
Appendix A

NOPs and Comment Letters

**NOTICE OF PREPARATION
OF A DRAFT ENVIRONMENTAL IMPACT REPORT
Golden State Natural Resources
Forest Resiliency Demonstration Project**

Date: November 18 2022

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Golden State Natural Resources Forest Resiliency Demonstration Project

Review Period: November 18, 2022 to December 19, 2022

The Golden State Finance Authority (GSFA) is the Lead Agency for the Golden State Natural Resources (GSNR) Forest Resiliency Demonstration Project (proposed project) and intends to prepare an Environmental Impact Report (EIR) for the proposed project. This Notice of Preparation (NOP) initiates the environmental scoping process in accordance with the California Environmental Quality Act (CEQA) Guidelines (14 California Code of Regulations [CCR] Section 15082). The purpose of a NOP is to provide sufficient information about the proposed project and its potential environmental effects to allow public agencies, organizations, tribes and interested members of the public the opportunity to provide a meaningful response related to the scope and content of the EIR, including feasible mitigation measures and project alternatives that should be considered in the EIR (CEQA Guidelines, 14 CCR 15082[a]). The proposed project and location are briefly described below.

PROJECT DESCRIPTION

The proposed project is a response to the growing rate of wildfires in California, which has been exacerbated by hazardous excess fuel loads in forests, and the need to promote economic activity within California's rural counties. The proposed project would improve the resiliency of California's forestlands by sustainably procuring and processing excess biomass into a pelletized fuel source for use in renewable energy generation overseas. The proposed project components include the vegetation treatment activities (feedstock source); the transportation and storage of feedstock, and subsequent processing at two pellet processing facilities (one in the foothills of the Central Sierra Nevada Mountain range (Tuolumne facility) and one in the Modoc Plateau of Northern California (Lassen facility)); and the transportation of the finished product to a storage and shipping facility to be constructed at a suitable deepwater port in California for export to international markets.

The proposed project can be broken down into three primary phases:

1. **Feedstock.** Feedstock consists of the underutilized and unmarketable forest material used to produce industrial wood pellets. There would be two primary feedstock types: roundwood and residuals. Roundwood consists of wood in its natural state that is not suitable for use as commercial lumber due to its condition (e.g. age, fire damage), size, or economic factors (e.g. wood type, transportation costs). Roundwood for the proposed project would be procured through vegetation treatment activities, including prescribed thinning, occurring on public and private lands within a 100 mile radius of each production facility. Residuals include material (bark, shavings, sawdust and wood chips) left over from the milling process. Residuals may also include "forest slash," which is material left following timber harvesting and treatments (such as the limbs and the tops of trees), and vegetation from fire management activities performed by utilities (such as

PG&E) or public agencies. The feedstock is transported by truck to the wood pellet processing facility or an aggregation, distribution and/or sales yard for utilization by other wood processing facilities.

Unmarketable forest material may come from public or private lands. In October 2019, GSFA executed a 20-year Master Stewardship Agreement (MSA) with the US Forest Service (USFS) to provide for the mutual benefit and interests of GSFA and the USFS in achieving resilient forests within US Forest Service Region 5, which includes all of the eighteen national forests located in California. The MSA would allow GSFA to undertake forest thinning and fuel reduction activities identified in individual Supplemental Project Agreements (SPAs). The MSA provides for a potential source of feedstock while meeting USFS forest management objectives. The proposed project may also receive roundwood resulting from vegetation treatment activities undertaken by other entities (such as Fire Safe Councils, Resource Conservation Districts, and public utilities). Feedstock would be transported to the wood pellet production facilities, or to storage yards located nearby.

2. **Wood pellet production.** Wood pellet production facilities will be located in the Central Sierra (Tuolumne) and Northern California (Lassen) regions. In general, the roundwood received would be processed through a debarker and chipper. The processed chips would be conveyed to a radial stacker reclaimer where they would be combined with material received in residual (reduced size) form for the next processing phase. The bark from the roundwood would be conveyed separately to a storage pile for use as fuel for the furnace used to heat the dryer. The wood chips would then be screened for the appropriate size and continue to the dryer. Chips that do not pass through the screens would be directed to an array of hammer mills to be reduced to the appropriate size. The chips would then be dried, passed through another stage of size reduction by way of hammer mills, and then sent through the pellet mill. The pellets would be cooled to ambient air temperature and sent through a final screen, after which they would be stored in silos awaiting loading for off-site transportation. The planned capacity of the Tuolumne site is 300,000 tons per year (dry pellets). The planned capacity of the Lassen site is 700,000 tons per year.
3. **Transport to market.** The finished pellets are loaded onto rail cars for transport to a dedicated purpose built export terminal at a deepwater port. A rail spur would be required at each production facility. At the port terminal, the pellets are unloaded and stored in large domes or silos, where the temperature and moisture are continuously monitored while awaiting final load out. The pellets are gravity fed onto conveyors, which transport the pellets from the domes to a shiploader where the pellets are loaded into dedicated cargo ships for delivery to international energy markets. The preferred port location is currently being selected, and will be either the Port of Stockton, West Complex (Edwards Ave at Lipes Dr., Stockton CA) or the Levin-Richmond Terminal (402 Wright Ave, Richmond, CA). (Only one of these ports will be selected and used as part of the proposed project.)

PROJECT LOCATION

The proposed Tuolumne wood pellet processing site is located at 12001 La Grange Road approximately 9 miles southwest of the community of Jamestown in Central Sierra (Tuolumne), California and in the western foothills of the Sierra Nevada Mountain Range (see Figure 1, Tuolumne Site). The Tuolumne site consists of APNs 063-190-056, 063-350-004, and 063-350-005. The site was previously used as a bark facility by Sierra Pacific Industries.

The proposed Lassen wood pellet processing site is located in Nubieber, California (Lassen County), approximately 3 miles southwest of the census-designated place of Bieber in northwestern Lassen County

(see Figure 2, Lassen Site). The Lassen site is located immediately at 551000 Roosevelt Avenue (sometimes spelled Roosevelt Avenue), Nubieber, CA within Assessor's Parcel Number (APN) 001-270-080-000. The site is a portion of a larger property that included a mill site (which is not part of the proposed project site) and an area used by the mill operators to load rail cars.

Storage of feedstock prior to processing will occur at the production facility site or in yards located within a 10-mile radius of the proposed facilities. Approximately 50-200 acres of storage space will be required for each facility. Specific sites under consideration include Lassen County APNs 001-370-05-11, 001-400-02-11, 001-400-03-11, 001-130-11, 001-130-47, 001-130-61, 001-130-62, 001-130-73, 001-130-74, 001-150-24, 001-150-33, 001-150-34, 001-270-026-11, 013-040-13-11, 001-270-29-11, 001-270-81-11, 001-270-79, 001-270-32, 001-270-33, 001-270-34, and 001-270-57-11, and any storage yard sites ultimately selected will have physical and regulatory characteristics similar to foregoing. (Figures 3 and 4 depict the 10-mile radius within which the storage sites will be located.)

The finished pellets will be transported by rail to a suitable deepwater port at either the Port of Stockton, West Complex (Edwards Ave at Lipes Dr., Stockton CA) or the Levin-Richmond Terminal (402 Wright Ave, Richmond, CA), for transport via cargo ship. (Figure 5 depicts the potential port locations.)

POTENTIAL ENVIRONMENTAL IMPACTS

Pursuant to the CEQA Guidelines, 14 CCR 15063, the GSFA is preparing an EIR to determine if the proposed project may have a significant effect on the environment. The purpose of the EIR is to provide the public agencies and the public with information on environmental effects that would result from construction and operation of the proposed project. The GSFA anticipates that the proposed project may result in potentially significant impacts related to :

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Forestry Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

The proposed project is not anticipated to significantly impact the following:

- Agriculture (Farmland)
- Mineral Resources
- Recreation

PROVIDING COMMENTS

GSFA is soliciting written comments from public agencies, organizations, and individuals regarding the scope and content of the environmental document. Comments should be provided by December 19, 2022. Please send comments to:

Golden State Finance Authority
Attn: GSNR Scoping Comment
1215 K Street, Suite 1650
Sacramento, CA 95814
Email: gsnr@gsnrnet.org

Website: <https://goldenstatenaturalresources.com/local-forest-resilience-projects/>

Agencies that will rely upon the EIR when considering permits or other approvals for the proposed project should provide the name of a contact person, phone number, and email address in their comment. Comments provided by email should include "GSNR Forest Resiliency NOP Comment" in the subject line, and the name and physical address of the commenter in the body of the email.

SCOPING MEETINGS

Four scoping meetings for the proposed project will be held to receive comments:

Tuolumne County Scoping Meeting

Monday, November 28, 2022
3:00 – 5:00 p.m.
Tuolumne County
Board of Supervisors Office
2 South Green Street
Sonora, CA 95370

Wednesday, November 30, 2022
4:00 – 6:00 p.m.
Lassen County
Board of Supervisors Office
707 Nevada Street
Susanville, CA 96130

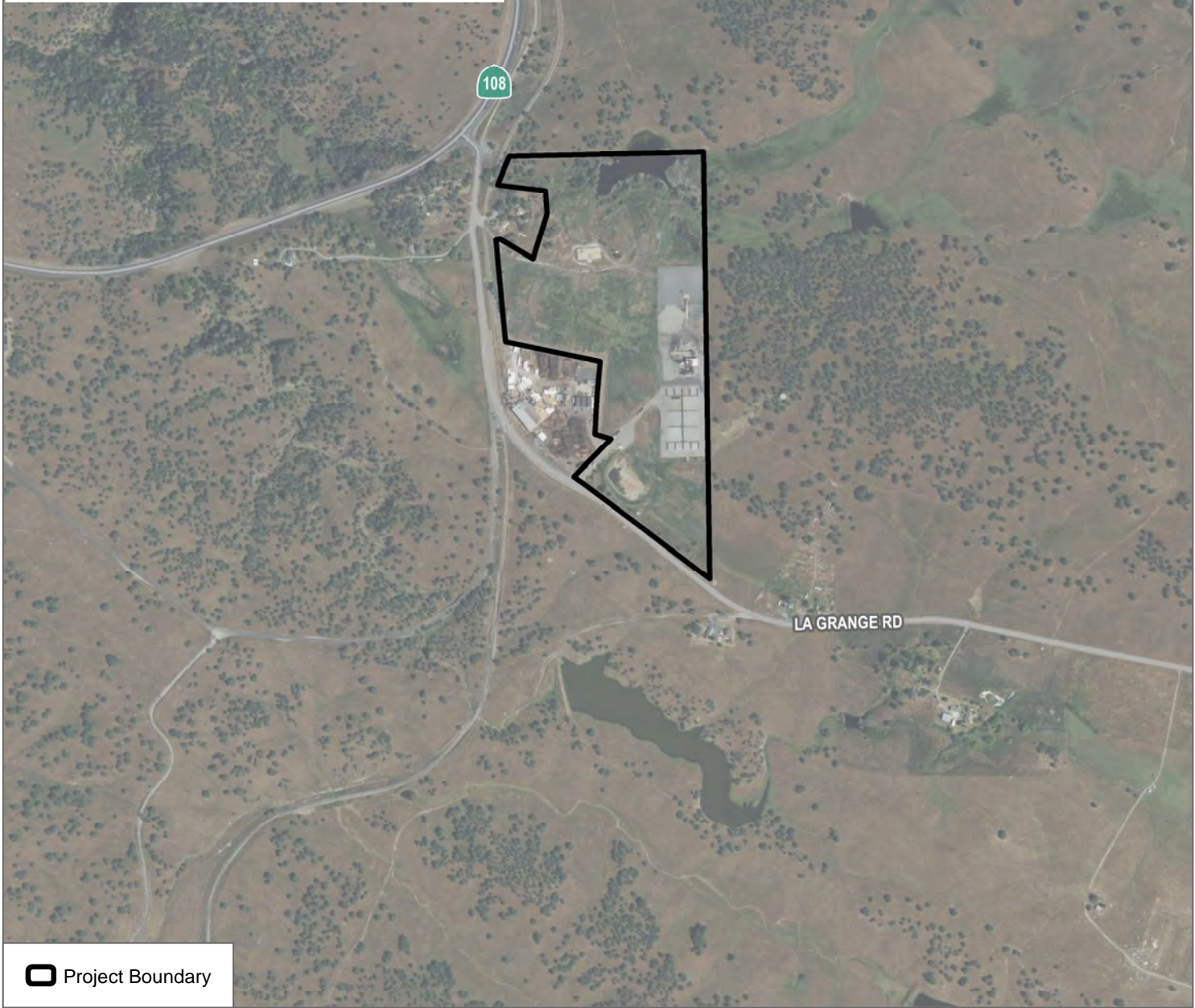
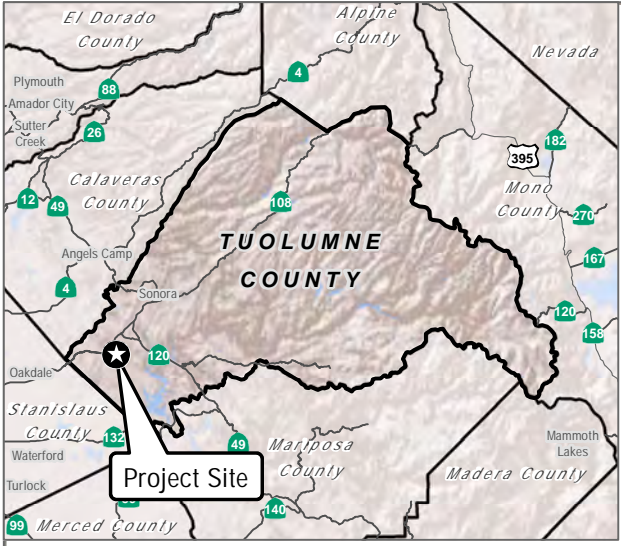
Lassen County Scoping Meetings


Tuesday, November 29, 2022
4:00 – 6:00 p.m.
Bieber Veterans Memorial Hall
657-575 Bridge Street
Bieber, CA 96009

Virtual Scoping Meeting

Tuesday, December 6, 2022
6:00 – 8:00 p.m.
Register at:
<https://goldenstatenaturalresources.com/local-forest-resilience-projects/>

For additional information regarding scoping meetings or the proposed project, please visit <https://goldenstatenaturalresources.com/local-forest-resilience-projects/> or email at gsnr@gsnrnet.org.



 Project Boundary

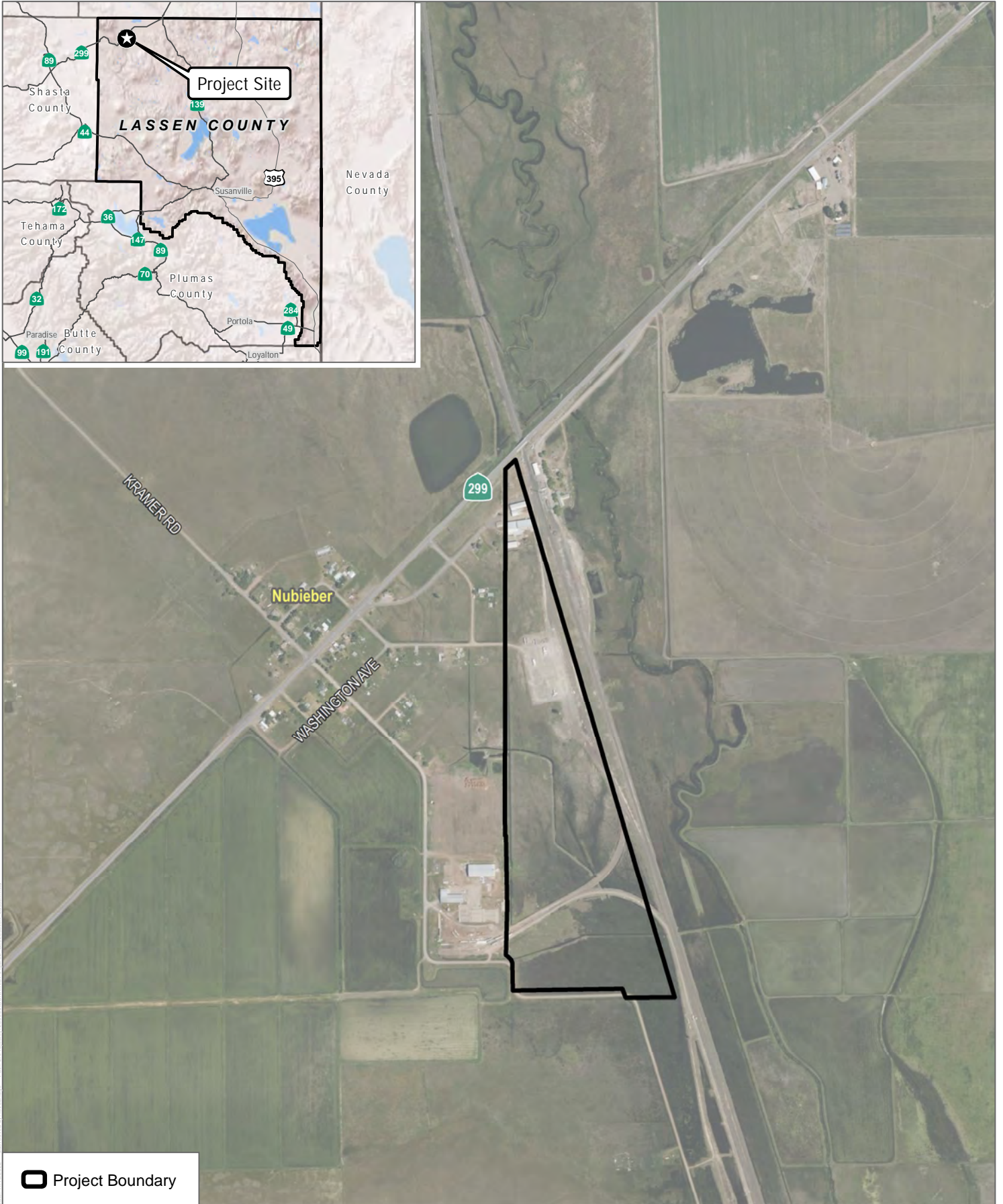
SOURCE: Bing Maps 2021



FIGURE 1

Tuolumne Site Location

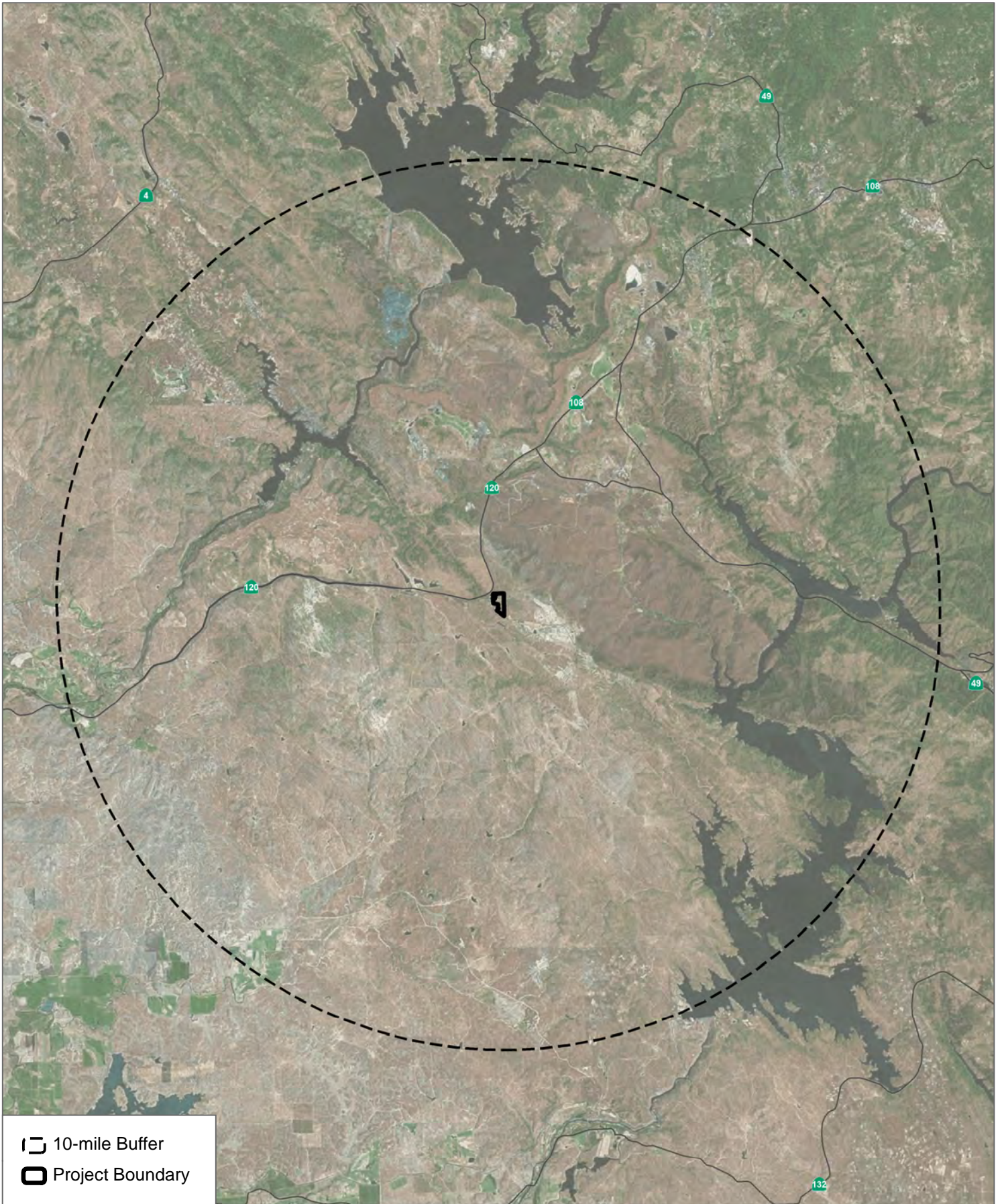
Golden State Natural Resources Forest Resiliency Demonstration Project



