and Wildlife (CDFW) as a potential Responsible Agency pursuant to CEQA should an incidental take permit be issued. (It should also be noted that the NOP does not identify CDFW as a responsible agency should a Lake or Stream Bed Permit be required for any improved or new road crossing of a creek or stream within the project.)

We continue to advocate that the Alternatives Analysis of the EIR (per 14 CCR §15126.6) should include alternatives to the proposed configuration which concentrate turbines, roads and other facilities over a more compact project area. The possibility to group turbine arrays more compactly over a smaller footprint of the leasehold should be evaluated for feasibility and the extent to which habitat fragmentation, edge effects and habitat loss and potential for turbine strike impacts to birds and bats might be reduced.

We also continue to advocate that the permanent MET towers be constructed without employing guy wires. If MET towers must be guy wired, effective bird deterrents must be installed as recommended by CEC Guidelines or other latest effective technologies employed. The DEIR should analyze the potential for risk of injury or mortality to birds and bats by MET towers, whether guy wires are required or not.

For projects of this complexity and potential for bird and bat impacts and the resulting need for monitoring and adaptive management, the CEC Guidelines recommend the creation of a Technical Advisory Committee (TAC), to advise the CEC during operations and monitor the effectiveness of project mitigation and require adaptive management measures. We are an active conservation organization with special expertise about and concern for the preservation of avian wildlife and its habitat. We stand ready to assist with formation and implementation of a bird and bat Technical Advisory Committee for this project, to advise the CEC on meeting the needs for proper design and implementation of monitoring efforts, mitigation measure implementation and adaptive management. The scope and content of the Draft EIR should include an analysis of how such a TAC could function as part of a mitigation plan for impacts to avian and bat species resulting from the project.

Should you have any questions about the issues raised in this letter or the role that Wintu Audubon is prepared to play during CEQA review and beyond please feel free to contact us.

Sincerely,

Bruce Webb
Conservation Chair, Wintu Audubon Society

Cc: Wintu Audubon Board of Directors
Mike Lynes, Audubon California