SOURCE: Bing Maps 2020, Lassen County 2015

FIGURE 2

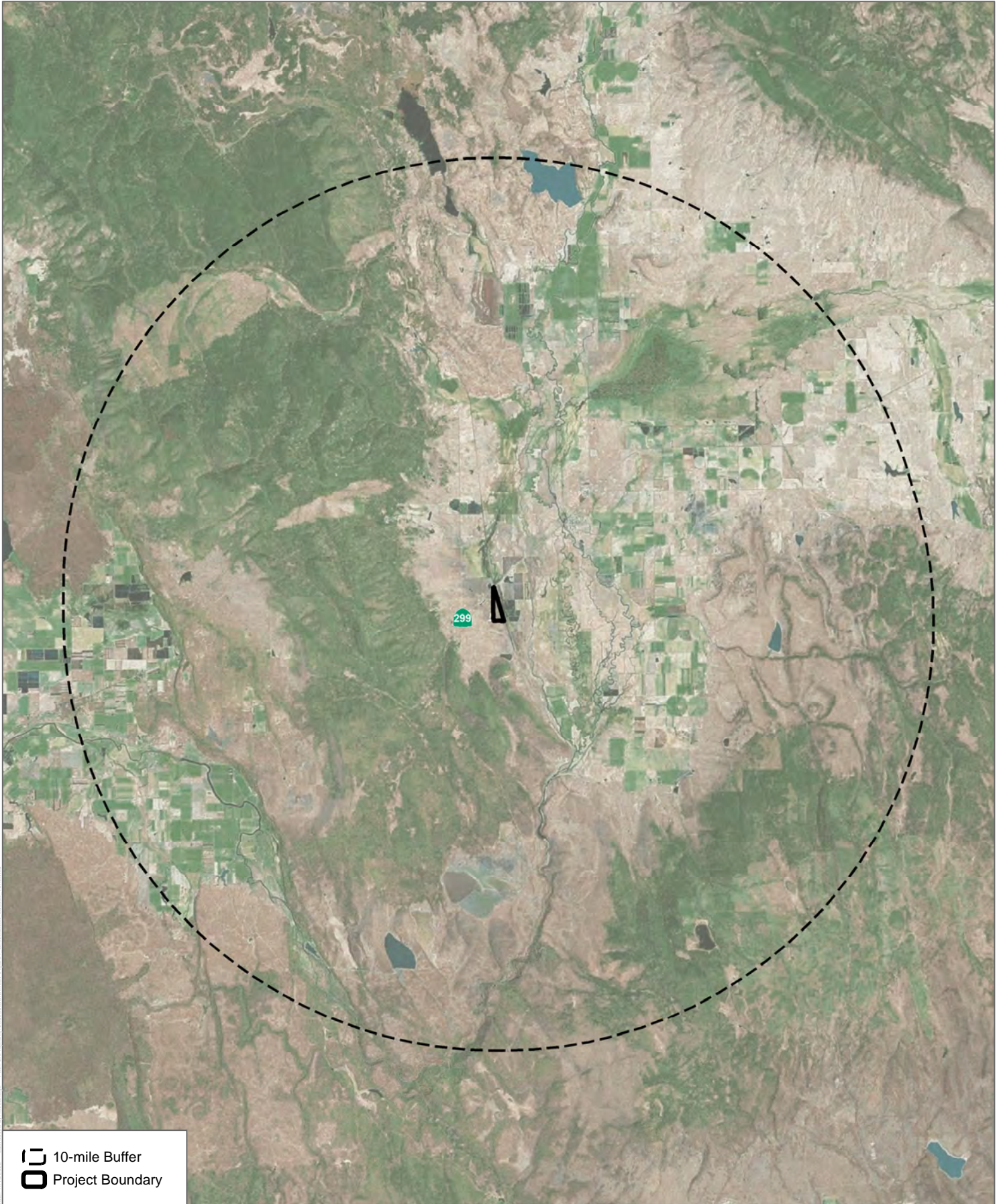
Lassen Site Location



SOURCE: Bing Maps 2021

FIGURE 3

Tuolumne Site Location with 10-mile Radius
Golden State Natural Resources Forest Resiliency Demonstration Project



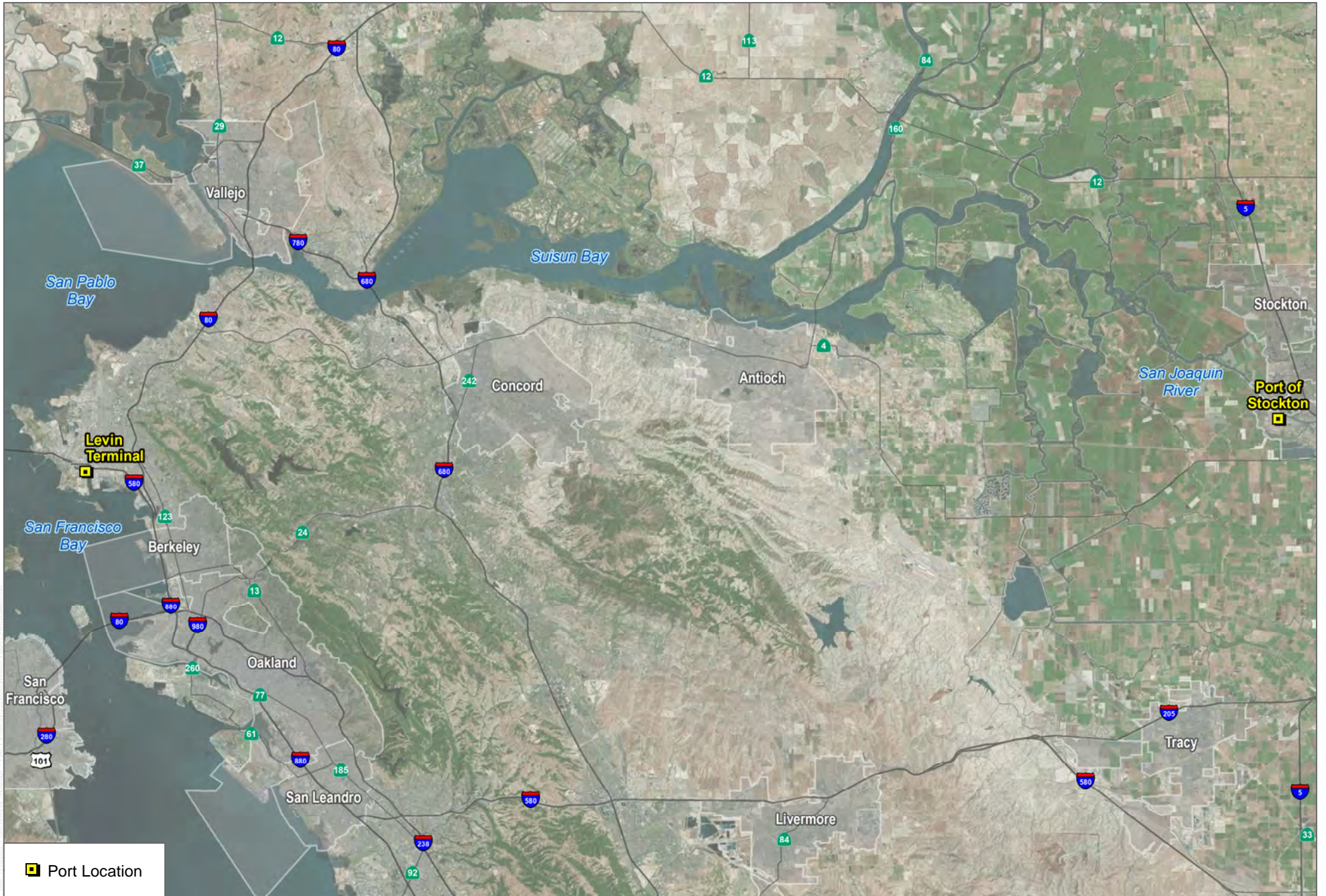
SOURCE: Bing Maps 2021, Lassen County 2015



FIGURE 4

Lassen Site Location with 10-mile Radius

Golden State Natural Resources Forest Resiliency Demonstration Project



SOURCE: Bing Maps 2021



FIGURE 5

Port Locations

Public comments provided at each of the four scoping meetings for the GSNR Forest Resiliency Demonstration Project are presented below.

Scoping Meeting #1: Sonora (Tuolumne County)

November 28, 2022

John Buckley:

We need more capacity to work with biomass. Because I am supportive of this project, I hope you don't shortcut any analysis to ensure there will not be future litigation or delays. You've acknowledged what needs to be mitigated, including the question about if there's wood that's being brought to your plant for market reasons. It probably needs to address truckloads coming to the plant not just when they arrive at the plant.

GSNR is a non-profit, but you will be selling a product so how will this comply with 501c (3) requirements? I know it's not necessarily an environmental issue, but it does need to be addressed in the CEQA for context and understanding.

You spoke about the 100-mile radius at the previous meeting, but Greg and others were not talking about the range expanded to Bay Area. This is new information. Hopefully you can address what kind of material may be brought from the Bay Area. Is it the dump diversion? It's my understanding that the site has already been aggressively managed, so we don't see that there's issues with water or wildlife in that particular site.

We will give more written comments as well.

Tom Crosby (Local Business Council):

Interested in what businesses we can grow, additional business that will support biomass capacity building. Looking forward to seeing the full capacity of the plant is utilized.

Barbara Farkus:

My biggest concern is traffic going through downtown Sonora. Since there is no bypass and you will be pulling wood from Calaveras up Road 49 that causes bad traffic. I can understand that your business will be buying wood so of course they're going to come here rather than head down to the ports.

Through your statement, you are not prepared to address environmental impacts outside of the 100-mile radius, which is wrong, and you should have a way to address that. You won't be involved with road mitigation fees for adjusting turn lanes etc.

I am concerned for our viewshed being obstructed by an industrial center that's 50+ acres and will be a visual impact. I am not opposed to the project for what it provides; I'm despairing about the benefits for the community, that it will never be realized. Community benefits in terms of forest fire, yes, but people who own the land? I will also provide a written statement.

Mike Albrecht (Local logger and forester):

I am the past president of the Associated California Loggers and currently serve as VP for the American Loggers Council. I appreciate your acknowledgement that we have a really good timber economy and your intention to work with those markets. We need projects of this size, and the logging community is excited about this.

Janet Gregory:

One question on waste expectation. If mass will be brought in from the 100-mile radius, that will create a good amount of waste. How much waste and how will waste be addressed and disposed of?

John Buckley:

Earlier you mentioned that the delineation of port site and identification of accessory properties will be shared with the public ahead of the CEQA, but in my 31 years of working on CEQA, I've never before heard of a scoping where key information was not finally identifies. It seems that you're rushing the scoping process. To not know this key information doesn't provide the public with all the information to provide comment on those aspects of the project.

I suggest the scoping period be extended 30 additional days and provide that information during that period as opportunity to know which port and which properties and give comment.

Scoping Meeting #2: Bieber (Lassen County)

November 29, 2022

Jeff Middlebrook:

We live on a county road in SW Modoc with a dirt section that is two miles long. A number of people live in that section. All summer long, chip trucks and logging trucks run down the road Monday through Friday, and the dust they send up chokes everyone and no one's doing anything about it. If the pellet mill is using chips and logs from that area, we could use pavement on that road to mitigate that dust impact. I have asthma and this would be helpful to me.

Paul McCoy:

Concerns for impact would be law enforcement. We are having a hard time because we're so small. There are not enough employees to go around for what needs to be done. We'd like opportunities to talk to local community colleges to recruit more. Other issue is the roads. Last winter, we had one incident that totally wiped us out, and we couldn't respond. If there's a similar issue, GSNR will need to be able to respond.

Lassen Supervisor Aaron Albaugh:

We have some concerns about the highway in Nubieber, specifically related to ingress and egress from the plant. Another issue is the noise – I'm not sure what those impacts will be, but I'd like to do know. A third issue will be the lighting and how much this will give off.

Anonymous:

I want to thank you for helping extend logging and the farming industry that have taken care of this valley for 100 years.

Chris Christofferson (Modoc National Forest):

We rely on partners to do a lot of thinning and safety work in our forest because we cannot do it all ourselves, so I want to commend GSNR for helping us with this. If the CEQA document can address the economic benefits we will see here, that would be great. It would also be great if it addressed the positive impact of forest thinning on carbon sequestration to head off any litigation.

Jeff Middlebrook:

One gentleman mentioned logging and farming as the backbone of economy, which I agree with. I want to clarify that I'm not against that or against this project; I just want to get pavement on our road. To add to the forest supervisor's comment, I want to comment on forest health. A healthy forest is a carbon sink, while a dying forest – and dying trees – give off carbon. The latter can be used for pellets since it's dying anyway, which would effectively be carbon capture.

Modoc Supervisor Ned Coe:

One area that should be included is the impact that healthy forests have on the watershed of the region. We do not have a healthy watershed right now because we have too much density on the forest lands as they are.

Dan Torres:

One thing I'd like to point out is that it's not the government coming in and bolstering with jobs. The government's answer was to put a prison there. Let's not worry about issues with roads and light pollution. To put those as a question before it happens is backwards. If we have more people here, we'll get more resources from the government to address those issues. Let's get behind this full force to make it happen.

Jake Walton:

I've been here 3-4 years. I grew up in 300-person mill town where the economy got really bad. It's inspiring to see these people coming in to try to create revenue and jobs in the county. Logging is the reason these roads are paved in the first place. This is an amazing opportunity for all of us, let's get behind it and support it.

Scoping Meeting #3: Susanville (Lassen County)

November 30, 2022

Laurence Crabtree (retired USFS employee):

I'd like to provide comments to do with the mission of the Forest Service, which is "to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations." A lot of aspects of the GSNR plan are directly connected to the mission of the Forest Service. One example is the importance of returning prescribed fire to the forest. We can't safely do that in our overstocked forests. This project will allow the Forest Service to put prescribed fire back into the forest in a way that is safe for the men and women doing the work and for the properties directly surrounding the forests. It's all connected to GSNR.

Scoping Meeting #4: Virtual

December 6, 2022

Shaye Wolf (Center for Biological Diversity):

Hi, I'm Shaye Wolf, a scientist with the Center for Biological Diversity based in Oakland, California. And we strongly oppose the proposed projects. The wood pellets are a really dirty, expensive, and inefficient energy source, and they don't have a place in a clean energy future. The wood pellet industry in the Eastern U.S. is creating enormous devastation to forests, the climate, and community health, particularly for low-income communities and communities of color, and we should not be promoting this dirty industry in California. In terms of the Environmental Impact Report, it must look at the numerous impacts from the proposed project across its life cycle, and that includes accounting for the numerous sources of greenhouse gas, emissions and air pollution emissions. From cutting trees and other forest materials, and release of soil carbon, the huge number of truck trips transporting forest materials to the processing and pellet facilities. The drying and shipping of the forest materials, you know, storing those materials which release methane, making the pellets, transporting the pellets, long distances by rail to the ports, the emissions from port operations, shipping the pellets overseas and combusting the pellets which release their stored carbon to the atmosphere. Those are all big sources of air pollution and greenhouse gas pollution. The analysis must also evaluate the environmental justice impacts of the project to low-income communities and communities of color, and it must fully evaluate the harms to biological resources, including the harm to forest ecosystems from cutting and clearing trees and other habitats, and how the habitat clearance will impact sensitive, threatened and endangered species. Thank you.

Jeff Middlebrook:

I could dovetail on to the back of that last one and refute some of those points. But anyway, because I have a science background, too. But anyway, my main concern is not greenhouse gases, because those can be sequestered. That's no problem. And I developed this process to sequester greenhouse gases that the Chinese Government was going to pay 60 million dollars for. But anyway, be that as it may be, my main concern is something that can't be sequestered and that is dust. Because we live on a county road in Southwest Motor County, and every day for 9 months out of the year we get logging and chip trucks blasting up and down our road, which creates choking clouds of very fine dust that impacts all the residents in our area. Now, those chip trucks and logging trucks are probably going to be some of the ones that are going to supply your process. And, by the way, we are 100% in favor of your process. So, I'm not trying to throw water on the fire here, but because this is an air quality issue that can't be sequestered by any kind of process. The only thing the mitigation that has to take place is that the dirt gravel road has to be either paved or there has to be a compound something like lignite, or something like that, that's put down to pretty basically bond the dust. And so, since your process is going to make some tidy profits, I would think that you could factor in to your budget for air quality mitigation to factor in costs of dust mitigation. And some of the residents out here have actually been talking about filing lawsuits if something isn't done about the dust, and I'm not one of them. But I'm just telling you that there are people that are talking about that. So, it's just something that you folks should factor into your budget and give it some serious consideration. Okay, thank you.

Gary Hughes (biofuelwatch):

Alright. Thank you. My name is Gary Hughes and I work as the Americas Program Coordinator with the organization Biofuel Watch. We have a great deal of experience, especially in debunking the lies around the use of wood, pellets, and biomass energy as a climate solution. That we are really expecting then that the EIR for this project do a deep dive on the science. That is, ostensibly being used in the project proposal here to justify the burning of woody

biomass as a carbon-neutral source. So, we do also want to back up the comments that Shay Wolf made regarding the imperative of a detailed life cycle analysis, and in particular to really draw out the immense emissions that will occur from all of the transport from feedstock to these mills, and then ostensibly, any wood pellet product to market. To ensure that there is a transparent and fact-based analysis of the emissions that would be attributable to this type of forest product sector development. The other thing I want to bring up really quick is the risk of fire that all elements of this project represent. And with that I want to flag, for instance, the fire that occurred this summer in Weed when it was a biomass plant that was the ignition source for a fire that destroyed a part of Weed and caused several fatalities. This is the Roseburg forest products in Weed. So, we know that industrial forestry operation can be an ignition source and we know that a wood pellet manufacturing facility can be an excellent source and we know that there's a risk of fire with a storage of wood pellets. And then the last thing with economic development. I want to flag that it has been noted that the kind of woodwork that's associated with you know vegetation or biomass removal is some of the worst-paid and most dangerous work in the State, and that there is lot of real serious problems with the exploitation of undocumented immigrants happening in our woods, on public lands and private lands. So, I would assume then that any economic analysis of this project is going to take a close look at how the work in the woods is really a low road to economic development right now. So, we are also going to flag immediately. We have some real concerns about... [Comment cut off at three minute mark.]

Luke May (Partnership for Policy Integrity):

Hi, my name is Luke May, and I am an attorney that represents the Partnership for Policy Integrity, which is a Massachusetts-based nonprofit organization that routinely intervenes in State level rule making, and some projects, as well as many international rights regulation and litigation activities. Particularly in the E.U., but all specifically relating to biomass carbon accounting issues. Part of our interest in this project specifically relates to the fact that pellet shipments would be shipped internationally and combusted internationally. And as such, the Partnership for Policy Integrity takes an interest in this project. Particularly with relation to any potential impacts that could occur to net carbon stocks on criteria pollution, emissions related to the politicization process, potential impacts to environmental justice, environmental and social justice communities, as well as net lifecycle emissions that would occur from combustion in an international market. That concludes my comment. Thank you.

Jeff Middlebrook:

I want to clarify something, something I brought up at the meeting last week in Bieber. It is something that the folks that are making their environmental impact points have, are not, or are either, they are not making the points because they don't know, or they are omitting but, a climax forest if a dying forest actually gives off Co2. The living trees are a renowned carbon sink, whereas a dying forest detritus on the forest floor, and so forth. That gives off Co2. So, it in a way. Can you hear me? My computer is saying an internet problem. Anyway, on the one hand, I see the points that they're making, and there are some valid points. But on the other hand, if this pellet process irrespective of the dust issue, which, is specific to where we live. If this pellet process is going to clear the forest of dead wood, dying plants, dying trees and so forth, which are actually giving off Co2 as they decay, then in a way, the pellet process is sequestering in a kind of an indirect way, sequestering some of that carbon, and then, when they are burned there is a way of sequestering, capturing the Co2 and other gases of combustion, which makes it cleaner, but that is just the point I was going to make. Okay, thank you.

Comment Letters

NATIVE AMERICAN HERITAGE COMMISSION

November 21, 2022

Brian Briggs
Golden State Finance Authority
1215 K Street, Suite 1650
Sacramento, CA 95814

Re: 2022110466, Golden State Natural Resources Forest Resiliency Demonstration Project, Tuolumne, Lassen, Contra Costa, and San Joaquin Counties

Dear Mr. Briggs:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.



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Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

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Stanley Rodriguez
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Miwok/Nisenan

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(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov



AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a.** A brief description of the project.
 - b.** The lead agency contact information.
 - c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).
 - a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a.** Alternatives to the project.
 - b.** Recommended mitigation measures.
 - c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
 - a.** Type of environmental review necessary.
 - b.** Significance of the tribal cultural resources.
 - c.** Significance of the project's impacts on tribal cultural resources.
 - d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Pricilla.Torres-Fuentes@nahc.ca.gov.

Sincerely,

Pricilla Torres-Fuentes

Pricilla Torres-Fuentes
Cultural Resources Analyst

cc: State Clearinghouse

From: HidaFamily <mhidafamily@gmail.com>
Sent: Wednesday, November 30, 2022 11:57 AM
To: GSNR <gsnr@gsnrnet.org>
Subject: Environmental Impact

Good Day

I wanted to bring out the following points from yesterday's meeting.

The impact the mill will have on traffics on the 299, specific to accessing the mill from direction of Bieber. Coming over the rail hub its a short distance to making the turn to the proposed mill. Even with a turn lane it would negatively impact traffic coming over the bridge and increase risk of accidents. Pushing the access to the next turn into Nubieber would reduce this risk and if one adds a signal would mitigate accidents in both directions

From a recent airing on NPR about existing pellet mills there were issues surrounding noise and dust from the mill. How will that be dealt with?

Immediate impact to air quality with the increase of truck traffic is a concern along with the handling of any hazardous materials including water quality impact.

The mill will need considerable energy how is that being addressed with the current providers be it Surprise Valley or PGE?

During construction phase what impacts will that have to local environment? For example increased vehicle and truck traffic? Housing for the construction crew since there is inadequate motel/hotel rooms.

With that said what one calls "Public Services" will be impacted in the short term during construction and long term when the mill opens how will that be addressed?

Looking forward to reading the report once it is completed.

Best regards,
Michael

From: Cortney Flather <CFlather@co.lassen.ca.us>
Sent: Monday, December 5, 2022 2:55 PM
To: GSNR <gsnr@gsnrnet.org>
Subject: GSNR Forest Resiliency NOP Comment

Good afternoon,

Lassen County Planning and Building Services received the Notice of Preparation of a Draft EIR for the Forest Resiliency Demonstration Project. Lassen County will rely upon the EIR when considering permits or other approvals for the proposed Forest Resiliency Demonstration Project. My contact information is provided below:

Contact Person: Cortney Flather- Natural Resources Coordinator, Lassen County Planning and Building Services Department
Phone Number: 530-251-8271
Email: cflather@co.lassen.ca.us
Address: 707 Nevada St. Suite 5
Susanville, CA 96130

Best,
Cortney Flather
Natural Resources Coordinator
Planning and Building Services
707 Nevada St. Suite 5
Susanville CA 96130
Phone: (530) 251-8271



December 6, 2022

Brian Briggs, Deputy General Counsel
Golden State Finance Authority
Attn: GSNR Scoping Comment
1215 K Street, Suite 1650
Sacramento, CA 95814

Re: Notice of Preparation of a Draft Environmental Impact Report for the Golden State Natural Resources Forest Resiliency Demonstration Project (SCH 2022110466), Richmond

Dear Mr. Briggs:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Golden State National Resources Forest Resiliency Demonstration Project located in Contra Costa County, Lassen County, San Joaquin County, and Tuolumne County. The comments in this response pertain to the proposed deepwater port located at 402 Wright Avenue in the City of Richmond (City). EBMUD has the following comments.

WATER SERVICE

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, will serve the proposed project. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the project. Engineering and installation of water services require substantial lead time, which should be provided for in the project sponsor's development schedule.

EBMUD's Standard Site Assessment indicate the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

Brian Briggs, Deputy General Counsel

December 6, 2022

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EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

WATER CONSERVATION

The project presents an opportunity to incorporate water conservation measures. EBMUD requests that the lead agency includes in its conditions of approval a requirement that the project comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom

Manager of Water Distribution Planning

DJR:MSW:djr

sb22_356 Golden State Natural Resources Forest Resiliency.docx

Brian Briggs, Deputy General Counsel
December 6, 2022
Page 3

bcc: Olujimi Yoloye
Timothy McGowan
Molly Wedel
Chandra Johannesson
Chron
C-1944



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
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(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

December 6, 2022

Golden State Finance Authority
Attn: GSNR Scoping Comment
1215 K Street, Suite 1650
Sacramento, CA 95814
Submitted via email: gnsr@gsnrnet.org

Re: Scoping Comments, Draft Environmental Impact Report (EIR), Golden State Natural Resources Forest Resiliency Demonstration Project

In response to the GSNR's Notice of Preparation (NOP) for the EIR for the proposed project, the County of Tuolumne Community Development Department, Land Use and Natural Resources Division (CDD LUNR) would like to offer the following comments appurtenant to the scoping of the EIR. It is understood that the project scope includes wood pellet processing sites in both Lassen and Tuolumne County, as well as feedstock harvesting operations in estimated 100-mile radii of the proposed processing sites, and a portside storage and depot site, at a location yet to be determined, but most likely at the Port of Stockton, or the Port of Richmond, California. Transportation of raw, unprocessed materials from forest or orchard sites to the industrial processing locations is assumed to be conducted via over-the-road trucking, and transport of processed wood pellet materials from the industrial processing locations to the port location is presumed to be via rail.

The County of Tuolumne wishes to constrain its comments to pertain to the site identified in the NOP as the Tuolumne site (located at La Grange Road near SR 108/120 in Tuolumne County, APNs 063-190-056, 063-350-004, and 063-350-005), as well as project operations within Tuolumne County, and also the rail transportation corridor from the Tuolumne site to the port location. The CDD LUNR has no comments regarding the project site located in Lassen County.

CDD LUNR would like the EIR to adequately address impacts from the feedstock gathering operation, particularly within the footprint of Tuolumne County. Most of the feedstock inventory to be processed by the Tuolumne site is presumed to originate within the upper elevations of Tuolumne County, viz., the Stanislaus National Forest, or other public or private lands within the upper elevations of Tuolumne County. The CDD LUNR has concerns over the air quality, traffic, degradation of road physical condition, noise, fire hazard potential, and potential ecological and cultural resource impacts resultant from the feedstock harvesting and transportation efforts. CDD LUNR encourages the EIR to apply the CEQA checklist to the feedstock harvesting and transportation to processing plant operations.

The NOP identified feedstock storage facilities located within a 10-mile radius of the processing site, but did not identify precise parcels. This will greatly complicate the EIR's analysis necessary for this project detail, as there are numerous natural habitats of concern, as well as cultural and archeological resources located within a 10-

mile radius of the project site. However, the offsite storage impacts will need to be considered in the EIR, so specific sites will need to be identified and studied in full.

CDD LUNR requests that the EIR's consideration of the wood pellet production operation would concentrate most acutely on the aspects of transportation, noise, air quality, and increased fire risk. The physical modifications to the existing facility should be addressed, but the environmental impacts caused by ongoing industrial wood processing operations at the site, including storage of pre-processed material stocks as well as finished material stocks should be very carefully studied.

The transportation of finished wood pellet product from the processing site, reported to be via existing railroad lines from the processing site near Jamestown, to a port site expected to be located at either Stockton or Richmond, should be considered. Rail transportation creates environmental impacts along the rail corridors and must also be studied as direct project impacts. Industrial projects in recent history that depend on the same railroad corridor have been litigated (notably by the downstream City of Riverbank) for not showing adequate analysis of impacts along the corridor.

We also ask for a complete VMT analysis, from "cradle to grave" of project impacts, including feedstock collection, production, and post-production transit (excluding rail traffic). The CDD LUNR office can assist with this step, as we have VMT estimate and screening tools.

Thank you for the opportunity to offer guidance on the scoping of the EIR for this interesting project.

Best regards,

A handwritten signature in black ink, appearing to read "DR Ruby".

David Ruby
Planning Manager
Land Use and Natural Resources Division
Community Development Department



Central Sierra Environmental Resource Center
Box 396, Twain Harte, CA 95383 • (209) 586-7440 • fax (209) 586-4986
Visit our website at: www.cserc.org or contact us at: johnb@cserc.org

December 13, 2022

Golden State Finance Authority
Attn: GSNR Scoping Comment
1215 K Street, Suite 1650
Sacramento, CA 95814
Email: gsnr@gsnrnet.org

RE: Scoping comments on the Notice of Preparation of a Draft Environmental Impact Report for the Golden State Natural Resources Forest Resiliency Demonstration Project

Our non-profit environmental organization, the Central Sierra Environmental Resource Center (CSERC), submits the following scoping comments in response to the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Golden State Natural Resources (GSNR) Forest Resiliency Demonstration Project.

CSERC is based in Tuolumne County and has been a strong advocate for the protection of wildlife and ecosystems in the Central Sierra Nevada region for decades. In recent years, our Center has actively worked to bring resources and expand Tuolumne County's local capacity to perform ecologically responsible forest treatment work to prevent catastrophic wildfires in the region.

Our Center believes the following potential impacts of the proposed project should be analyzed in the DEIR.

Air Quality Impacts

Our Center is aware that some biomass processing facilities that convert feedstock into wood pellets have had air quality violations and noncompliance with the Clean Air Act. These emissions can lead to harmful pollutants like volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) being released into surrounding communities. Thus, it is essential that air quality impacts be properly analyzed and mitigated to reduce harm. We recently heard that a wood-fired drier may be part of the overall processing, which adds to other potential processing emissions and pollutants. We ask that the EIR fully assess all potential air quality impacts that may be generated from the project.

Traffic Impacts

One key area of concern related to the proposed Project is the traffic impacts that will result. There will be increased traffic to the sites due to logging and other vehicles, which may cause increased congestion on affected roads, increased vehicle emissions, and potential increased degradation of roads. Notably, there is no main alternative road that allows logging trucks to bypass downtown Sonora when they are driving from north of the Tuolumne County Project site to the site. This means that potential logging trucks that are serving the Project would have to drive through the center of

town. The impacts of this increased traffic on the already often-congested road system of Sonora should be thoroughly analyzed in the DEIR with mitigation measures proposed.

Complete Accounting of Greenhouse Gas Emissions

At the public scoping meeting for the Project in Sonora on November 28, 2022, the public was informed by the Project's representative that greenhouse gas emissions (GHGs) associated with vehicles (including logging trucks) would be calculated based on when the vehicle enters the Project site. This would exclude GHGs from vehicles when they are going out to logging sites to obtain biomass feedstock, and when they are transporting feedstock to the Project site. This proposed methodology for computation of GHGs is of concern to our Center. It is also inconsistent with the way other impacts are measured in the DEIR. For example, when evaluating traffic impacts under CEQA, a project must analyze vehicle miles traveled (VMTs) **generated as a result of the project** (*see* SB 743). Similar to the traffic impacts that would need to be analyzed and mitigated, greenhouse gas emissions will be generated by the Project because of vehicles traveling to the Project sites.

Further, under CEQA Appendix G, agencies have an environmental checklist which provides examples of considerations that the agency must review for a project's Initial Study to be consistent with CEQA. Section VII (a) of Appendix G asks the agency to consider whether a project will "generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?" Our Center maintains that emissions associated with increased VMTs generated as a result of the Project constitute direct and indirect impacts of the Project. Thus, the emissions generated by trucks that are driving to forest sites to get wood to bring to the pellet facility should have their emissions analyzed in the DEIR to be compliant with CEQA.

Destination Port and Associated Impacts

The NOP states that finished pellets will be transported by rail to the Port of Stockton, West Complex or Levin-Richmond Terminal, but the official port has not yet been selected. This lack of specificity makes it difficult to analyze possible impacts to communities along the rail line and other environmental impacts associated with the port selection. As stated in the NOP, "the purpose of the NOP is to provide sufficient information about the proposed project and its potential environmental effects to allow public agencies, organizations, tribes and interested members of the public the opportunity to provide a meaningful response related to the scope and content of the EIR..." But without knowing exactly who will be "interested members of the public" because a port has not been selected, it is challenging to provide a meaningful response about what the scope of the DEIR should be.

Our Center is aware that a major project in Tuolumne County considered for implementation in the past was associated with a plan for increased rail traffic going back through Oakdale and on through other Central Valley communities. Due to a variety of ripple effects in Oakdale when trains block road traffic and when trains cause extreme noise impacts to residences directly adjacent to the rail lines, the previous project was litigated. CSERC asks that this project carefully assess whether there will be project-induced rail impacts of potential significance along the route from the pellet facility to the final port destination.

Feedstock Supply

The NOP states that feedstock may be sourced from within a 100-mile radius of each production facility. This proposed radius could encompass many different kinds of biomass materials because the

radius spans a broad range of forested areas, as well as potentially areas within the Central Valley and even to the San Francisco Bay Area. It is important for the public to understand with sufficient detail where the biomass materials for the Project may be sourced and what they will include because that has potential to affect: 1) emissions related to transport of the materials; 2) impacts associated with processing of different kinds of biomass into wood pellets; and 3) indirect effects on the habitats and forest areas where the materials are extracted.

Further, our Center advocates that a study be completed to analyze the long-term sustainable availability of biomass that could supply this Project and other biomass processing facilities, and feasibility of harvesting, processing and storage of biomass material necessary to operate the Project. The total planned dry pellet capacity of the Tuolumne and Lassen Projects sites is 1 million tons per year. At a pellet processing facility in Mississippi with a capacity of 1.4 million tons, it was estimated to require logging of 130,000 acres of forest annually to meet the maximum capacity. A 2009 study estimated that to produce one ton of pellets, 1.33 tons of dry raw materials or 2.33 tons of wet raw materials (50% moisture content) is required (Chau et al., 2009). Using these examples, there is evidence that a highly significant supply of feedstock will be required to support the Project, and it is currently unclear whether sources within a 100-mile radius can support that need long-term. The DEIR should clarify how much feedstock will be required to serve the Project's maximum capacity.

Feasibility studies have been completed for other biomass processing projects in California, such as the Cabin Creek Biomass Energy Facility in Placer County. We are aware that at least four different biomass processing operations are currently exploring establishing facilities in Tuolumne County. While these operations have the potential to reduce the risk of catastrophic wildfire by reducing forest fuel loads, there is also the possibility they will over-extract materials from the forest and cause environmental harm by depleting vegetative habitat. The potential to cause this kind of environmental harm is exactly the kind of impact from a project that CEQA is intended to assess, and the extent of available feedstock should be analyzed in the DEIR.

Noise Impacts

Noise from biomass that is being processed into wood pellets at the Project site could impact neighboring properties, even if there are few sensitive receptors in the project area. Our Center emphasizes the importance of analyzing noise impacts in the DEIR.

Conclusion

We appreciate the opportunity to bring these comments to your attention and hope they will lead to a thorough and complete analysis of environmental impacts associated with the Project in the DEIR. Please contact our Center if you have any questions about the issues addressed above.

Sincerely,

Tatiana Altman and John Buckley
CSERC

From: Carolyn Potter <notarycarolyn@yahoo.com>
Sent: Thursday, December 15, 2022 11:07 PM
To: Info <Info@rcrcnet.org>
Subject: Pellet Plant in Nubieber

Mrs. Carolyn Potter

P.O. Box 27

Lookout, CA 96054

Dear Golden State Resources,

I am a resident of Big Valley, and my husband's family has been here for generations. We are related to many people in Big Valley who have also been here for generations, and we have many, many friends up here. The point is, we have a history with the community, the land and the environment.

When the news got out that a large pellet plant was going in to Nubeiber, everyone in Big Valley was very excited. Nubieber is practically a ghost town. When you drive past it, so many houses are abandoned. The one restaurant closed many years ago. There is no industry at all in Big Valley. There are 2 tiny grocery stores, 2 gas stations, and about 4 places to eat, one being at the grocery store. Most residents are either retired, or drive out of Big Valley (an hour's drive to the next town) to go to work. The majority of the population are older and do not have much, except for social security, weekly commodities, and the houses they live in are the houses they grew up in and inherited. The high school, which draws students from four towns (Lookout, Adin, Bieber, and Nubieber), has approximately 30 students total for grades 9-12.

But we were all so excited about the pellet plant because we heard it would open up approximately 60 jobs. That would mean jobs for locals, and the opportunity for more people to move into the area. That means houses would be fixed up, and rented out or sold. Young families would come to town and bring children to vitalize our area. With the influx of people, jobs and money, that would mean more income for the few struggling businesses in town.

Also, we have a lot of forest in this area. Many people who are employed, either work for the Forestry Service or they are loggers. This might sound like we are "cutting down all the trees", but that is not true. The people who work in the forestry and logging industries love the forest and they want to maintain it. Up here, we understand that the forest is like a huge garden, and it needs proper stewardship and management. Crowded trees need to be thinned, and dead and diseased trees need to be removed. Then the healthy trees will not have to compete as much for sunlight and water, and

they will grow into good trees for logging in the future. Healthy forests with well-spaced trees have less chance turning into out-of-control crown fires, which can burn down entire towns (like what happened in Weed and Paradise). Healthy forests with well-spaced trees are also a better habitat for the wildlife. The pellet plant will be perfect to help keep the forest thinned, healthy and safe.

The ecology people who are opposed to the pellet plant, don't live anywhere near here. They live hours away, and some even are on the other side of the country. They don't love our local forests, and they don't care about the hardships that the people in our community face. They "imagine" what it is like up here, and they are wrong. They live in the cities or the suburbs, where they don't know their neighbors, and anything they need is only 5 or 10 minutes away. They are insulated from nature and the environment by their neighborhoods full of infrastructure. Their towns and cities have already obliterated all of their forests and wildlife, and they have filled it with concrete, houses, apartments, malls and office buildings. What right do they have to tell US how to manage the environment we live in? Up here, our lives are VERY susceptible to our environment. Up here, we have NO services. If you have a problem you must call your neighbor. If you have problems with your car, your electricity or your plumbing, you better know which one of your neighbors can help you. Likewise, we know that if someone knocks on our door for help, we do what we can. For survival, we have to be networked and know as many people as possible. The auto club is not coming to save anyone. If you want to go to Walmart, it's 2 hours north or 3 hours south and the roads are dangerous with snow and deer. The lady who owns the grocery store drives to Klamath every week, 2 hours away, to buy bread to sell in her store because the delivery trucks won't come up here. Neither the postman nor the garbage men have any routes in Big Valley. The libraries are only one day a week because the one librarian has to rotate weekly to the different libraries. There are no "homeless" people up here because they would freeze to death.

The snow lasts from November to May. Everyone up here has to make sure they have plenty of meat, canned goods and firewood. The electricity frequently goes out for hours during winter storms, and no one has gas for heating, and everyone's water is run on electric wells. Therefore, when the electricity goes out, we don't have heat or water until it comes back on. Most people up here raise livestock and vegetables for themselves, and we have to keep our animals safe from coyotes, bobcats and bears. We need to protect our vegetables from the deer, elk and rabbits.

All of this may seem unrelated to the issue of the pellet plant, but the point is this: people who do not live here, they do not understand what we face or what we need. We don't "imagine" what the environment is like up here (like they imagine), because we are truly living WITH our environment. We KNOW how it works and we KNOW what is needed. We know that we need jobs, and we are not going to foolishly decimate the forests or the wildlife because of a pellet plant.

If we went to the eco-peoples' neighborhoods and told them how they need to be managing their resources, they would tell us that it is none of our business. Stopping our pellet plant will not stop the cutting of trees or the burning of wood in our area. Like I said, EVERYONE here has a wood stove and **DEPENDS** on it for heat (and even cooking) during the 7 months of snowy winter. This means that stacking wood, hauling wood, and splitting kindling are daily chores. Up here, we all buy wood by the truckload, and it takes a few truckloads per family to get through the winter. There are about 800 people in Big Valley. My husband is in his 70's and I am in my 60's, and we can still chop, haul and stack wood, but not everyone can. There are elderly people, and infirm people, and they rely on wood pellets for life-giving heat. Even though the wood pellets from our plant will be shipped overseas, we will benefit from the jobs, the managed forests, and the influx of people. Likewise, the buyers, wherever they live, will benefit from warmth and heat without strenuous job of having to haul and chop wood every couple of days.

Please do not let people from far, far away, who know nothing about Big Valley, our lives and our environment, decide the fate of our small community. We need the jobs, we need the industry, we need the people, we need the cash-flow, and we need the forests responsibly thinned. If the pellet plant is not installed, the eco-conscience people will go back to their comfy homes, their convenient cities, disconnected from the environment, forget all about it, and get on with their lives, but we will remember our lost opportunity to enrich our area.

Sincerely,

Carolyn Potter

From: Deanna Morrison <deanna96097@gmail.com>
Sent: Friday, December 16, 2022 4:10 PM
To: GSNR <gsnr@gsnrnet.org>
Subject: Pellet Plant in Nubieber

To Whom it may concern,

My husband and I are home and land owners in the Big Valley area. We are in full support of the Pellet Plant coming to our area.

Not only will it provide much needed jobs, it will help reduce forest fuels, which will reduce catastrophic fires ,let alone the pollution caused from fire.

I ask that you continue pursuing this great project and ignore the comments of people who have no vested interest in our community, specifically people who've never lived or played in this beautiful area.

Looking at the past, this was a thriving community with three mills operating at full capacity. Because of environmental issues, they closed the mills and the woods. We now have dense forests, high unemployment, and empty houses. This plant will help revive our community.

Respectfully,

Deanna Morrison

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KEVIN P. BUNDY
Attorney
bundy@smwlaw.com

December 17, 2022

Via Electronic Mail Only

ATTN: GSNR Scoping Comment
Golden State Finance Authority
1215 K Street, Suite 1650
Sacramento, CA 95814
E-Mail: gsnr@gsnrnet.org

Re: Comments on Notice of Preparation of an Environmental Impact Report for the Golden State Natural Resources Forest Resiliency Demonstration Project

To Whom it May Concern:

This firm represents the Natural Resources Defense Council (“NRDC”) in matters related to the Golden State Natural Resources (“GSNR”) Forest Resiliency Demonstration Project (the “Project”). The following comments address the Golden State Finance Authority’s (“GSFA” or “the Authority”) Notice of Preparation (“NOP”) of an Environmental Impact Report (“EIR”) for the Project. The following organizations also have reviewed and join in these comments: Biofuelwatch, Center for Biological Diversity, Dogwood Alliance, Partnership for Policy Integrity, Sierra Club California, and Southern Environmental Law Center.

As detailed below, the NOP fails to provide the minimum information required by the California Environmental Quality Act, Public Resources Code section 21000 et seq., and the CEQA Guidelines, codified at title 14, California Code of Regulations, section 15000 et seq. The NOP must be revised and recirculated so that agencies and the public can provide meaningful input on the Project’s numerous potential significant environmental impacts and the proper scope of the EIR.

Following recirculation of an adequate NOP, the Authority must prepare an EIR that accurately and comprehensively addresses the Project’s impacts. This Project—which would create a massive long-term demand for increased timber harvesting in order to support production of wood pellets for international export and combustion in power

plants—threatens devastating impacts on forests, wildlife habitat, biodiversity, and the climate. The Project also would have substantial air pollution, noise, and other impacts related to transportation of feedstocks and finished pellets through communities across California, construction and operation of the pellet manufacturing facilities, and construction and operation of port facilities.

NRDC and the other organizations joining in these comments are strongly opposed to any proposal that would turn California's forests into an export market for wood pellets. Similar schemes in the Southeastern United States, British Columbia and elsewhere have devastated native forests, reduced terrestrial carbon stocks, and transferred millions of tons of carbon from forests and soils to the atmosphere. Bringing that model to California flies in the face of the state's climate and biodiversity goals. If the Authority proceeds with this Project, it should expect vigorous opposition.

Please include these comments in the administrative record of proceedings for this Project. Please also direct notice of any further actions related to this Project to my attention at the address above and by email to bundy@smwlaw.com.

I. Introduction

This Project would represent a significant expansion of the wood pellet industry in California. The proposed Lassen County facility would be one of the largest in the country, with a greater capacity than some of the largest Enviva and Drax plants in the Southeast. Together, the Lassen and Tuolumne facilities would generate a massive, ongoing demand for feedstock that could transform California's forests at the expense of biodiversity, water quality, and climate resiliency.

NRDC and its partner organizations are very familiar with the pellet industry in the Southeastern U.S. Pellet plants have been associated with major environmental damage and loss of forest carbon stocks. Native forests are routinely logged and even clearcut to meet feedstock demand from pellet facilities. Like similar facilities in the Southeast, the facilities proposed here would not be limited to using forest residuals or other waste materials. Rather, the facilities could use *roundwood* from nearly any conceivable source or timber operation, ranging from fuel reduction to commercial thinning to timber harvest for the express purpose of supplying feedstock.

Construction of these facilities, and opening California as a major market for pellet exports, would cause major shifts in forest management throughout a large portion of the state, with adverse consequences for wildlife, habitat, and water quality. These changes would shift economic incentives away from forest management based on the best

available science—including management regimes informed by traditional cultural practices and incorporating prescribed fire—toward management based on maximizing extraction of woody material for pellet feedstock. These changes also would undermine California’s “30x30” biodiversity protection goals.

The Project also would have a significant adverse impact on greenhouse gas emissions and climate change. California law requires a 40% reduction in emissions from 1990 levels by 2030 and an 85% reduction in anthropogenic emissions by 2045. Yet this Project would *increase* greenhouse gas emissions and *decrease* forest carbon stocks. Timber harvest results in an immediate reduction in both above-ground and below-ground terrestrial carbon stocks and produces emissions from logging equipment. Processing wood into pellets requires energy and generates waste, producing additional emissions. Transportation by truck, rail, and ship contribute further emissions. Finally, because all trees harvested as a result of this Project would be used to make pellets specifically for the purpose of combustion in power plants, each ton of carbon removed from the forest would be converted to CO₂ and transferred to the atmosphere on a short time scale.

Burning wood for energy is both carbon-intensive and highly inefficient. As a result, wood combustion generally emits more CO₂ at the smokestack than coal per megawatt of energy produced. Accordingly, even if pellets from this Project replace coal combustion elsewhere, overall emissions from the power sector will increase, not decrease, particularly on timescales relevant to international, national, and California climate goals. Measured against existing conditions, as CEQA requires, the Project would produce a dramatic increase in climate pollution and reduce terrestrial carbon sequestration. The Project therefore conflicts with and undermines California climate policy.

The Project would have a range of other impacts as well. Air pollution from pellet production would affect neighboring residences. Pollution (including toxic diesel particulate matter) from truck and rail transportation would increase in countless communities along highways and rail lines throughout the state. Noise would increase from pellet production and transportation. The proposed pellet facilities also would be located within 100 miles of many of California’s most popular recreational destinations: Yosemite National Park, Lake Tahoe, Mono Lake, June Lake, Mammoth, Lassen Volcanic National Park, Mount Shasta, and Shasta Lake. Impacts from forest management, transportation, and water quality degradation on these icons of California’s environment must be disclosed and analyzed honestly and comprehensively.

In sum, this Project gravely threatens California’s forests and biodiversity while undercutting its climate and biodiversity goals. The Authority must fully comply with CEQA in considering this Project—and after doing so, the Authority should deny approval due to the unacceptable environmental damage the Project would entail.

II. The NOP Lacks Necessary Information Regarding the Project and its Probable Environmental Impacts.

The primary purpose of a NOP is to solicit guidance from public agencies as to the scope and content of the environmental information to be included in the EIR. CEQA Guidelines § 15375. In order to effectively solicit such guidance, the NOP “shall provide . . . sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response.” CEQA Guidelines § 15082(a)(1). “At a minimum,” the NOP must contain a description of the project, the location of the project, and a description of the project’s “[p]robable environmental effects.” *Id.*; see also *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 372 fn. 1; Practice Under the California Environmental Quality Act (2d ed Cal CEB) § 8.16 (“The notice of preparation should describe the project’s probable environmental effects in some detail.”).

The NOP does not even attempt to describe the Project’s probable environmental effects and thus fails to meet CEQA’s requirements. Instead, it provides only a list of issue areas that will be analyzed in the EIR—essentially a checklist of the topics required for *any* CEQA analysis. The NOP makes no effort to identify what the probable effects within these areas might be, to identify what resources, conditions, or people might be affected, or how these effects will be addressed in the EIR. The NOP likewise provides no indication as to the extent or severity of impacts to the environment and affected communities. Without more information, reviewing agencies and other interested parties cannot provide a “meaningful response” to the NOP, the Project’s likely impacts, or the scope of the EIR. CEQA Guidelines §15082(a)(1).

The Authority must correct these deficiencies first by preparing and recirculating a sufficient NOP for public and agency comment, and then by preparing a thorough and adequate EIR to inform stakeholders of the Project’s impacts. Areas that must be addressed in the EIR are discussed further below.¹

¹ The discussion below is not intended to be exclusive of other potential environmental impacts and issues that must be addressed in accordance with CEQA.

A. Environmental Setting

“An EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.” CEQA Guidelines § 15125(a). An accurate determination and description of existing baseline conditions is essential to meaningful assessment of environmental impacts. *See, e.g., Save Our Peninsula Committee v. Board of Supervisors* (2001) 87 Cal.App.4th 99.

This Project has the potential to affect a wide range of landscapes, habitats, and communities across the entire northern half of California. A comprehensive and accurate depiction of existing conditions is therefore essential to meaningful disclosure and analysis of impacts in the EIR.

For example, the EIR must describe existing conditions in the communities where the proposed pellet facilities would be located. The EIR should disclose the locations and characteristics of residences and other sensitive receptors. The EIR also must describe existing and cumulative environmental impacts from past, present, and reasonably foreseeable future projects in these communities. Existing sources of contamination and other community environmental burdens must be described. The Office of Environmental Health Hazard Assessment’s CalEnviroScreen 4.0 indicator maps show, for example, that Nubieber in Lassen County is in the 81st percentile statewide for existing groundwater contamination.²

The EIR similarly must disclose existing conditions in communities that will be affected by transportation and port operations associated with the Project. These communities may include areas (including the ports of Richmond and Stockton, as well as communities along highways and rail lines used by Project trucks and trains) where residents already bear disproportionate economic and environmental burdens. In order to consider the Project’s environmental justice impacts, the EIR must accurately and

² Office of Environmental Health Hazard Assessment, *CalEnviroScreen 4.0*, at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>. EIR preparers also should consult additional environmental justice screening tools, such as the SB 535 Disadvantaged Communities datasets (<http://calepa.ca.gov/EnvJustice/GHGInvest/>) and the California Air Resources Board’s California Climate Investments Priority Populations maps (<https://webmaps.arb.ca.gov/PriorityPopulations/>).

completely disclose the location, nature, and extent of existing burdens on affected communities.

The EIR also must disclose existing conditions in forest areas affected by Project-related logging operations. The “woodsheds” for the pellet facilities—described in the NOP as a 100-mile radius around each facility—encompass a broad range of forest types, age classes, and management regimes. Federal forest lands within these woodsheds may contain mature, old-growth, and late-seral forests and trees, as well as other rare habitats. These woodsheds also encompass designated wilderness, two National Parks, the Tahoe Basin, and thousands of acres of private forestland managed for timber production. In order to permit meaningful assessment of Project impacts, existing forest characteristics and management regimes must be described in detail.

Forests and waters affected by the Project also provide habitat for a broad range of endangered, threatened, and special-status species. The EIR must describe existing habitat range and suitability for fish, wildlife and plants across the range of affected landscapes. In addition to reliance on datasets like the California Natural Diversity Database,³ surveys of particularly sensitive habitat types should be conducted.

The EIR also must disclose existing conditions relevant to the entire range of environmental impacts expected from this Project. For example, disclosure of existing applicable General Plan provisions and zoning requirements, as well as local and other responsible agency permitting requirements, is essential to analysis of land use impacts. Disclosure of existing attainment status for criteria air pollutants and existing toxic air contaminant exposures, including diesel particulate matter, is essential to analysis of air quality impacts. Existing water quality and hydrology also must be disclosed, including surface and groundwater contamination and existing water quality in waters that may be affected by any component of the project (including forest activities, construction and operation of pellet facilities and shipping terminals, storage of feedstocks, and transportation). Existing ambient noise conditions at sensitive receptors that could be affected by noise from any portion of the project—timber operations, trucking, pellet production, rail transportation, and port operations—must be disclosed. Finally, the EIR must disclose existing water demand and available supply.

³ California Department of Fish & Wildlife, *California Natural Diversity Database*, at <https://wildlife.ca.gov/Data/CNDDDB>.

B. Project Description

An EIR must contain an accurate and complete project description. *See County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185; *see also* CEQA Guidelines § 15124. An accurate, stable and finite project description is the “*sine qua non* of an informative and legally sufficient EIR.” *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 727. Without it, the public cannot be assured that the environmental impacts of the entire Project have been considered in the EIR.

The Project description in the NOP does not provide sufficient detail to allow meaningful comment on potential environmental impacts. Several critical aspects of the Project remain undefined. For example, the NOP describes the forest management operations that would produce feedstock in terms so general as to encompass virtually any type or intensity of logging. The NOP also does not describe the final location of the port facility and the modifications necessary to accommodate pellet shipments.⁴ Nor does the NOP describe the location or characteristics of necessary rail spurs. Finally, the NOP does not describe the location or characteristics of potential feedstock storage areas, other than to provide a list of APN numbers in Lassen County.⁵ The NOP must be revised to include an adequate project description and recirculated.

Moreover, the EIR must include the “precise location and boundaries of the proposed project,” as well as a description of the Project’s “technical, economic, and environmental characteristics” sufficient to facilitate informed analysis of environmental impacts. CEQA Guidelines § 15124(a), (c). This description must address all aspects and phases of the Project, including forest management operations in each of the forest types and ownerships affected; in-forest collection and processing of feedstocks; transportation of feedstocks; storage of feedstocks; construction and operation of pellet production facilities; storage of pellets; rail transportation of pellets; and construction and operation of pellet storage and shipping terminal facilities at the port. The EIR also must contain a comprehensive list of responsible agencies, necessary permits, and consultation requirements for all aspects of the Project. CEQA Guidelines § 15124(d)(1). In particular,

⁴ According to the October 20, 2022 GSFA/GSNR Joint Special Meeting Board Packet (“October Board Packet”) (available at https://www.rcrcnet.org/sites/default/files/useruploads/Meetings/Misc/2022/October_20_2022_GSNR_GSFA_Joint_Special_Meeting_Packet.pdf), the Project may entail substantial construction of “storage and handling facilities” at the port, including a “dedicated purpose-built terminal.” *Id.* at 5, 13.

⁵ NOP at 4.

the EIR should disclose whether federal agency partners such as the U.S. Forest Service may be required to consult with federal wildlife agencies pursuant to the Endangered Species Act in connection with any Project-related activities. *See* 16 U.S.C. § 1636(a)(2).

Finally, the EIR may not engage in “piecemeal” analysis of Project impacts. CEQA requires evaluation of “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” CEQA Guidelines § 15378(a). Breaking the project into smaller sub-projects in order to diminish the significance of environmental impacts is impermissible. *See, e.g., Bozung v. Local Agency Formation Comm’n* (1975) 13 Cal.3d 263, 283-84 (CEQA mandates that “environmental considerations do not become submerged by chopping a large project into many little ones”). Here, the NOP discloses that the Authority has entered into a Master Stewardship Agreement (“MSA”) with the U.S. Forest Service and that it expects to undertake projects on federal lands pursuant to individual Supplemental Project Agreements.⁶ It does not appear that the Authority has conducted any CEQA analysis of these activities in a lead agency role.⁷ Nor would such separate, piecemeal analysis be proper in any event. Any such activities are clearly encompassed within the scope of this Project and must be addressed in the EIR.

C. Environmental Impacts

1. Forests and Biodiversity

The Project is clearly intended to provide economic incentives for new logging operations that might not otherwise occur.⁸ The Project also will create a substantial long-term demand for feedstock, and thus will cause additional logging operations to occur for

⁶ NOP at 2.

⁷ A search of the CEQANet database maintained by the Office of Planning and Research (<https://ceqanet.opr.ca.gov/>) as of December 15, 2022 revealed only one posting from the Authority in a lead agency capacity: this NOP. *See* <https://ceqanet.opr.ca.gov/2022110466>.

⁸ October Board Packet at 43 (“GSNR will increase the number of acres of California forestland treated for fire mitigation over the next two decades”); *see also, e.g., id.* at 13 (“Many forest health projects are unable to succeed simply because there are limited outlets and uses for low- to no-value biomass resulting from these projects. GSNR seeks to directly address this critical need by creating a sustainable and economically viable use from the generated woody biomass”), 14 (envisioning “greatly enhanced wood product industry sector” resulting from Project), 37 (table showing anticipated increases in production of woody biomass from numerous suppliers).

many years to come.⁹ Moreover, the NOP states that the Project will use “roundwood”—which may include whole, live trees—for pellet feedstock, not just residuals and slash.¹⁰ The NOP states that Project feedstocks may *include* materials from prescribed thinning, but it does not limit the Project to these materials.¹¹ Accordingly, it is reasonably foreseeable not only that the Project will facilitate forest management actions that otherwise would not have occurred, but also that the Project could result in additional logging for the purpose of providing feedstock as demand for wood pellets grows.

The EIR must evaluate the impacts of these changes relative to existing conditions on all affected forest types, ownerships, management regimes, and habitats. Logging results in destruction and fragmentation of forest habitat, soil compaction, and water pollution, among other impacts. The EIR also must evaluate impacts on forest resources and productivity. Studies from the Southeastern U.S. have shown dramatic increases in logging in forests in the vicinity of pellet facilities, including at rates that exceed forest growth.¹²

Impacts on federal lands are of particular concern. The MSA envisions that the Authority will “undertake forest management, restoration treatments, and fuel reduction activities” in “all eighteen national forests in Region 5 (covering much of California).”¹³ Federal forest lands contain essential forest habitat, including old-growth and mature forests and roadless areas. The EIR must address potential impacts on these forests and the habitat they provide. The EIR also must consider potential inconsistencies with any applicable federal, state, local, or tribal plans to implement traditional cultural forest management practices and/or prescribed burning as alternatives to mechanical thinning treatments.

The EIR also must address cumulative impacts of thinning and other Project-related forest activities in the context of other past, present, and reasonably foreseeable

⁹ See *id.* at 10 (describing “pellet production ramp-up”)

¹⁰ NOP at 1-2.

¹¹ *Id.* at 1.

¹² See, e.g., Christopher Williams, *Forest Clearing Rates in the Sourcing Region for Enviva Pellet Mills in Virginia and North Carolina, U.S.A.* (Dec. 2021), at <https://southernenvironment.sharefile.com/share/view/s322e5dc731984235ab391a16115a7d21>; Southern Environmental Law Center, *Satellite images show link between wood pellet demand and increased hardwood forest harvesting* (March 2022), at <https://www.southernenvironment.org/wp-content/uploads/2022/03/Biomass-White-Page.pdf>.

¹³ *Id.* at 14.

future timber harvest and management projects. A large proportion of the “woodshed” for the pellet facilities has been managed intensively for industrial timber production for many decades, with significant cumulative degradation to watersheds throughout the region. Cumulative impacts should be assessed with locational specificity at geographically meaningful scales (i.e., at the planning watershed and subwatershed level).

Finally, the EIR must comprehensively address the impacts of increased logging on biodiversity, wildlife, and special-status species. California has adopted a “30x30” goal—i.e., a goal of conserving at least 30 percent of the state’s land and coastal waters by 2030—to protect biodiversity. Executive Order No. N-82-20; Stats. 2022, ch. 349, A.B. 2278 (adding Pub. Resources Code § 71450 et seq.). By expanding long-term industrial forest management operations across a wide swath of California’s forests, this Project not only poses substantial threats to biodiversity, but also may conflict with California’s 30x30 goal.

2. Lost Carbon Sequestration, Greenhouse Gas Emissions, and Climate Change

This Project effectuates a massive transfer of carbon from terrestrial stocks to the atmosphere. The Project will facilitate reductions in forest carbon stocks (both above- and below-ground) for the express purpose of combusting that carbon in power plants. Converted to CO₂ and other greenhouse gases, that carbon will exacerbate climate disruption during a critical period when California and other governments are endeavoring to reduce emissions dramatically. By increasing the harvest of roundwood—live trees—the Project also will result in forgone future carbon sequestration that otherwise would have occurred.

The EIR must disclose and evaluate the significance of carbon stock reductions and greenhouse gas emissions from all aspects of this Project, including but not limited to the following:

- Removal of forest carbon stocks
- Lost future carbon sequestration resulting from removal of live trees
- Harvest, processing, and feedstock transportation emissions
- Emissions from decomposition in feedstock storage piles¹⁴ (CO₂ and methane)

¹⁴ Project materials indicate that at least a 90-day supply of feedstocks must be maintained and stored at all times to ensure continuous operation. October Board Packet at 4, fn. 4.

- Emissions from pellet production
- Emissions from rail transportation¹⁵
- Emissions from port operations

The EIR also must disclose and evaluate the significance of greenhouse gas emissions from combustion of Project-produced wood pellets in power plants. Eventual combustion is not just reasonably foreseeable, but entirely certain; indeed, wood pellets have no other purpose.¹⁶ Because these “downstream” emissions are a foreseeable and direct consequence of the Project, they must be evaluated in the EIR.¹⁷

To the extent the Authority claims that emissions from additional timber harvest, pellet production, transportation and combustion of pellets may be “offset” by avoided coal combustion, forest regrowth, avoided wildfire emissions, or other factors, those claims must be supported by specific, quantitative substantial evidence.¹⁸ Measured at the stack, biomass combustion emissions can exceed emissions from coal combustion per megawatt of power produced.¹⁹ As a result, replacing coal with wood pellets in European

¹⁵ As a California state entity undertaking this Project, the Authority must comply with CEQA in connection with Project-related rail operations. *See generally Friends of the Eel River v. North Coast Rail Authority* (2017) 3 Cal.5th 677.

¹⁶ *See* October Board Packet at 13 (pellets would be supplied to “select foreign countries” in Asia and Europe to “co-fire or replace coal-fired power plants”).

¹⁷ *See, e.g., Sierra Club v. Federal Energy Regulatory Com.* (D.C. Cir. 2017) 867 F.3d 1357; *Mid States Coalition for Progress v. Surface Transportation Bd.* (8th Cir. 2003) 345 F.3d 520.

¹⁸ *See Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 227-28 (agency’s quantitative conclusions regarding significance of greenhouse gas emissions must be supported by quantitative evidence and analysis).

¹⁹ “[B]urning any kind of wood for electricity or heat will produce more CO₂ than if fossil fuels are used to generate the same amount of energy (with a few exceptions for certain types of coal). For the same energy output, burning wood releases about 10-15 per cent more CO₂ than anthracite and about 100 per cent more than gas (under laboratory conditions, with the complete combustion of the fuel in the presence of oxygen). Biomass stations tend to have lower thermal and electrical efficiencies than coal or gas plants, so the real world differences will be larger.” Duncan Brack, Richard Birdsey and Wayne Walker, *Greenhouse gas emissions from burning US-sourced woody biomass in the UK and EU* (Chatham House Environment and Society Programme Research Paper, October 2021), at <https://www.chathamhouse.org/2021/10/greenhouse-gas-emissions-burning-us-sourced-woody-biomass-eu-and-uk/annex-emissions-wood>.

and Asian power plants will increase immediate greenhouse gas emissions to the atmosphere. Moreover, even if it is assumed that the immediate reduction in forest carbon stocks will be offset over time by new forest growth, the time period for paying off this “carbon debt” may span decades or even centuries.²⁰ Finally, the occurrence and severity of wildfire (and associated emissions) at any given location is highly uncertain and inherently speculative. Accordingly, even if the Project’s emissions are assumed to be offset at some point—an assumption that the EIR must substantiate with quantitative evidence specific to each forest type, feedstock source, and harvest method—the Project’s increases in greenhouse gas emissions will conflict with the sharp near-term reductions mandated in California climate legislation.²¹

The EIR must disclose and analyze the significance of all greenhouse gas emissions and carbon stock changes associated with this Project relative to existing conditions. The EIR also must disclose its methods and assumptions, and it must support any conclusions regarding emissions “offsets” with specific, quantitative evidence relevant to the range of forest types, harvest methods, feedstock materials, and combustion practices this Project would entail.

3. Air Quality

The Project will cause air pollution from a variety of sources and activities. The EIR must, for example, consider construction and operational air pollutant emissions from harvest and processing of forest materials and from construction and operation of the pellet facilities.

The EIR also must address emissions from transportation. It is our understanding that at the December 6, 2022 scoping meeting, the Authority stated that the Project will generate 285 truck trips per day. The October Board Packet similarly states that “GSNR recognizes that the forest trucking infrastructure in the rural areas will need to grow significantly” as a result of the Project.²² Heavy-duty trucks generate criteria pollutants as well as toxic diesel particulate emissions. The Project also will likely generate numerous

²⁰ See, e.g., John Sterman et al., *Does wood bioenergy help or harm the climate?*, *Bulletin of the Atomic Scientists* (May 10, 2022), at <https://thebulletin.org/premium/2022-05/does-wood-bioenergy-help-or-harm-the-climate/>.

²¹ See Health & Safety Code § 38566 (requiring reductions of 40% below 1990 levels by 2030); Stats. 2022, ch. 337 (A.B. 1279, adding Health & Safety Code § 38562.2(c) effective 1/1/23) (requiring reductions in anthropogenic emissions of 85% below 1990 levels, and “net zero” greenhouse gas emissions overall, by 2045).

²² October Board Packet at 6.

passenger car and truck trips associated with both forest and pellet facility operations. Rail shipments of pellets will generate air pollution through communities along rail lines. Construction and operation of pellet handling and shipping facilities at the port locations will emit air pollutants. Finally, the EIR must consider potential odors from the pellet facilities as well as from storage of feedstocks and pellets at all storage locations.

4. Hydrology and Water Quality

The EIR must address the Project's range of potentially significant impacts on water quality and hydrology. Logging and forest management operations often entail construction and use of roads, skid trails, and landings that can contribute sediment and other pollutants to creeks, rivers and lakes. Timber operations and road networks can also destabilize landslides and trigger mass wasting events.

Construction and operation of pellet facilities, feedstock storage sites, and port facilities may also have significant impacts on water quality. The EIR must evaluate stormwater pollution at all of these locations during both construction and operation. The EIR also must disclose and evaluate any water quality impacts associated with discharges of operational wastewater from the pellet facilities.

Finally, the EIR must evaluate impacts to water quality and other environmental values in the Tahoe Basin and similarly important ecological and recreational locations that may result from truck traffic and other activities generated by the Project.²³

5. Water Supply

California's water supplies are diminishing during the current historic drought. The EIR must disclose water demand for the pellet facilities, storage facilities, and port facilities, and must assess the impacts associated with providing water supply for the Project.

6. Land Use

The EIR must disclose and evaluate the significance of land use impacts, including General Plan and zoning consistency. The EIR also must address potential inconsistencies with other applicable plans. *See* CEQA Guidelines § 15125(d).

²³ *See, e.g., League to Save Lake Tahoe v. County of Placer* (2022) 75 Cal.App.5th 63; *Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 86.

7. Noise

The Project may generate significant noise from timber operations, pellet and port facility construction and operations, and transportation by rail and truck. Large pellet facilities in the Southeastern United States have produced significant noise pollution, and these Project facilities likely will be no different.

The EIR must assess not only the Project's consistency with applicable maximum noise standards, but also the significance of increases in noise over existing ambient conditions, even where maximum noise standards are satisfied.²⁴ The EIR also must assess the potential for "single-event" noise and sleep disturbances associated with nighttime trucking, rail shipment, processing, loading, and unloading operations. The EIR must evaluate potential noise impacts at all affected sites (including timber harvest sites, truck and rail transportation routes, pellet facilities, and port facilities).

8. Recreation

The NOP states that the Authority does not anticipate any significant impacts on recreation from the Project.²⁵ However, in this instance, the EIR must go beyond the standard thresholds of significance in CEQA Guidelines Appendix G regarding recreational impacts. There are numerous extremely high-value, iconic recreational resources within the "woodshed" of each pellet facility, including Yosemite and Lassen Volcanic National Parks, the Lake Tahoe basin, Mono Lake, and the June Lake/Mammoth area. Logging operations may affect recreational opportunities on public lands throughout the area affected by the Project. Increased truck traffic may affect access to recreational areas as well as the experience of hiking, biking, and camping in the forest. The EIR should disclose and evaluate any and all such impacts.

9. Safety and Hazards

The EIR must evaluate the potential for impacts related to public safety and hazardous materials. For example, the EIR must disclose whether any portion of the Project will be located on a contaminated site. The EIR also must disclose and evaluate impacts related to the use, handling, and storage of hazardous materials throughout all phases of the Project. Stored feedstocks—piles of wood chips—also are prone to spontaneous combustion; the EIR should evaluate this risk as well. Finally, the EIR must

²⁴ See *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 883-94.

²⁵ NOP at 3.

disclose and evaluate the potential for any aspect of the Project to interfere with emergency response or evacuation plans.

10. Energy Impacts

The EIR must disclose and evaluate impacts related to energy use in all aspects of the Project, including construction, operation, and transportation. CEQA Guidelines § 15126.2(b), Appendix F; *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256; *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173.

D. Alternatives

CEQA requires that an EIR analyze a range of reasonable alternatives to the project. The alternatives must feasibly attain most of the basic project objectives while avoiding or substantially lessening the project's environmental impacts. Public Resources Code § 21100(b)(4); *see also* CEQA Guidelines § 15126.6(a). The CEQA Guidelines state that the selection and discussion of alternatives should foster informed decision-making and informed public participation. CEQA Guidelines § 15126(d)(5). A project proponent may not define objectives so narrowly as to preclude meaningful analysis of alternatives. *See, e.g., We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.4th 683.

The EIR must include and analyze a range of reasonable alternatives that could avoid or reduce the Project's significant impacts. Such alternatives should include, at a minimum, (1) prioritizing prescribed burning and traditional cultural forest management practices over mechanical treatments, (2) creating incentives for non-combustion alternative uses of lumber and wood from thinning projects, and (3) exploring opportunities for producing truly clean energy.

III. Conclusion

This Project would transform a vast swath of California's forest landscape into an export market for wood pellets, with dramatic consequences for forest and ecosystem health, biodiversity, climate change, air and water quality, noise, and other values. This is a dangerous and damaging Project, and we strongly urge the Authority not to pursue it.

Moreover, the NOP fails to meet CEQA's standards and must be revised and recirculated. It fails to identify any of the Project's impacts beyond a cursory listing of potentially affected issue areas. The NOP also fails to describe the Project and its settings in sufficient detail to permit meaningful agency comment.

Finally, should the Authority proceed with this Project, any EIR must comprehensively disclose, evaluate the significance of, and provide enforceable mitigation for the substantial range of significant environmental impacts that can be expected to occur.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Kevin P. Bundy

Signatories and contact information for additional organizations joining these comments:

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NOP of Draft EIR for Forest Resiliency Demonstration Project
December 2022

California Environmental Protection Agency


Department of
Resources Recycling and Recovery

Gavin Newsom
California Governor

Amelia Yana Garcia Gonzalez
Secretary for Environmental Protection
Rachel Machi Wagoner
CalRecycle Director

December 19, 2022

Mr. Brian Briggs
Golden State Finance Authority
Attn: GSNR Scoping Comment
1215 K Street, Suite 1650
Sacramento, CA 95814

Subject: SCH No. 2022110466 – Notice of Preparation of a Draft Environmental Impact Report for the Golden State Natural Resources Forest Resiliency Demonstration Project –Lassen County and Tuolumne County

Dear Mr. Briggs:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

Project Description

The Golden State Finance Authority (GSFA), acting as Lead Agency, has prepared and circulated a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The proposed project is a response to the growing rate of wildfires in California, which has been exacerbated by hazardous excess fuel loads in forests, and the need to promote economic activity within California's rural counties. The proposed project would improve the resiliency of California's forestlands by sustainably procuring and processing excess biomass into a pelletized fuel source for use in renewable energy generation overseas. The proposed project components include the vegetation treatment activities (feedstock source); the transportation and storage of feedstock, and subsequent processing at two pellet processing facilities (one in the foothills of the

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Central Sierra Nevada Mountain range (Tuolumne facility) and one in the Modoc Plateau of Northern California (Lassen facility); and the transportation of the finished product to a storage and shipping facility to be constructed at a suitable deepwater port in California for export to international markets.

The proposed Tuolumne wood pellet processing site is located at 12001 La Grange Road approximately 9 miles southwest of the community of Jamestown in Central Sierra (Tuolumne), California and in the western foothills of the Sierra Nevada Mountain Range. The Tuolumne site consists of APNs 063-190-056, 063-350-004, and 063-350-005. The site was previously used as a bark facility by Sierra Pacific Industries.

The proposed Lassen wood pellet processing site is located in Nubieber, California (Lassen County), approximately 3 miles southwest of the census-designated place of Bieber in northwestern Lassen County. The Lassen site is located immediately at 551000 Rosevelt Avenue (sometimes spelled Roosevelt Avenue), Nubieber, CA within Assessor's Parcel Number (APN) 001-270-080- 000. The site is a portion of a larger property that included a mill site (which is not part of the proposed project site) and an area used by the mill operators to load rail cars.

Comments

CalRecycle staff's comments on the proposed project are listed below. Where a specific location in the document is noted for the comment, please ensure the comment is addressed throughout all sections of the Draft EIR, in addition to the specific location noted.

Comments for the NOP of a Draft EIR are summarized below:

Project Location, Page 3

Storage of feedstock prior to processing will occur at the production facility site or in yards located within a 10-mile radius of the proposed facilities. Approximately 50-200 acres of storage space will be required for each facility. Specific sites under consideration include Lassen County APNs 001-370-05-11, 001-400-02- 11, 001-400-03-11, 001-130-11, 001-130-47, 001-130-61, 001-130-62, 001-130-73, 001-130-74, 001- 150-24, 001-150-33, 001-150-34, 001-270-026-11, 013-040-13-11, 001-270-29-11, 001-270-81-11, 001-270-79, 001-270-32, 001-270-33, 001-270-34, and 001-270-57-11, and any storage yard sites ultimately selected will have physical and regulatory characteristics similar to foregoing.

Comment

Biological decomposition of organic material can be both a naturally occurring or artificially controlled process. The storage and accumulation of the project's feedstock (organic material) prior to processing at the proposed project locations poses a potential for inadvertent composting. Title 14 (T14) of the California Code of Regulations (CCR),

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Division 7, Chapter 3.1 establishes standards and regulatory requirements for intentional and inadvertent composting resulting from the handling of compostable materials, including but not limited to feedstock, compost, or chipped and ground materials as defined in section 17852. The project proponent should review these regulatory requirements to ensure all applicable requirements are met.

Solid Waste Regulatory Oversight

The Lassen County Environmental Health Department and the Tuolumne County Environmental Health Division are the Local Enforcement Agencies (LEA) for Lassen County and Tuolumne County; and responsible for providing regulatory oversight of solid waste handling activities, including inspections. Please contact the LEA at 530.251.8528 (Lassen County LEA) and 209.533.5633 (Tuolumne County LEA) to discuss the regulatory requirements for the proposed project.

Conclusion

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency preparing the DEIR and in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

If the environmental document is adopted during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the adoption and proposed project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.341.6427 or by e-mail at eric.kiruja@CalRecycle.ca.gov

Sincerely,



Eric Kiruja, Senior Environmental Scientist
Permitting & Assistance Branch – North Unit
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Christine Karl, Environmental Scientist
Isabelle Maalouf, Environmental Scientist
Permitting & Assistance Branch – North Unit

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December 2022

CalRecycle

Brad Banner, Director
Tuolumne County Environmental Health Division - LEA

Doug Ames, EHS
Lassen County Environmental Health Department - LEA



December 19, 2022

Golden State Finance Authority
 Attn: GSNR Scoping Comment
 1215 K Street, Suite 1650
 Sacramento, CA 95814
 Email: gsnr@gsnrnet.org

Re: Scoping Comments on the Notice of Preparation of a Draft Environmental Impact Report for the “Golden State Natural Resources Forest Resiliency Demonstration Project.”

The undersigned organizations, Center for Biological Diversity, Partnership for Policy Integrity, Biofuelwatch, Natural Resources Defense Council, Greenpeace USA, Central California Environmental Justice Network, Central Valley Air Quality Coalition, Friends of the Earth, John

Muir Project, Dogwood Alliance, Sunflower Alliance, California Communities Against Toxics, Environmental Protection Information Center, Standing Trees, Conservation Congress, Wild Nature Institute, Families for Clean Air, Environmental Justice Coalition for Water, 350 Bay Area, 350 Sonoma, Forest Unlimited, Pivot Point, Doctors and Scientists Against Wood Smoke Pollution, Families Advocating for Chemical & Toxics Safety, Mighty Earth, Sonoma County Climate Activist Network, Public Lands Media, Madera Coalition for Community Justice, West Berkeley Alliance for Clean Air and Safe Jobs, Del Amo Action Committee, Sonoma County Pachamama Alliance, Climate Action Santa Monica, and Friends of Lafferty Park submit these comments on behalf of our organizations, representing tens of thousands of members across California and the United States. We strongly oppose the proposed wood pellet project, which we believe will irrevocably harm our climate, communities, and forests, and urge that the best available science be utilized in assessing the impacts of this project.

Wood pellets are a highly polluting, expensive, and inefficient energy source that have no place in a clean energy future. Burning wood for electricity releases more carbon emissions at the smokestack than fossil fuels, including coal, per unit of energy produced.¹ Numerous studies show that it takes many decades – to a century or more (if ever) – for cut forests to re-sequester the amount of carbon that is emitted from logging and burning woody biomass for energy, even when forest “residues” (*i.e.* “waste”) are burned.² Producing wood pellets is extremely carbon-intensive because the wood must be debarked, chipped, dried, pulverized, and compressed into pellets. This process emits far more greenhouse gas emissions than wood chip production.³ Wood pellet production facilities also emit toxic air pollution that harms public health. These facilities are often concentrated in communities of color and low-income communities, worsening environmental injustice.

The Golden State Natural Resources project – which proposes to build two of the country's largest wood pellet production facilities in California and ship the pellets overseas to be burned in converted coal-fired power plants – would worsen the climate crisis, and harm public health at every stage of the harvest, production, transport, and combustion process. The project would incentivize a massive ramp-up of logging of California’s forests, releasing their stored carbon, at a time when it is critical to increase forest protection and forest carbon storage. Significant greenhouse gas emissions and air pollution would be emitted at every step – from cutting forests, trucking cut trees long distances in hundreds of daily trips, chipping wood and producing pellets, transporting pellets by rail hundreds of miles to ports, and then shipping pellets overseas to

¹ See *e.g.* Mary S. Booth, *Trees, Trash, and Toxics: How Biomass Energy Has Become the New Coal*, Partnership for Policy Integrity (Apr. 2014), Table 1 at 16, <https://www.pfpi.net/wp-content/uploads/2014/04/PFPI-Biomass-is-the-New-Coal-April-2-2014.pdf>

² See *generally* Mary Booth, *Not carbon neutral: Assessing the net emissions impact of residues burned for bioenergy*, *Environ. Res. Lett.* 13 (2018), <https://iopscience.iop.org/article/10.1088/1748-9326/aaac88>

³ Jerome Laganier et al., *Range and uncertainties in estimating delays in greenhouse gas mitigation potential of forest bioenergy sourced from Canadian forests*, *GCB Bioenergy* 9: 358-369 (2017), <https://doi.org/10.1111/gcbb.12327>

countries that currently incentivize woody biomass as “carbon neutral” and “renewable.” It is worth noting that there is a scientific consensus in the U.S. and internationally that burning wood is not categorically “carbon neutral,” and many states and countries are revising their biomass energy policies to reduce or eliminate these incentives.⁴ As climate policies catch up with the science, there is no guarantee that international markets for wood pellets will continue to exist.

The proposed wood pellet production facilities are projected to produce *one million metric tons* of wood pellets each year (700,000 tons/year at the Lassen facility and 300,000 tons/year at the Tuolumne facility) – making these two facilities as big as the polluting Enviva facilities in the Eastern United States. The wood pellet industry in the Eastern U.S. has already caused enormous devastation to forests, and has likewise negatively impacted the climate and community health, particularly for low-income communities and communities of color.⁵ We should not be promoting this dirty, unjust industry in a climate-forward state like California.

The Environmental Impact Report Must Fully Evaluate the Many Significant Lifecycle Impacts from the Proposed Project.

Greenhouse Gases and Air Quality: The Environmental Impact Report (EIR), which is required under the California Environmental Quality Act (CEQA), must fully evaluate the substantial greenhouse gas and air pollution that will occur from the project, across its lifecycle. The EIR analysis must account for “upstream” biogenic and fossil fuel emissions from cutting forests, wood transportation, and production of wood pellets, as well as “downstream” combustion emissions from burning those wood pellets for electricity. Upstream and downstream emissions that must be analyzed include greenhouse gases (*e.g.* CO₂, N₂O, and CH₄), criteria pollutants (*e.g.* PM, NO_x, SO_x, and CO), heavy metals (*e.g.* lead, mercury), hazardous air pollutants (*e.g.* benzene, toluene, formaldehyde, dioxins), as well as dust and ash.

Greenhouse gas and air pollution emissions will be emitted during project construction, including construction of wood pellet production facilities, storage silos, rail spurs (connecting facilities to rail lines), and any purpose-built export terminals at deep-water ports. The long-term operation of the project will emit significant daily greenhouse gas and air pollution emissions from:

- Cutting trees and other forest growth (which terminates their carbon storage, and also releases soil carbon in the process), including salvage logging;

⁴ See *e.g.* IPCC Task Force on National Greenhouse Gas Inventories, Frequently Asked Questions, Q2-10, <https://www.ipcc-nggip.iges.or.jp/faq/faq.html>; Commentary by the European Academies’ Science Advisory Council on Forest Bioenergy and Carbon Neutrality (June 2018), <https://ecasac.eu/publications/details/commentary-on-forest-bioenergy-and-carbon-neutrality/>; EPA Science Advisory Board (SAB), SAB Review of EPA’s Accounting Framework for Biogenic CO₂ Emissions from Stationary Sources (September 2011), SAB-12-011 (September 28, 2012), <https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P100RNZG.TXT>

⁵ Stefan Koester and Sam Davis, Siting of wood pellet production facilities in Environmental Justice communities in the Southeastern United States, *Environmental Justice* 11: 64-70 (2018), <http://doi.org/10.1089/env.2017.0025>

- Chipping trees and other forest materials on site, or at wood chipping facilities;
- Trucking forest materials, with an estimated 285 daily truck trips to feed pellet facilities, traveling within a 100-mile radius from facilities;
- Storing woody materials (which releases methane emissions, dust, and fine particles);
- Drying and processing wood to make pellets;
- Transporting pellets by rail hundreds of miles to port (Stockton or Richmond);
- Storage and loading operations at the ports, where stored pellets will release methane and other emissions;
- Shipping pellets thousands of miles overseas to markets in Asia or Europe;
- Combusting pellets to generate electricity, which releases their carbon and other co-pollutants to the atmosphere.

In order to assess the full greenhouse gas emissions impact of this project, the EIR must analyze the anticipated loss of forest carbon stocks at a landscape level resulting from removing materials to produce wood pellets, and how this will impact California’s forest carbon flux and its ability to achieve its net zero climate goals.

Environmental Justice: The EIR must evaluate project impacts to communities of color and low-income communities. The two proposed deep-water port sites, the Port of Stockton and Levin-Richmond terminal, have some of the highest pollution burdens in the state according to CalEnviroScreen, with high exposure to particulate matter; high rates of asthma, low birth weight, and cardiovascular disease; high poverty rates; and majority Hispanic populations. The Tuolumne wood pellet production site has a higher-than-average pollution burden, with a high poverty rate, and high rates of asthma and cardiovascular disease.

Biological Resources: The project proposes to cut and remove trees and other forest materials, of *any* type and size, under the category of “roundwood,” within a 100-mile radius of each pellet facility. The EIR must fully evaluate the harms to forest ecosystems from cutting and clearing trees and other habitat, and how this habitat clearance will impact sensitive, threatened, and endangered species and forest ecosystems.

Wildfire: The project is justified as a way to reduce “the growing rate of wildfires in California.” The EIR must evaluate the full breadth of research, which demonstrates that thinning forests is not effective for reducing wildfire “rate” or intensity, protecting communities during wildfire, or cutting climate-heating emissions. Instead, broad-scale thinning releases more carbon emissions than it prevents from being released in a wildfire, while degrading forests.

Hazards and Hazardous Materials: The EIR must analyze the risks to workers and nearby communities from fires and explosions resulting from wood pellet facility operations, pellet storage, and transportation, including at the proposed port facility

Noise: As noted in the public scoping meeting, GSNR indicated that it expects a combined 285 daily truck trips – given that the facilities are expected to be operated nearly continuously. The EIR must evaluate the potential noise impacts on local communities – including on environmental justice communities – that would arise from 285 daily truck commutes through small rural communities. In addition to this large number of truck trips, the EIR must evaluate noise impacts from facility operations, as well as noise impacts from extra railcars and train trips.

Energy: The EIR must fully evaluate the potential impacts that the proposed facilities will have on the electrical grid. The factual record is currently unclear as to the expected electric demand that is necessary to operate the two facilities continuously; however, given their large size, it is likely that they will require significant energy inputs. The EIR should evaluate the total energy needs for the two facilities, the appropriate transmission connection and whether additional demand will result in transmission congestion (or otherwise have the potential to overload transmission lines), and should also evaluate whether a substation must be constructed.

Hydrology and Water Quality: The EIR must fully evaluate impacts to hydrology and water quality – including but not limited to: whether the facilities’ operation (including logging activities) would impact ground-water levels or aquifer recharge rates; whether the facilities’ operation (including logging activities) would result in impacts to surface and ground-water quality; the expected water demand (if the facilities will require water in their production processes); and whether special contracts with the counties are necessary to ensure that that water demand would not impact overall water supply for local communities.

Cumulative Impacts: The EIR must take into account all existing and proposed projects and developments in their geographic proximity. Section 15355 of CEQA defines a cumulative impact as the condition under which “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” The EIR must seriously consider any potential cumulative impacts that the construction and operation of two wood pellet facilities would have on the local environment. The EIR should also examine the cumulative impacts of extra truck, rail, and port use.

The Environmental Impact Report Must Consider Project Alternatives.

The EIR must consider project alternatives, including the “no action” alternative (which must assess carbon sequestration and ecological benefits of leaving forests standing), and alternative end-uses for wood waste – including gardening mulch and wood chips for landscape cover, animal bedding, particleboard and wood composite wood products.

Thank you for the opportunity to provide scoping comments on the proposed project.

Sincerely,

Shaye Wolf, Ph.D.
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Angelica Chiu

From: Terrance Rodgers <TRodgers@rcrcnet.org>
Sent: Tuesday, December 20, 2022 7:49 AM
To: Brian Grattidge; Steve Peterson; Angelica Chiu
Subject: FW: GSNR Forest Resiliency NOP Comment

From: Lucas May <lmay@pfpi.net>
Sent: Monday, December 19, 2022 2:19 PM
To: GSNR <gsnr@gsnrnet.org>
Cc: Shaye Wolf <swolf@biologicaldiversity.org>
Subject: Re: GSNR Forest Resiliency NOP Comment

In follow-up, it has come to our attention that two e-mail addresses of signees were listed incorrectly. Please see below their correct email addresses:

Rita Frost, Dogwood Alliance: rita@DOGWOODALLIANCE.ORG
Matt Maguire, Friends of Lafferty Park: CRCnetworkds@sonic.net

Luke May
Staff Attorney
Partnership for Policy Integrity
lmay@pfpi.net

On Dec 19, 2022, at 1:37 PM, Shaye Wolf <SWolf@biologicaldiversity.org> wrote:

The Center for Biological Diversity, Partnership for Policy Integrity, and Biofuelwatch are submitting the attached scoping comments on the GSNR Forest Resiliency Demonstration Project on behalf of 33 organizations, representing tens of thousands of members in California and the United States.

Please let us know that you have successfully received these comments.

Thank you,
Shaye

Shaye Wolf, Ph.D.
(*she/her*)
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<22 12 19 CBD, PFPI, Biofuelwatch et al scoping comments on GSNR wood pellet project final.pdf>



Yana Garcia
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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

December 19, 2022

Mr. Brian Biggs
Golden State Finance Authority
1215 K Street, Suite 1650
Sacramento, CA 95814
Gsnr@gsnnet.org

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE GOLDEN STATE NATURAL RESOURCES FOREST RESILIENCY DEMONSTRATION PROJECT (TUOLUMNE FACILITY) – DATED NOVEMBER 18, 2022 (STATE CLEARINGHOUSE NUMBER: 2022110466)

Dear Mr. Biggs:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Golden State Natural Resources Forest Resiliency Demonstration Project (Project). The Lead Agency is receiving this notice from DTSC because the processing facility proposed in the foothills of the Central Sierra Nevada Mountain range (Tuolumne facility) includes one or more of the following: groundbreaking activities, presence of site buildings that may require demolition or modifications, and/or importation of backfill soil.

Additionally, the proposed location for the Tuolumne facility abuts the [Louisiana-Pacific Lumber](#) site that is recommended for further evaluation due to low concentrations of chlorinated phenols found in soil samples collected in the mid-1980s.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the DEIR:

1. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of [Health and Safety Code section 101480](#) should provide

regulatory concurrence that the Tuolumne facility site is safe for construction and the proposed use.

2. The DEIR should acknowledge the potential for historic or future activities on or near the Tuolumne facility site to result in the release of hazardous wastes/substances on the site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The DEIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
3. If buildings or other structures are to be demolished on the Tuolumne facility, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.](#)
4. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 [Information Advisory Clean Imported Fill Material.](#)

DTSC appreciates the opportunity to comment on the Project. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website.](#)

Mr. Brian Biggs
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If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
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County of Lassen
 Department of Planning and Building Services

- Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

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December 19, 2022

Golden State Finance Authority
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Zoning & Building
 Inspection Requests
 Phone: 530 257-5263

Environmental Health
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Re: Review of Notice of Preparation for Golden State Natural Resources (GSNR) Forest Resiliency Demonstration Project Environmental Impact Report (EIR)

The Lassen County Planning and Building Services Department has reviewed the Notice of Preparation (NOP) for the above-referenced project. Lassen County will rely upon the EIR when considering permits for the proposed project. The Department offers the following comments and recommendations on this Project in our role as a responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq.

Zoning and Land Use

The Project site (APN 001-270-080) is zoned A-1 (General Agricultural District). The sites under consideration for the storage of feedstock are zoned as follows:

APN	Zoning
001-130-011	M-2 (Heavy Industrial District)
001-130-047	C-T (Town Service District)
001-130-061	M-2
001-130-062	C-T
001-130-073	M-2
001-130-074	C-T
001-150-024	C-T
001-150-033	M-2 & C-T
001-150-034	M-2
001-270-026	E-A-A-P (Exclusive Agricultural, Agricultural Preserve Combining District)
001-270-029	E-A-A-P
001-270-032	A-1
001-270-033	A-1
001-270-034	A-1

001-270-057	A-1
001-270-079	A-1
001-270-081	A-1 & E-A-A-P
001-370-005	A-1
001-400-002	A-1
001-400-003	A-1
013-040-013	E-A-A-P

Uses allowed by right and uses allowed by use permit for each zoning district can be found here: https://library.qcode.us/lib/lassen_county_ca/pub/county_code/item/title_18. Although “pellet plant” is not specifically mentioned within the zoning code, Lassen County would classify it as similar to “Sawmills” and therefore, the Project site would be a use allowed by use permit.

Regarding the storage of feedstock parcels, anything zoned A-1 or M-2 would allow this activity by right. C-T parcels would allow for storage of feedstock by use permit. If the parcel is zoned E-A-A-P, it does not appear that any similar uses are allowed by right or use permit. If you feel there is a use allowed by right or by approved use permit listed in the zoning chapters that is similar to your proposal, you can submit a request for a determination of similar use by the Director of Planning and Building Services (Chapter 18.122) INTERPRETIVE ACTION: https://library.qcode.us/lib/lassen_county_ca/pub/county_code/item/title_18-chapter_18_122?view=all). A request for a determination of similar use should be submitted in writing (email or signed letter), should contain as much detail as possible about the proposed use, and should cite the use allowed within the zoning district that you feel is most similar to the proposed use. None of these parcels are currently under Williamson Act Contracts.

All the proposed parcels have a land use designation of Intensive Agriculture or Town Center by the Lassen County General Plan, 2000 (<https://www.lassencounty.org/government/resources/planning-and-building-services>). An Intensive Agriculture designation identifies lands devoted to or having high suitability potential for the growing of crops and/or the raising of livestock on natural or improved pasture land. A Town Center designates the central area of a small, unincorporated community and typically serves as the commercial and social center of the surrounding community. However, a clear Town Center boundary has yet to be defined.

Aesthetics

Lassen County has adopted a number of policies related to recognizing scenic highway corridors and implementing protective measures. Given that Hwy 299 is considered a County Scenic

Corridor, the proposed Project could have an adverse effect on a scenic vista; however, it may not represent a departure from historic operations.

Lassen County General Plan 2000, Natural Resources Element-Scenic Resources:

GOAL N-23: Scenic resources of high quality which will continue to be enjoyed by residents and visitors and which will continue to be an asset to the reputation and economic resources of Lassen County.

NR78 POLICY: The County has identified areas of scenic importance and sensitivity along state highways and major county roads and has designated those areas as "Scenic Corridors". (Refer to the General Plan land use map and related designations in various area plans, which may also be regarded as "scenic highway corridors".) The County will develop and enforce policies and regulations to protect areas designated as scenic corridors from unjustified levels of visual deterioration.

Implementation Measures:

NR-U: The County shall adopt policies to minimize adverse impacts which will significantly deteriorate the scenic qualities of visually sensitive areas.

The Project should utilize design components that would reduce visual impacts, e.g. vegetation screening, utilizing non-reflective materials for any structures, and/or using earth tones.

Air Quality:

The Lassen County Air Pollution Control District (APCD) is a Local Air District governing the Lassen County Region. Lassen County is part of the Northeastern Plateau Air Basin. The Air Quality Index in Lassen County is classified as "GOOD" for most of the year. Events such as wildfires and inversion layers in winter months can periodically degrade air quality. Lassen County is considered Unclassified/Attainment by NAAQS meaning the air quality in this geographic area meets or is cleaner than the national standard.

The California Air Resources Board describes sensitive receptors as children, elderly, people who suffer from asthma, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. There may be sensitive receptor locations (hospitals, schools, and day care centers, or other locations that the air district board or California Air Resources Board may determine) within the proposed project boundary (California Health and Safety Code § 42705.5(a)(5)).

The Project is subject to the Lassen County APCD rules and regulations. The district's air pollution regulations comply with the standards established by the U.S. Environmental Protection Agency (USEPA).

RULE 4:2 - Nuisance. A person shall not discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury to damage to business or property. (Section 41700) (Lassen County APCD Compiled Rules and Regulations, 2017).

RULE 4:0 – Ringlemann Chart. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is: a. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United State Bureau of Mines, or b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this Rule (Section 41701) (APCD Compiled Rules and Regulations, 2021).

Section 93115 of the California Code of Regulations; Airborne Toxic Control Measure for Stationary Compression Ignition (CI) Engines would apply to any stationary CI engine on site with a rated brake horsepower greater than 50 (>50 bhp).

The operation would be held to the following standards to the satisfaction of the Lassen County Air Pollution Control District:

- a. The applicant shall implement all dust control measures in a timely manner during all phases of project development and construction.
- b. Increased water frequency is required whenever wind speeds exceed 15 miles per hour (mph).
- c. All material excavated, stockpiled, or graded shall be sufficiently watered, treated or converted to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard.
- d. All areas (including unpaved roads) with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
- e. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
- f. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
- g. All inactive disturbed portions of the development site shall be covered, seeded, or watered until a suitable cover is established.
- h. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.

Distribution of the EIR should include the Lassen County Air Pollution Control Officer for comment, as said officer is charged with enforcing the rules and regulations pertaining to air quality known as the Rules and Regulations of the Lassen County Air Pollution Control District (APCD Rule 1:1-Title).

Biological Resources:

A basic biological assessment including botanical, wildlife, and habitat surveys conducted at the appropriate time of year by an experienced biologist may be necessary.

Cultural Resources:

A cultural resources review and field survey should be conducted where need be by a professional archaeologist and the appropriate local Native American representatives contacted for information regarding traditional cultural properties that may be located within the project boundaries.

Energy:

One of the goals listed in the Lassen County General Plan 2000 is the conservative management of Lassen County's energy resources so that those resources can be developed and utilized for the benefit of County residents with a high degree of efficiency and productivity.

The Lassen County Energy Element establishes policies and implementation measures which shall be applied by the County as guidelines in the review and consideration of project proposals, and in the promotion of energy conservation:

GOAL N-17: Conservative management of Lassen County's energy resources so that those resources can be developed and utilized for benefit of County residents with high degree of efficiency and productivity.

- Policy NR-6: The County advocates, and encourages federal and state agencies to conduct or help fund resource assessments and other studies to evaluate the availability of energy resources, and to facilitate efficient and well-designed projects which can capitalize on those resources with acceptable levels of environmental impact and compatibility with other land uses and resource values.
- Policy NR-62: In the course of adopting policies pertaining to energy resources in other County planning elements and area plans, the County may consider additional and more specific policies and measures to manage those resources.
- Policy NR-63: The Energy Element of the Lassen County General Plan shall provide specific policies and measures pertaining to the conservation and management of energy resources, as well as the siting and development standards of projects proposing to utilize those resources.

If the project is proposing new construction of transmission lines, The County shall require, to the extent allowed by law, that proposed electrical transmission line plans be submitted to the County for review in the initial stages of route planning and impact assessment. For more information please refer to section 4.3.2.9 *Transmission Lines and Natural Gas Pipelines* of the Lassen County Energy Element (<https://www.lassencounty.org/government/resources/planning-and-building-services>).

Hydrology and Water Quality:

The Project site and most of the potential feedstock storage areas excepting APNs 001-130-011; 001-130-047; 001-130-061; 001-130-062; 001-130-073; 001-130-074; 001-150-033; 001-150-034 are located within a 100-year flood zone per the Federal Emergency Management Agency (FEMA) Map Panel No. 06035C0335D and are designated “Zone A” which requires that a flood elevation certificate (including base flood elevation) be prepared and certified by a licensed land surveyor or registered professional engineer prior to any new development. You can contact the Building Division at (530) 251-8269 for additional information on building standards and requirements, as well as for building permit applications and information on the process, required submittals, and fees. For information on well and septic requirements, you can contact Environmental Health at (530) 251-8528.

The proposed project is also located within the Big Valley Groundwater Basin which is designated as a medium priority basin by the Department of Water Resources (DWR). The Sustainable Groundwater Management Act (SGMA) requires that medium- and high-priority basins develop groundwater sustainability agencies (GSAs), develop groundwater sustainability plans (GSPs) and manage groundwater for long-term sustainability. If the proposed Project intends to apply for a new groundwater well or for alteration of an existing well, Drought Executive Order N-7-22 requires additional actions be taken by local well permitting agencies prior to issuing a well permit including:

1. Consultation with the GSA – If the proposed well would be in a high or medium priority groundwater basin, the well permitting agency must consult with the GSA and receive written verification from the GSA that the proposed well location is generally consistent (not inconsistent) with the applicable GSP and will not decrease the likelihood of achieving the sustainability goals that the GSAs have developed under SGMA.
2. Permit Evaluation – For every well permit application, the local well permitting agency must determine before issuing a well permit that extraction of groundwater from the proposed well is not likely to interfere with the production and functioning of existing nearby wells and is not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

A Stormwater Pollution Prevention Plan (SWPPP) would need to identify all of the activities and conditions at the proposed site that could cause water pollution and detail the steps the Project would take to prevent the discharge of any unpermitted pollution. The preparation of a SWPPP is required by federal and state regulation and is administered by the State Water Resources Control Board (SWRCB) through the Central Valley Regional Water Quality Control Board (CVWQCB). This plan has been prepared to comply with the terms of the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Industrial Activities (NPDES No. CAS000001, 2014-0057-DWQ). The intent of the order is to protect water quality by controlling pollutants in stormwater runoff.

Hazards and Hazardous Materials:

If the Project involves the transport, use, and storage and disposal of hazardous materials such as fuels, lubricants and hydraulic fluids for vehicles and equipment onsite, dismantling of equipment could potentially pose a risk of accidental upset from the release of petroleum related products.

Any hazardous material uses would be required to comply with all applicable local, state, and federal standards associated with the handling and storage of hazardous materials. Best Management Practices (BPMs) include the use of secondary containment structures, designated areas for refueling, use of spill and overflow protection, employee training, preventative maintenance, and diverting/containing runoff from the fueling area with berms and drainage swales. Petroleum products shall be stored in a double walled container or in a secondary containment area onsite. The operation is required to have the necessary permits from Lassen County Environmental Health for storing hazardous materials. Operations shall follow the applicable laws and regulations regarding hazardous material transport, as defined in Section 353 of the California Vehicle Code.

Hazardous sites or conditions resulting from operations should be marked by signs, fenced, or otherwise identified to alert the public in accordance with applicable Federal and state laws and regulations. All solid wastes should be disposed of in a state, federal, or local designated site. Pursuant to 43 CFR 8365.1-l(b)(3), no sewage, petroleum products, or refuse shall be dumped from any trailer or vehicle.

Noise:

The Lassen County Noise Element identifies the County's approach to controlling environmental noise and limiting community exposure to excessive noise levels and provides mechanisms to mitigate existing noise conflicts, and to minimize future noise conflicts by the adoption of policies and implementation measures designed to achieve land use compatibility for proposed development.

The Lassen County Noise Ordinance defines limits for excessive noise and sets noise-level limits to protect noise-sensitive land uses. In general, noise levels within commercial and industrial areas are given a higher allowance, but noise from all sources is limited to no greater than 65 dBA CNEL at noise-sensitive land use receiver sites. Approval of the proposed Project in Lassen County may require a noise study including an analysis of truck traffic noise within the surrounding communities.

Population and Housing:

The project may induce substantial population growth in Bieber/Nubieber. Intensification of land use beyond that allowed by the General Plan or zoning, if any, would be subject to county approvals and would require separate CEQA documentation. Both Bieber and Nubieber are considered Disadvantaged Communities according to the Department of Water Resources (DWR) DAC Mapping tool.

Public Services:

The following public services are provided to the site:

Fire: Big Valley Fire Protection District

Police: Lassen County Sheriff

Transit: Lassen County Transit Services does not provide bus services to the area

Sewer: There are no public sewerage services to the Project site (Nubieber); Lassen County Water District (Bieber)

Power: Pacific Gas and Electric (PG&E)

The Project may put a significant strain on the performance of public services and may warrant more law enforcement and fire protection. Training the local fire department on how to extinguish a wood pellet fire as well as other mitigation measures should be considered.

Transportation/Traffic:

The Lassen County General Plan 2000 Circulation Element considers contemporary issues facing the County in terms of transportation and general circulation.

Lassen County General Plan 2000 Circulation Element

CE-6 POLICY: The County shall continue to review and, when warranted, formulate improved standards for the necessary improvement and maintenance of roads serving new development, including standards for the incremental improvement or development of public roads.

CE-10 POLICY: In consideration of proposed projects which would generate a substantial number of large trucks carrying heavy loads, the County shall require special

mitigation measures to ensure that those projects do not cause, or will adequately mitigate, significant deterioration of County roads.

Implementation Measure CE-C: Pursuant to impacts evaluated in an environmental impact report or other form of project review, the County may require mitigation measures which will ensure that project developers adequately and fairly compensate or participate with the County in the necessary upgrading and/or repair of the affected roads.

CE-12 POLICY: No public highway or roadway should be allowed to fall to or exist for a substantial amount of time at or below a Level of Service rating of “E” (i.e., road at or near capacity; reduced speeds; extremely difficult to maneuver; some stoppages).

In order to identify potential transportation infrastructure problems, determine improvements to accommodate the development, and ensuring safe and reasonable traffic conditions, a Traffic Impact Study may be necessary.

Tribal Cultural Resources:

Assembly Bill 52 (Chapter 532, Statutes 2014) required an update to Appendix G (Initial Study Checklist) of the CEQA Guidelines to include questions related to impacts to tribal cultural resources. Changes to Appendix G were approved by the Office of Administrative Law on September 27, 2016. It does not appear that there are tribes that require consultation as stipulated in AB 52. The Native American Heritage Commission should be contacted to request a Native American Tribal Consultation List of appropriate tribes concerning the project area.

Utilities and Services Systems:

It is assumed that the proposed Project could result in the production of solid waste typical of light industrial use. The capacity of local infrastructure should be analyzed to ensure that disposal of solid waste does not impair the attainment of solid waste goals.

Wildfire:

As stated in the Lassen County General Plan 2000’s Safety Element, “the entire county is prone to fire, either man-made or natural. Location, accessibility, local climatic conditions, topography and vegetation type are among the factors associated with the intensity of a fire. Among the factors which can induce fire hazard potential to human safety and the environment is the degree to which fire hazard reduction measures are practiced in an area and, should a fire occur, the response time and effectiveness of the fire suppression activities.”

While the Project proposes to remove excess fuel loads in forests, the Project would certainly increase the risk of fire at the processing site due to the self-heating nature of the pellets and potential for self-ignition. Safety considerations should include a Risk Assessment, combustible

dust considerations including regular audits of the plant for combustible dust fire and explosion hazards, and using non-combustible construction materials.

This communication contemplates only the environmental component of the process. As you are already aware, approval of a Use Permit is completely discretionary regardless of the outcome of the above environmental process. If you have any questions, please contact Cortney Flather, Natural Resources Coordinator at (530) 251-8271.

Sincerely,



Maurice L. Anderson
Director

Enclosures: Use Permit Application

MLA:clf

December 19, 2022

Golden State Finance Authority
Attn: GSNR Scoping Comment
1215 K Street, Suite 1650
Sacramento, CA 95814

Re: Notice of Preparation of a Draft Environmental Impact Report for the Golden State Natural Resources Forest Resiliency Demonstration Project

The National Wildlife Federation (NWF) is America's largest advocacy-based conservation organization, representing nearly six million members from across the country. We work to ensure that biomass/bioenergy incentives at the state, federal, and international level fully reflect the potential for undesirable impacts on wildlife conservation, environmental justice communities, and atmospheric greenhouse gas (GHG) concentrations.

The collection and processing of biomass described in the project's Notice of Preparation (NOP) will translate to intensified forest management, which could have significant effects on ecosystems, and to increased industrial activity, which could have undesirable impacts on communities and the climate. **Although we support climate-informed, ecologically appropriate forest management and understand the need to identify diverse funding streams, we strongly oppose permitting of the two pellet producing facilities.**

Insufficient information provided in the Notice of Preparation

As articulated in comments submitted by Shute, Milhaly, & Weinberger, LLP, on behalf of the Natural Resource Defense Council (NRDC) and other organizations, we are concerned that the NOP fails to provide sufficient information on potential significant environmental impacts. As stated in the NOP itself, the purpose "is to provide sufficient information about the proposed project and its potential environmental effects to allow public agencies, organizations, tribes and interested members of the public the opportunity to provide a meaningful response related to the scope and content of the EIR, including feasible mitigation measures and project alternatives that should be considered in the EIR."

The current NOP, however, only lists the aspects of the environment on which the proposed facilities might have an impact (e.g., aesthetics, air quality, biological resources). This list does not provide sufficient detail to convey the potential scope or magnitude of these impacts, nor does it specify the extent of area, population/community, or type of resources affected. In order for the public to be able to comment on the proposed facilities, the potential impacts—which include, but are not limited to, changes to ecosystem integrity resulting from intensified forest harvest, stationary source pollution increases in the vicinity of pellet-producing plants, increased traffic from trucks to move forest materials, and increased atmospheric GHG emissions—should be more clearly articulated.

We second the call by NRDC and others for the reissue and recirculation of the NOP, prior to the preparation of the EIR. We also note that effects on recreation could be possible, as

biomass feedstock sourcing involves intensification of harvest that could impact many recreational uses of national and state forest lands within the sourcing areas of the plants.

Factors for consideration in the Environmental Impact Report

The NOP for the GSNR Forest Resiliency Demonstration Project initiates the environmental scoping process in accordance with the California Environmental Quality Act (CEQA) Guidelines.¹ In preparing its Environmental Impact Report (EIR) for the two proposed sites in Tuolumne County and Lassen County, it is essential that the Authority considers the full scope of impacts likely to be caused by a significant expansion in the pellet producing industry. These include, but are by no means limited to:

- **Increases in air pollution:** The pellet production process results in sizable volumes of air pollutants, including volatile organic compounds (VOCs), particulate matter (PM), and fugitive dust.² We are concerned that the facilities could have serious impacts on nearby communities relating to air pollution and deterioration of air quality. In the Southeast U.S., the wood pellet industry has already come under intense scrutiny for its effects on local residents.
- **Environmental justice impacts:** Like other polluting industries, pellet production plants are likely to burden environmental justice communities and economically depressed areas. For this reason, in 2021, the NAACP Board of Directors passed a resolution opposing wood pellet production and wood bioenergy generation.³ It is essential that communities that could serve as potential sites for these facilities fully understand the impacts and have the opportunity to express their views. This should also include the community adjacent to the export site selected (in either Stockton or Richmond).
- **Biodiversity impacts:** The impacts of biomass harvest can vary depending on taxa and life history of different plant and animal species. However, we note that the excessive removal of coarse woody debris and standing dead trees can eliminate essential habitat for many species, including cavity-nesting birds and mammals, fungi, and arthropods.⁴
- **Greenhouse gas emissions:** Beyond the emissions associated with pellet production facility operations, the EIR must evaluate GHG emissions across the entire lifecycle, including fossil fuel emissions related to biomass harvest and transportation to processing site, emissions from storage (including methane emissions), and emissions

¹ 14 California Code of Regulations §15082

² Sigsgaard, T., Forsberg, B., Annesi-Maesano, I., Blomberg, A., Bølling, A., Boman, C., Bønløkke, J., Brauer, M., Bruce, N., Héroux, M.-E., Hirvonen, M.-R., Kelly, F., Künzli, N., Lundbäck, B., Moshhammer, H., Noonan, C., Pagels, J., Sallsten, G., Sculier, J.-P., & Brunekreef, B. (2015). Health impacts of anthropogenic biomass burning in the developed world. *European Respiratory Journal*, 46(6), 1577–1588. <https://doi.org/10.1183/13993003.01865-2014>; Buonocore, J. J., Salimifard, P., Michanowicz, D. R., & Allen, J. G. (2021). A decade of the U.S. energy mix transitioning away from coal: historical reconstruction of the reductions in the public health burden of energy. *Environmental Research Letters*, 16(5), 054030. <https://doi.org/10.1088/1748-9326/abe74c>

³ NAACP. (2021). *Resolution in Opposition to Wood Pellets Manufacturing and Use of Wood-Bioenergy*. <https://naacp.org/resources/resolution-wood-pellets-opposition>

⁴ Hiron, M., Jonsell, M., Kubart, A., Thor, G., Schroeder, M., Dahlberg, A., Johansson, V., & Ranius, T. (2017). Consequences of bioenergy wood extraction for landscape-level availability of habitat for dead wood-dependent organisms. *Journal of Environmental Management*, 198, 33–42. <https://doi.org/10.1016/j.jenvman.2017.04.039>; Ranius, T., Hämäläinen, A., Egnell, G., Olsson, B., Eklöf, K., Stendahl, J., Rudolphi, J., Sténs, A., & Felton, A. (2018). The effects of logging residue extraction for energy on ecosystem services and biodiversity: A synthesis. *Journal of Environmental Management*, 209, 409–425. <https://doi.org/10.1016/j.jenvman.2017.12.048>

related to transport to port for international shipping.⁵ This also includes impacts on carbon stocks and fluxes within the forests.⁵

- **Water quality and erosion:** Increased mechanical removals from forests, logging activity and road transport will disturb soil and likely impact sedimentation in nearby bodies of water. Additionally, any discharge from pellet plants should be considered.
- **Soil carbon and quality:** As a result of intensive management, biomass harvest is likely to have negative impacts on soil carbon—and soil is where the majority of carbon is stored in temperate and boreal ecosystems.⁶ Heavy disturbances and removal of woody materials may also alter nutrient cycling on these sites.⁶

Overall, biomass removed from the landscape to prepare for prescribed or cultural burning or for other ecologically appropriate forest management or restoration treatment could be used more effectively in other products that will replace emissions-intensive alternatives, rather than compete with clean energy sources such as wind and solar that continue to fall in price. Durable wood products, such as oriented strand board or wood fiber insulation, represent one alternative likely to provide superior climate outcomes. Indeed, in a 2021 analysis of potential applications for Californian forest materials, bioenergy proved to be the least effective option, with applications in innovative wood products providing the greatest benefits—**particularly if the materials could also be utilized to address issues of affordable housing.**⁷

We are particularly concerned with the inclusion of non-merchantable roundwood of any size in the description of eligible feedstocks for the project. When wood type or transportation costs are potential criteria for non-merchantability, very few trees would be ineligible for use in pellets. But the science is clear: bioenergy using true waste biomass may result in relatively low net emissions across the product lifecycle, but bioenergy from trees can take decades or even centuries to reach carbon parity, the point at which the carbon stored in the woody material is reabsorbed.⁸

Although beyond the technical scope of the EIR, we note that global demand for wood pellets is driven in large part by outdated guidelines for bioenergy emissions accounting under the UN Framework Convention on Climate Change (UNFCCC). Recently, the European Union placed a cap on the total volume of “primary woody biomass” eligible to count toward its

⁵ Röder, M., Whittaker, C., & Thornley, P. (2015). How certain are greenhouse gas reductions from bioenergy? Life cycle assessment and uncertainty analysis of wood pellet-to-electricity supply chains from forest residues. *Biomass and Bioenergy*, 79, 50–63. <https://doi.org/10.1016/j.biombioe.2015.03.030>; Agostini, A., Giuntoli, J., Marelli, L., & Amaducci, S. (2020). Flaws in the interpretation phase of bioenergy LCA fuel the debate and mislead policymakers. *The International Journal of Life Cycle Assessment*, 25(1), 17–35. <https://doi.org/10.1007/s11367-019-01654-2>; Domke, G. M., Becker, D. R., D’Amato, A. W., Ek, A. R., & Woodall, C. W. (2012). Carbon emissions associated with the procurement and utilization of forest harvest residues for energy, northern Minnesota, USA. *Biomass and Bioenergy*, 36, 141–150. <https://doi.org/10.1016/j.biombioe.2011.10.035>

⁶ Achat, D., Deleuz, C., Landmann, G., Pousse, N., Ranger, J., & Augusto, L. (2015). Quantifying consequences of removing harvesting residues on forest soils and tree growth – A meta-analysis. *Forest Ecology and Management*, 348, 124–141. <https://doi.org/10.1016/j.foreco.2015.03.042>; Achat, D. L., Fortin, M., Landmann, G., Ringeval, B., & Augusto, L. (2015). Forest soil carbon is threatened by intensive biomass harvesting. *Scientific Reports*, 5(1), 15991. <https://doi.org/10.1038/srep15991>

⁷ Cabiyo, B., Fried, J. S., Collins, B. M., Stewart, W., Wong, J., & Sanchez, D. L. (2021). Innovative wood use can enable carbon-beneficial forest management in California. *Proceedings of the National Academy of Sciences*, 118(49), e2019073118. <https://doi.org/10.1073/pnas.2019073118>

⁸ Buchholz, T., Hurteau, M. D., Gunn, J., & Saah, D. (2016). A global meta-analysis of forest bioenergy greenhouse gas emission accounting studies. *GCB Bioenergy*, 8(2), 281–289. <https://doi.org/10.1111/qcbb.12245>; Buchholz, T., Gunn, J. S., & Sharma, B. (2021). When Biomass Electricity Demand Prompts Thinnings in Southern US Pine Plantations: A Forest Sector Greenhouse Gas Emissions Case Study. *Frontiers in Forests and Global Change*, 4. <https://doi.org/10.3389/ffgc.2021.642569>; Sterman, J., Moomaw, W., Rooney-Varga, J. N., & Siegel, L. (2022). Does wood bioenergy help or harm the climate? *Bulletin of the Atomic Scientists*, 78(3), 128–138. <https://doi.org/10.1080/00963402.2022.2062933>

energy targets, as awareness of the climate impacts of bioenergy grows. Investing in infrastructure for an industry predicated upon GHG reductions that exist on paper—but not in reality—is likely to result in stranded assets in the near future.

Summary

In conclusion, we believe that the proposed projects represent a missed opportunity to support innovative, beneficial uses for wood waste and that the NOP defines waste roundwood in a dangerously broad manner. **We urge the Authority to instead consider alternative projects that would provide durable GHG emissions reductions, bolster local economies, support healthy communities, and add value to waste wood for both domestic and international markets, rather than displacing other cheaper and cleaner renewable energy sources such as wind and solar.** Should the Authority choose to move forward with the project, we urge it to more comprehensively describe potential impacts before proceeding with an EIR and to ensure that any EIR is also reflective of the full array of impacts.

We thank you for your consideration of this comment.

Sincerely,

National Wildlife Federation

1200 G St NW, Suite 900
Washington, DC 20002
(202) 792-7500



State Water Resources Control Board

December 19, 2022

Golden State Finance Authority
Attn: Mr. Brian Briggs
1215 K Street Suite 1650
Sacramento, CA 95814

GOLDEN STATE FINANCE AUTHORITY, NOTICE OF PREPARATION (NOP) FOR AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE GOLDEN STATE NATURAL RESOURCES FOREST RESILIENCY DEMONSTRATION PROJECT (PROJECT); STATE CLEARINGHOUSE #2022110466

Dear Mr. Brian Briggs:

Thank you for the opportunity to review the NOP for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. The Project is within the jurisdiction of DDW Lassen District and DDW Merced District. DDW Lassen District and DDW Merced District issue domestic water supply permits to new public water systems pursuant to Waterworks Standards (Title 22 CCR chapter 16 et. seq.).

“Public water system” means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year, (Health and Safety Code, Division 104, part 12, chapter 4, article 1, section 116275 [h]).

The State Water Board, DDW, as a responsible agency under CEQA, would like to see the following things addressed in the EIR:

- A public water system requires a public water supply permit to operate. Two pellet processing facilities, one in Tuolumne and one in Lassen, are proposed as part of the Project. For each processing facility, please discuss if a public water system will be created.
- If a new public water system will be created, please add the following:
 - A description of the new potable water system(s), the components that will be installed or constructed, and a discussion on associated environmental impacts.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

- If a list of approvals for the Project or description of approvals for the Project is provided in the initial study and/or EIR, please include the State Water Resources Control Board, Division of Drinking Water and water supply permit in the list or description of approvals.

Once the CEQA document is ready to be circulated for public review, please ensure that the State Water Board, Lassen District and Merced District are notified. The State Water Board will review the draft CEQA document and provide additional comments, if necessary.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, if you have any questions regarding this comment letter.

Sincerely,

 Digitally signed by Lori Schmitz
Date: 2022.12.19 14:36:40 -08'00'
Water Boards

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Steve Watson
District Engineer
Lassen District

Shawn Demmers
District Engineer
Merced District



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 20, 2022

Brian Briggs
Deputy General Counsel
Golden State Finance Authority
1215 K Street, Suite 1650
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bbriggs@rcrcnet.org

**SUBJECT: REVIEW OF THE NOTICE OF PREPARATION FOR GOLDEN STATE
NATURAL RESOURCES FOREST RESILIENCY DEMONSTRATION
PROJECT, STATE CLEARINGHOUSE NUMBER 2022110466**

Dear Brian Briggs:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the Golden State Natural Resources Resiliency Demonstration Project (Project). CDFW appreciates this opportunity to comment on the Project, pursuant to the California Environmental Quality Act (CEQA) Guidelines.¹

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. CDFW relies on the CEQA document prepared by the Lead Agency to make a finding and decide whether to issue a permit or agreement. It is important that the Lead Agency’s Environmental Impact Report (EIR) consider CDFW’s Responsible Agency recommendations. For example, CEQA requires CDFW to include additional feasible alternatives or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect a project would have on the environment (CEQA Guidelines section 15096(g)(2).

CDFW offers the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency.

Project Description and Location

The Project as proposed in the NOP is, *“The proposed project would improve the resiliency of California’s forestlands by sustainably procuring and processing excess biomass into a pelletized fuel source for use in renewable energy generation overseas. The proposed project components include the vegetation treatment activities (feedstock source); the transportation and storage of feedstock, and subsequent processing at two pellet processing facilities (one in the foothills of the Central Sierra Nevada Mountain range (Tuolumne facility) and one in the Modoc Plateau of Northern California (Lassen facility)).”* Herein after referred to as ‘Project’.

Comments and Recommendations

To enable CDFW staff to adequately review and comment on the proposed Project, we recommend the following information be included in the DEIR, as applicable.

1. CDFW recommends a complete assessment of the flora and fauna be conducted within and adjacent to the Project areas, with particular emphasis upon identifying special-status species including rare, threatened, and endangered species. It is also recommended that locally unique species, rare natural communities, and wetlands be addressed in the DEIR. The assessment areas should be large enough to encompass areas potentially subject to both direct and indirect Project effects. It is beneficial for the Project footprint and the assessment area (if different) to be clearly defined and mapped in the DEIR.
 - a. CDFW recommends utilizing California Natural Diversity Data Base (CNDDDB) to obtain current information on previously reported sensitive

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species and habitat. To provide an adequate assessment of special-status species potentially occurring within the Project vicinity, CDFW recommends that the search area for CNDDDB occurrences include all United States Geological Survey (USGS) 7.5-minute topographic quadrangles with Project activities, and all adjoining 7.5-minute topographic quadrangles. It is recommended that the DEIR discuss how and when the CNDDDB search was conducted, including the names of each quadrangle queried, or why any areas may have been intentionally excluded from the CNDDDB query. Please note that CNDDDB is not an exhaustive and/or comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence (or protocol level surveys to determine absence) of sensitive species is recommended. Likewise, contribution of data to the CNDDDB is equally important to the maintenance of the CNDDDB. Whenever possible, CDFW advises that data collected as part of Project studies be submitted using CNDDDB's online field survey form along with a map with rare populations or stands indicated.

- b. In addition to the CNDDDB, CDFW recommends that other electronic databases such as those maintained by the California Native Plant Society and U.S. Fish and Wildlife Service (USFWS) be queried. CDFW's Areas of Conservation Emphasis (ACE) viewer (<https://wildlife.ca.gov/Data/Analysis/Ace>) is also available to be consulted during EIR preparation. The ACE maps show the relative biological value of an area compared with all other areas across the state. ACE is a decision support tool used in conjunction with species-specific information and local-scale conservation prioritization analyses. The ACE maps do not replace the need for site-specific evaluation of biological resources, and it is not recommended to be used as the sole measure of conservation priority during planning.
- c. CDFW recommends review of previous biological technical reports and CEQA documents prepared for other projects in the vicinity, if applicable, to identify biological resources in the area and to perform a cumulative impacts analysis.
- d. CDFW recommends that a complete assessment of rare, threatened, and endangered invertebrate, fish, wildlife, reptile, and amphibian species be presented in the DEIR. CDFW advises that rare, threatened, and endangered species to be addressed include all those that meet the CEQA definition (see CEQA Guidelines section 15380). Seasonal variations in use of the Project area may also need to be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day

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when the species are active or otherwise identifiable, are recommended. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS. Links to some survey procedures are provided on CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>).

- e. Species of Special Concern (SSC) status applies to animals generally not listed under the federal Endangered Species Act or CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist (see CEQA Guidelines section 15380 and CEQA Guidelines Appendix G (IV)(a)). CDFW recommends that SSC be considered during the environmental review process. CEQA (California Public Resources Code sections 21000-21177) requires state agencies, local governments, and special districts to evaluate and disclose impacts from 'projects' in the state. Section 15380 of the CEQA Guidelines clearly indicates that SSC should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity (outlined therein).

Sections 15063 and 15065 of the CEQA Guidelines, which address how an impact is identified as significant, are particularly relevant to SSCs. Project-level impacts to listed (rare, threatened, or endangered species) species are generally considered significant thus requiring lead agencies to prepare an EIR to fully analyze and evaluate the impacts. In assigning 'impact significance' to populations of non-listed species, analysts usually consider factors such as population-level effects, proportion of the taxon's range affected by a project, regional effects, and impacts to habitat features.

- f. Fully Protected animals may not be taken or possessed at any time and CDFW is not authorized to issue permits or licenses for their incidental take². Fully Protected animals may need to be considered during the environmental review process and incidental take must be avoided.
- g. CDFW recommends that a thorough assessment of rare plants and rare natural communities be conducted, following CDFW's March 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*.
 - i. The Tuolumne facility is located within the ranges of the state

² Scientific research, take authorized under an approved NCCP, and certain recovery actions may be allowed under some circumstances; contact CDFW for more information.

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endangered and federal threatened Chinese Camp brodiaea (*Brodiaea pallida*) and the state and federal threatened Red Hills vervain (*Verbena californica*). During the appropriate the survey season, prior to any ground-disturbing activities, CDFW recommends the Tuolumne facility Project boundary be surveyed for special status plants by a qualified botanist following the appropriate protocol (refer to 1d). The protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary. Further, CDFW advises special-status plant species to be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species or to determine if the acquisition of an Incidental Take Permit pursuant to FGC section 2081(b) is necessary prior to conducting ground-disturbing activities in order to comply with CESA.

- h. CDFW recommends that a detailed vegetation map be prepared, preferably overlaid on an aerial photograph. The map should be of sufficient resolution to depict the locations of the Project site's major vegetation communities and show Project impacts relative to each community type. CDFW's preferred vegetation classification system is recommended to name the polygons; however, the vegetation classification ultimately used should be described in detail. Additional information for vegetation mapping can be found on CDFW's website (<https://www.wildlife.ca.gov/Data/VegCAMP>). CDFW advises that special status natural communities be specifically noted on the map.
- i. CDFW recommends that the DEIR include survey methods, dates, and results; and list all plant and animal species (with scientific names) detected within the Project assessment area. CDFW advises that special emphasis be directed toward describing the status of rare, threatened, and endangered species in all areas potentially affected by the Project. CDFW advises that all necessary biological surveys be conducted in advance of the DEIR circulation and not be deferred until after Project approval.

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2. CDFW recommends that a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, be included.
 - a. CDFW advises that the DEIR present clear thresholds of significance to be used by the Lead Agency in its determination of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect. (CEQA Guidelines section 15064.7)
 - b. CEQA Guidelines, section 15125 (a-e), state that knowledge of environmental conditions at both the local and regional levels is critical to an assessment of environmental impacts and that special emphasis shall be placed on resources that are rare or unique to the region.
 - c. Pursuant to CEQA Guidelines 15126.2 (a), impacts associated with initial Project implementation as well as long-term operation and maintenance of the Project should be addressed in the DEIR. CDFW advises that the DEIR describe anticipated maintenance activities and impacts and develop measures to avoid and minimize maintenance impacts.
 - d. CDFW advises that the DEIR consider future decommission of the facilities/staging areas associated with the Project and describe remedial efforts to restore habitat known to be present prior to Project initiation.
 - e. CDFW advises that the DEIR consider the increase in trucking activity and any indirect impacts associated with an increase in trucking activity traveling along rural highways to and from each of the facilities.
 - f. In evaluating the significance of the environmental effects of the Project, CDFW recommends the Lead Agency consider direct physical changes in the environment, which may be caused by the Project and reasonably foreseeable indirect physical changes in the environment, which may be caused by the Project, in addition to quantifying expected impacts (e.g., acres, linear feet, number of individuals taken, volume or rate of water extracted, parts per million of carbon emissions etc.).
 - g. CDFW advises that Project impacts be analyzed relative to their effects on off-site habitats and species. Specifically, this may include public lands, open space, downstream aquatic habitats, areas of groundwater depletion, or any other natural habitat or species that could be affected by the Project (CEQA Guidelines Appendix G (IV and IX).

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- h. CDFW advises that a cumulative effects analysis be developed for species and habitats potentially affected by the Project. This analysis should be conducted as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts to species and habitats.
3. CDFW recommends that a range of Project alternatives be analyzed to ensure that the full spectrum of alternatives to the proposed Project are fully considered and evaluated, such as identification and analysis of alternatives that avoid or otherwise minimize impacts to sensitive biological resources, in addition to identifying and prioritizing alternatives that maximize environmental benefits.
 - a. If the Project will result in any impacts described under the Mandatory Findings of Significance (CEQA Guidelines section 15065) the impacts must be analyzed in depth in the DEIR, and the Lead Agency is required to make detailed findings on the feasibility of alternatives or mitigation measures to substantially lessen or avoid the significant effects on the environment. When mitigation measures or Project changes are found to be feasible, CDFW advises that such measures be incorporated into the Project to lessen or avoid significant effects.
4. CDFW recommends that mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats be developed and thoroughly discussed. CDFW recommends that mitigation measures first emphasize avoidance and reduction of Project impacts. For unavoidable impacts, the feasibility of on-site habitat restoration or enhancement should be discussed. If on-site mitigation is not feasible, off-site mitigation through habitat creation, enhancement, acquisition and preservation in perpetuity, or a combination thereof, is advised.
 - a. CDFW advises that plans for restoration and revegetation be prepared by persons with expertise in native plant revegetation techniques specifically in ecosystems in which they will be implemented. Each plan may need to include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and/or seeding rates; (c) a schematic depicting the mitigation area; (d) planting/seeding schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures may need to be addressed if the success criteria are not met; and (j) identification of the

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party responsible for meeting the success criteria and providing for long-term conservation of the mitigation site.

5. "Take" of species of plants or animals listed as endangered or threatened, or those that are candidates for listing as endangered or threatened under CESA, is unlawful unless authorized by CDFW. If the Project could result in take of any CESA-listed or candidate species and avoidance is not feasible, acquisition of an ITP would be warranted prior to any ground-disturbing activities to comply with CESA, pursuant to Fish and Game Code Section 2081(b). In addition, CDFW recommends that the DEIR quantify and describe the direct and indirect potential impacts to CESA-listed habitat and outline specific proposed mitigation measures to reduce impacts to less than significant.

a. CDFW recommends consulting with the USFWS on potential impacts to federal listed species including, but not limited to Chinese Camp brodiaea and Red Hills vervain. Take under the federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS, to comply with FESA, is advised and may need to occur well in advance of any ground-disturbing activities.

6. **Riparian Habitat and Wetlands:** Riparian habitat and wetlands provide important habitat features for a wide variety of plant and wildlife species. Aerial photos show that swales and ponds are adjacent to and within the Project site. Projects that result in a net loss of acreage or habitat value of riparian habitat and wetlands are potentially significant, and CDFW has a no-net-loss policy regarding impacts to wetlands. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy.

CDFW recommends that a formal wetland delineation be conducted by a qualified biologist to determine the location and extent of riparian habitat and wetland features on site. Please note that delineation is advised to identify both state and federal wetlands on the project site. It is important to note that while accurate delineations by qualified individuals have resulted in a quicker review and response from the United States Army Corps of Engineers (USACE) and CDFW, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants due to insufficient, incomplete, or conflicting data. It is recommended that wetlands be designated on a site map and included in the DEIR.

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- a. Projects activities may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent, as well as those that are perennial in nature. It is important to note, CDFW is required to comply with CEQA, as a Responsible Agency, when issuing a Lake or Streambed Alteration Agreement (LSA Agreement). If inadequate or no environmental review has occurred for Project activities that are subject to notification under Fish and Game Code 1602, CDFW will not be able to issue the Final LSA Agreement until CEQA analysis for the Project is complete. This may lead to considerable Project delays. Information on notification requirements through EPIMS may be obtained through CDFW's website at <https://www.wildlife.ca.gov/Conservation/LSA>.

For information on notification requirements associated with the Tuolumne facility, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593 or R4LSA@wildlife.ca.gov.


7. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations. (Public Resources Code section 21003(e)). Please report any special status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

If you have any questions regarding Project activities associated with the Lassen facility, please contact Erika Iacona, Environmental Scientist, by electronic mail at R1CEQARedding@wildlife.ca.gov.

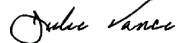
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If you have any questions regarding Project activities associated with the Tuolumne facility, please contact Jim Vang, Environmental Scientist, by telephone at (559) 580-3203, or by electronic mail at jim.vang@wildlife.ca.gov.

Sincerely,

DocuSigned by:

1D82ADE7303A474...

Tina Bartlett, Regional Manager
Northern Region

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance, Regional Manager
Central Region

cc: State Clearinghouse
state.clearinghouse@opr.ca.gov

United States Fish and Wildlife Service
Patricia Cole
patricia_cole@fws.gov

Erika Iacona
R1CEQARedding@wildlife.ca.gov

Jim Vang
R4CEQA@wildlife.ca.gov

To: Golden State Natural Resources staff

From: Julie Rechten (as private citizen)

Subject: pellet mill scoping

I appreciate the opportunity to provide comments on the scope of the EIR. I have been a (at least) field season resident of far NE California for 42 of the last 46 years; year-round for last 20 years. My comments will focus on the Lassen plant.

I attended the public information meeting in Bieber in May, as well as in the Zoom scoping meeting in December. I am re-asking some of the questions I and others posed in those meetings as little of the detailed information and no recordings are available in scoping materials or on the GSNR web site. (I did read the available Agenda materials.) Also, there appear to be some discrepancies or changes between meetings, and between the meetings and the Agenda.

SCOPE OF EIR

- Includes in-forest operations and effects? (Previous answers: no, just partnering; yes)

PROJECT DESIGN

Percentages of woody material required in pellets, and separately, for fuel for processing (“slash piles,” “excess wood waste,” and “hazardous fuels” aren’t specific enough):

- Size: foliage, small branches, large branches, and tree trunks (with diameter range,) any commercial size (or only cull over 10” dbh? Or bump up “commercial” definition to 12”?)
- Species: pines, fir, incense cedar, juniper, aspen, cottonwood, oak and other hardwoods, brush (manzanita, mtn mahogany? Previous answers: no, possibly for processing heat)
- Condition: live, burnt (recent answers: yes but can’t be “deteriorated,” experimenting,) insect-killed trees, dying trees, snags.
- Feedstock vs processing fuel

In-forest logistics:

- Live pre-commercial trees stacked & dried in woods? (If so, necessary/optimal time period.)
- Excess needles etc: chip and blow back into woods? Scatter (and prescribe burn?)
- Transported as logs vs chips: criteria
- Landings to accommodate operations: size and approximate number expected/year (increase from current?)
- Acres/year: estimate to meet feedstock requirements
- Sourcing area: Public meeting stated smaller area, up to 100 miles likely would require (additional) supplemental funding.
- Logistics for assuring constant feedstock while respecting seasonal restrictions: Winter access, resources protection (soil moisture, pathogens/pest life cycles, wildlife, etc)
- Quantity: Truckloads/day (answer for Lassen: ~200; or more to build up winter stock?) Compare with current rate for chips (and small logs?) Plus increase in log hauling to mills? (Already have sold sales sitting uncut for economic, logistics, or fire salvage priority reasons; how to deal with that?)

- Precommercial-only projects?
- Access to firewood for locals: Recently, Modoc NF has been prohibiting (but not enforcing) fuelwood collection within sale area boundaries, not just sale units. This has created hardship for local residents. Will this get worse with expanded logging?
- Land ownership/partners: Project info states mostly National Forest. Sierra Pacific Industries: will they continue taking chips from their land to biomass-to-energy plants, or have they committed to GSNR? Can GSNR take SPI's plantation thinning also within the required feedstock ingredients percentages?

Infrastructure:

- Electricity: Expected load. Will plant make any of its own electricity or building heat? Back-up source when power is out? (PG&E in that area is unreliable.)
- Water: Estimated gallons/day, source, impact on groundwater (Big Valley is a medium priority basin, currently developing its Sustainable Groundwater Management Plan, with no allowance for industry.)

Plant:

- Size: criteria. Why is the Tuolumne plant so much smaller than the Lassen plant? Can the Lassen plant be down-sized, too, to better fit the available woody materials, logging, transport, housing, and other infrastructure/resources support?
- Feedstock: storage area to assure constant supply to plant (especially winter) How much (additional) land required?

Social:

- Employees: Number of jobs expected for both construction and operation. Correlation of local skill base with required qualifications (or training?)
- Housing: Availability (Much housing stock in Big Valley area is in poor condition with a fair number of uninhabitable houses, and there is a lack of qualified contractors to renovate them. National problem, so how do we compete?)
- Competition/resource division with biomass-to-energy plants that currently take Modoc chips

Finances & Organization:

- Start-up funding: Role of Rural Counties Representatives of California and Golden State Finance Authority: actual source of money. (Taxpayers in all CA counties? Grants?)
- Big Valley Federal Sustained Yield Unit: Interface and effect. Short history: For ~40 years, the Unit progressed from a multi-mill working circle with restrictions on sawlog sales to a one-mill monopoly. It was tooled for >16" dbh trees. It later retooled (with grant assistance) for smaller trees but required an unachievable MMBF/year to be economically viable, so closed shortly after. Big Valley Power later erratically operated a cogen plant and promised a mill under BVFSYU rules but closed ~2009 when they lost their favorable electricity sale rate. Large fires have occurred within the Unit in the 1970's and recently which would impact the sustained yield. The mill site in Bieber is vacant and Big Valley potentially could host another mill. The BVFSYU was exempted from the Sierra

Nevada Forest Plan Amendment (2004), and despite no mill or required reviews, is still considered in project planning. Will the BVFSYU be modified to incorporate GSNR's 20-year agreement with the USFS?

Concerns and suggestions:

- Large buyers have huge indirect power on how the National Forest is treated. When BV Lumber was tooled for large trees, the prescriptions were for cutting anywhere from 1/3 of canopy to overstory removal (with a few larger "legacy" trees retained for diversity.) When BV Power was running, it was possible to implement precommercial thinning-only harvests. Chip prices determine when top piles are chipped/removed from the woods; same with lumber prices and mill capacity for commercial trees. Hence specific questions about feedstock ingredients etc.
- Many moving parts in this proposal. One small glitch can derail operations; GSNR has already taken far more time to get this project moving than planned. Unsurprising given the upheaval for past almost-three years, and recent large fires...and this isn't going to get better. Concerned there is no US market.
- Consider other alternatives with simpler, more resilient, adaptive scale (start small and increase/decrease size as appropriate,) more smaller projects in more counties, familiar technology. We have done this before: Big Valley used to have specialty mills (moulding etc;) Big Valley Lumber bought out Adin specialty mill and closed it. Also, consider making electricity for *local* use to make our electric infrastructure more resilient against regional power outages, etc.

Angelica Chiu

From: Terrance Rodgers <TRodgers@rcrcnet.org>
Sent: Tuesday, December 20, 2022 7:52 AM
To: Brian Grattidge; Steve Peterson; Angelica Chiu
Cc: Arthur J. Wylene; Brian Grattidge; Greg Norton; Kevin Cann; Sarah Bolnik
Subject: FW: GSFA plan

From: Patricia Puterbaugh <pmputerbaugh@yahoo.com>
Sent: Tuesday, December 20, 2022 7:46 AM
To: GSNR <gsnr@gsnrnet.org>; Info <Info@rcrcnet.org>
Subject: Fw: GSFA plan

Hello - I sent the below comment in a timely manner regarding your project for a biomass facility in LNF.

However, the email address is INCORRECT ON YOUR WEB PAGE TO SUBMIT COMMENTS. The comment was returned undelivered as you see below. I copied the email address off your webpage. UNDER "HOW TO SUBMIT A COMMENT".

DUE TO THIS MISTAKE YOU MUST ALLOW MORE TIME FOR PUBLIC COMMENT ON THIS PROPOSAL.

Please advise, Patricia Puterbaugh

----- Forwarded Message -----

From: Patricia Puterbaugh <pmputerbaugh@yahoo.com>
To: "gsnr@gsnrnet.com" <gsnr@gsnrnet.com>
Sent: Saturday, December 17, 2022, 12:46:32 PM PST
Subject: GSFA plan

Patricia Puterbaugh
1540 Vilas Rd.
Cohasset, CA 95973

RE: Processing facilities for biomass

I have been monitoring the Lassen National Forest for 30 years. I understand we have too much "biomass" in our forests and there is need for thinning and judicious forest work. However, these plants will need a supply of biomass into the distant future. How will you supply the plants and make this a profitable business? It is also almost impossible to understand how you could ship this product "overseas" and make it a profitable business?

I see you have signed an exclusive contract with Region 5 USFS to use "biomass" from USFS forests? For this project you would need a NEPA document. CEQA would only apply on private lands. Are you planning on using biomass only from private lands?

Will you be using "hazard trees" and burned timber?

It seems if we are going to thin our forests they fuel should be use for producing energy for the USA, not someone overseas? How does this project fit in with our California climate goals? Shipping anything overseas is a huge use of dirty fuel.

I will await your answers to my questions and inquiries.

Sincerely thank you, Patricia Puterbaugh

REISSUED
NOTICE OF PREPARATION
OF A DRAFT ENVIRONMENTAL IMPACT REPORT
Golden State Natural Resources
Forest Resiliency Demonstration Project

Date: June 1, 2023

Subject: Reissued Notice of Preparation of a Draft Environmental Impact Report for the Golden State Natural Resources Forest Resiliency Demonstration Project

Review Period: June 1, 2023 through June 30, 2023

The Golden State Finance Authority (GSFA) is the Lead Agency for the Golden State Natural Resources (GSNR) Forest Resiliency Demonstration Project (proposed project) and intends to prepare an Environmental Impact Report (EIR) for the proposed project. GSFA previously released a Notice of Preparation (NOP) on November 18, 2022, to initiate the environmental scoping process in accordance with the California Environmental Quality Act (CEQA) Guidelines (14 California Code of Regulations [CCR] Section 15082). This reissued NOP provides minor changes to the project description. The purpose of a NOP is to provide sufficient information about the proposed project and its potential environmental effects to allow public agencies, organizations, tribes and interested members of the public the opportunity to provide a meaningful response related to the scope and content of the EIR, including feasible mitigation measures and project alternatives that should be considered in the EIR (CEQA Guidelines, 14 CCR 15082[a]). The proposed project and location are briefly described below.

PROJECT DESCRIPTION

The proposed project is a response to the growing rate of wildfires in California, which has been exacerbated by hazardous excess fuel loads in forests, and the need to promote economic activity within California's rural counties. The proposed project would improve the resiliency of California's forestlands by sustainably procuring and processing excess biomass into a pelletized fuel source for use in renewable energy generation overseas. The proposed project components include the vegetation treatment activities (feedstock source); the transportation and storage of feedstock, and subsequent processing at two pellet processing facilities (one in the foothills of the Central Sierra Nevada Mountain range (Tuolumne facility) and one in the Modoc Plateau of Northern California (Lassen facility)); and the transportation of the finished product to a storage and shipping facility to be constructed at a suitable deepwater port in California for export to international markets.

The proposed project can be broken down into three primary phases:

1. **Feedstock.** Feedstock consists of the underutilized and unmarketable forest material used to produce industrial wood pellets. There would be two primary feedstock types: roundwood and residuals. Roundwood consists of wood in its natural state that is not suitable for use as commercial lumber due to its condition (e.g. age, fire damage), size, or economic factors (e.g. wood type, transportation costs). Roundwood for the proposed project would be procured through vegetation management activities, including prescribed thinning, occurring on public and private lands within a 100 mile radius of each production facility. Residuals include material (bark, shavings, sawdust and wood chips) left over from the milling process. Residuals may also include

“forest slash,” which is material left following timber harvesting and treatments (such as the limbs and the tops of trees), and vegetation from fire management activities performed by utilities (such as PG&E) or public agencies. The feedstock is transported by truck to the wood pellet processing facility.

Unmarketable forest material may come from public or private lands. In October 2019, GSFA executed a 20-year Master Stewardship Agreement (MSA) with the US Forest Service (USFS) to provide for the mutual benefit and interests of GSFA and the USFS in achieving resilient forests within US Forest Service Region 5, which includes all of the eighteen national forests located in California. The MSA would allow GSFA to undertake forest thinning and fuel reduction activities identified in individual Supplemental Project Agreements (SPAs). The MSA provides for a potential source of feedstock while meeting USFS forest management objectives. The proposed project may also receive roundwood resulting from vegetation treatment activities undertaken by other entities (such as Fire Safe Councils, Resource Conservation Districts, and public utilities). Feedstock would be transported via truck to the wood pellet production facilities.

2. **Wood pellet production.** Wood pellet production facilities and associated feedstock storage will be located in the Central Sierra (Tuolumne) and Northern California (Lassen) regions. In general, the roundwood received would be processed through a debarker and chipper. The processed chips would be conveyed to a radial stacker reclaimer where they would be combined with material received in residual (reduced size) form for the next processing phase. The bark from the roundwood would be conveyed separately to a storage pile for use as fuel for the furnace used to heat the dryer. The wood chips would then be screened for the appropriate size and continue to the dryer. Chips that do not pass through the screens would be directed to an array of hammer mills to be reduced to the appropriate size. The chips would then be dried, passed through another stage of size reduction by way of hammer mills, and then sent through the pellet mill. The pellets would be cooled to ambient air temperature and sent through a final screen, after which they would be stored in silos awaiting loading for off-site transportation. The planned capacity of the Tuolumne site is 300,000 tons per year (dry pellets). The planned capacity of the Lassen site is 700,000 tons per year.
3. **Transport to market.** The finished pellets are loaded onto rail cars for transport to a dedicated purpose built export terminal at the Port of Stockton. Trucks may alternatively be used to transport pellets from the Tuolumne site. Construction of a rail spur may be required at one or both production facilities. At the port terminal, the pellets are unloaded and stored in large domes or silos, where the temperature and moisture are continuously monitored while awaiting final load out. The pellets are gravity fed onto conveyors, which transport the pellets from the domes to a shiploader where the pellets are loaded into dedicated cargo ships for delivery to international energy markets.

PROJECT LOCATION

The proposed Tuolumne wood pellet processing site (including the associated feedstock storage area) is located at 12001 La Grange Road approximately 9 miles southwest of the community of Jamestown in Central Sierra (Tuolumne), California and in the western foothills of the Sierra Nevada Mountain Range (see Figure 1, Tuolumne Site). The Tuolumne site consists of Assessor Parcel Number (APN) 063-190-056, 063-350-004, and 063-350-005. The site was previously used as a bark facility by Sierra Pacific Industries.

The proposed Lassen wood pellet processing site (including the associated feedstock storage area) is

located in Nubieber, California (Lassen County), approximately 3 miles southwest of the census-designated place of Bieber in northwestern Lassen County (see Figure 2, Lassen Site). The Lassen site is located at 551000 Rosevelt Avenue (sometimes spelled Roosevelt Avenue), Nubieber, CA. The site consists of APN 001-270-086-000, and portions of APN 001-270-026-000 and 001-470-007-000. The site includes property historically used for the loading of timber onto rail cars..

The finished pellets will be transported by rail or truck to the Port of Stockton, West Complex (Edwards Ave. at Lipps Dr., Stockton CA). (Figure 3 depicts the proposed port location.)

LEAD AND RESPONSIBLE AGENCIES

As stated above, the GSFA is the lead agency under CEQA and has primary responsibility for the preparation of the EIR. The County of Tuolumne, the County of Lassen, and the Port of Stockton will act as responsible agencies in relying upon the EIR when considering approvals necessary for the construction of facilities within their jurisdiction. Other potential responsible and trustee agencies include but are not limited to local air districts, state regional water quality control boards, and the California Department of Fish and Wildlife.

POTENTIAL ENVIRONMENTAL IMPACTS

Pursuant to the CEQA Guidelines, 14 CCR 15063, the GSFA is preparing an EIR to determine if the proposed project may have a significant effect on the environment. The purpose of the EIR is to provide the public agencies and the public with information on environmental effects that would result from construction and operation of the proposed project. Environmental effects may result from vegetation management activities, the construction and operation of the two pellet facilities, modifications to the port terminal to receive finished pellets, and transportation activities. The GSFA anticipates that the proposed project may result in potentially significant impacts related to :

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Forestry Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

The proposed project is not anticipated to significantly impact the following:

- Agriculture (Farmland)
- Mineral Resources
- Recreation

PROVIDING COMMENTS

GSFA is soliciting written comments from public agencies, organizations, and individuals regarding the scope and content of the environmental document. Comments should be provided by June 30, 2023. Public agencies, organizations, and individuals who have previously commented do not need to resubmit those comments unless they wish to provide additional information or clarification.

Please send comments to:

Golden State Finance Authority
Attn: GSNR Scoping Comment
1215 K Street, Suite 1650
Sacramento, CA 95814
Email: gsnr@gsnrnet.org

Website: <https://goldenstatenaturalresources.com/local-forest-resilience-projects/>

Agencies that will rely upon the EIR when considering permits or other approvals for the proposed project should provide the name of a contact person, phone number, and email address in their comment. Comments provided by email should include “GSNR Forest Resiliency NOP Comment” in the subject line, and the name and physical address of the commenter in the body of the email.

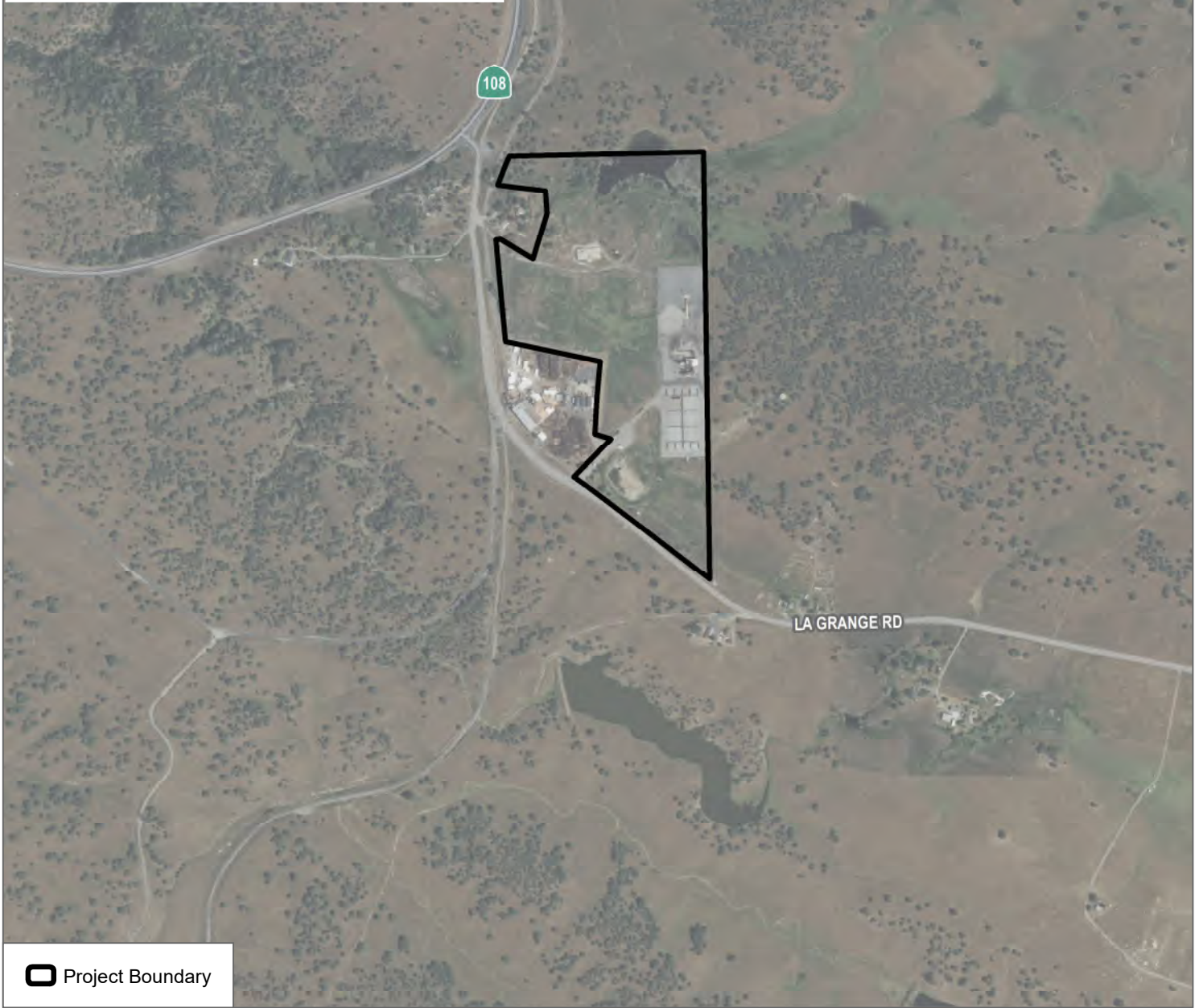
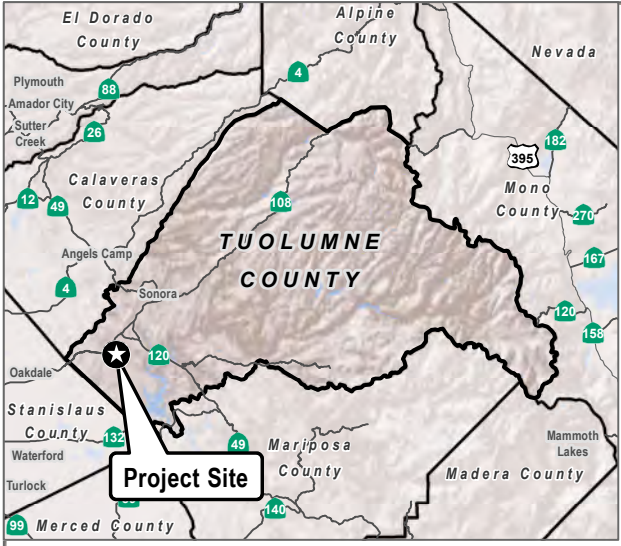
SCOPING MEETINGS


One additional virtual scoping meeting for the proposed project will be held by the lead agency to receive comments:

Virtual Scoping Meeting
Tuesday, June 20, 2022
6:00 – 8:00 p.m.

Register at: <https://bit.ly/GSNR-JUN20>

For additional information regarding scoping or the proposed project, please visit <https://goldenstatenaturalresources.com/local-forest-resilience-projects/> or email at gsnr@gsnrnet.org.



 Project Boundary

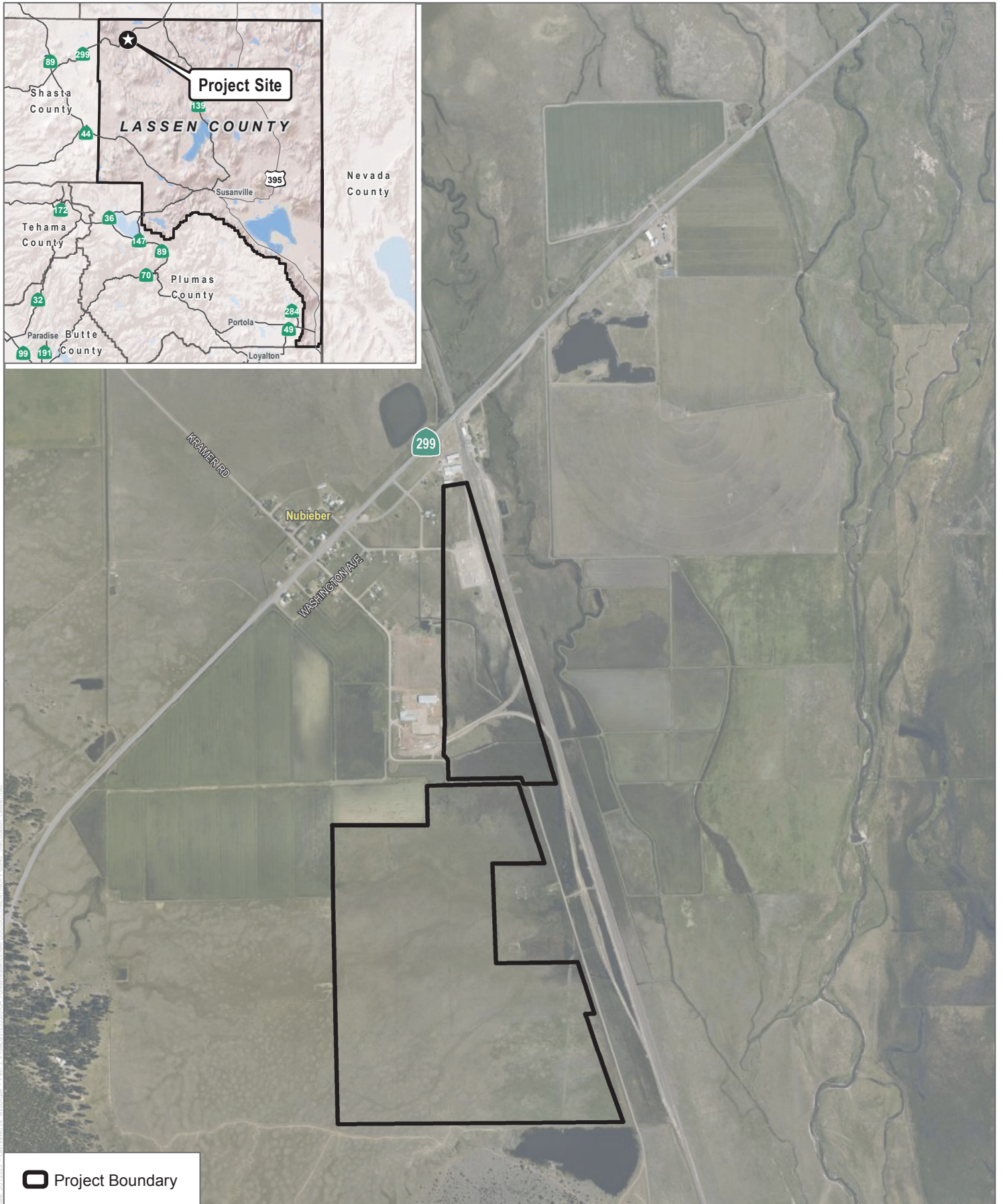
SOURCE: Bing Maps 2021



FIGURE 1

Tuolumne Site Location

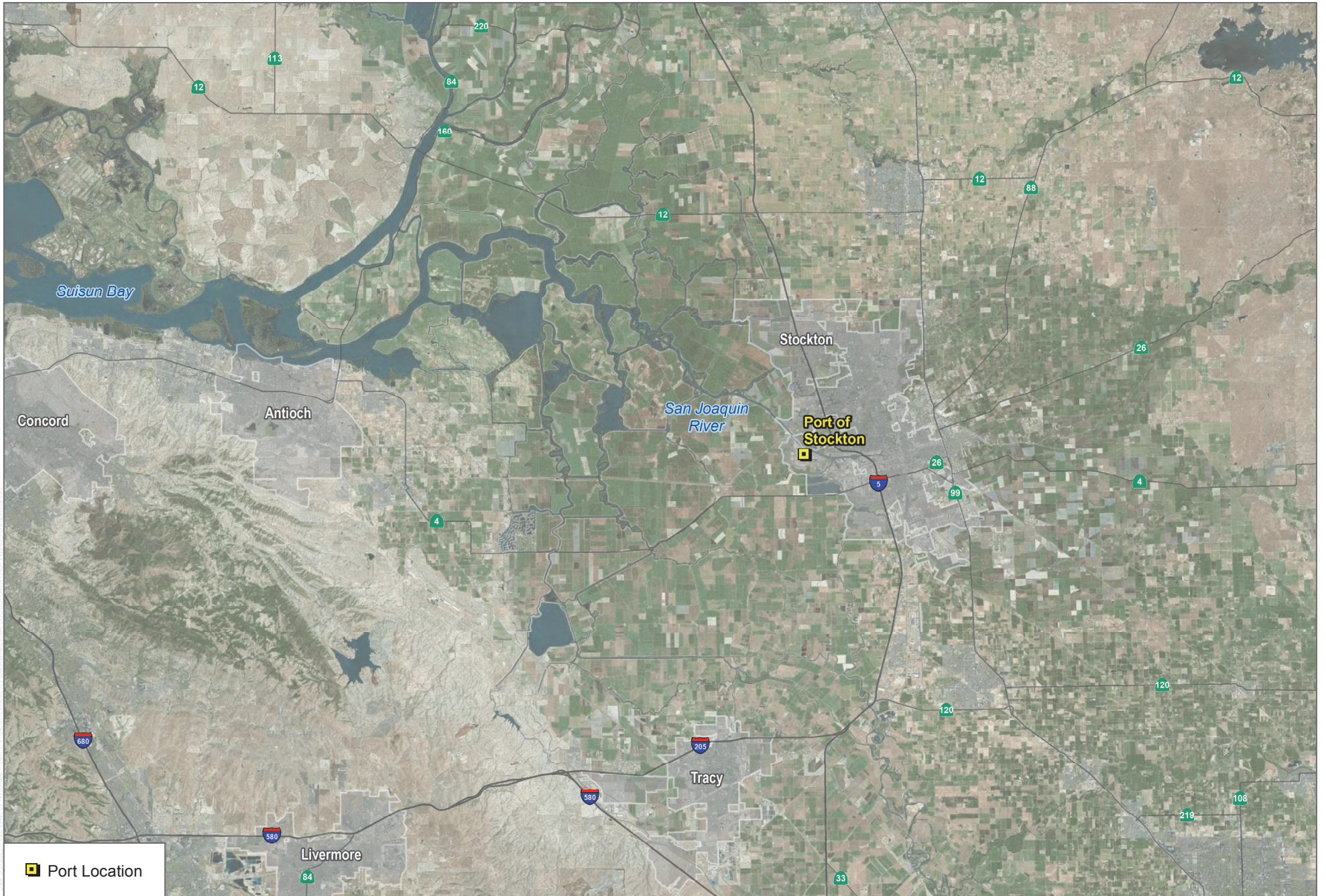
Golden State Natural Resources Forest Resiliency Demonstration Project



SOURCE: Bing Maps 2020, Lassen County 2015

FIGURE 2

Lassen Site Location



SOURCE: Bing Maps 2021

FIGURE 3

Port Location

Comment Letters



June 7, 2023

350 Humboldt
PO Box 231
Bayside CA 95524
E-Mail: 350humboldt@gmail.com

ATTN: GSNR Scoping Comment
Golden State Finance Authority
E-Mail: gsnr@gsnrnet.org

Re: Comments on Notice of Preparation (NOP) of an Environmental Impact Report for the Golden State Natural Resources Forest Resiliency Demonstration Project

Thank you for the opportunity to comment on the revised NOP. As a climate action group, 350 Humboldt is primarily concerned about the greenhouse gas emissions of the proposed wood pellet plants. The Golden State Natural Resources NOP implicitly assumes that the emissions incurred by extricating biomass from the forest, transporting it to the proposed facilities, making the wood pellets, transporting that product to port and then across the ocean, and burning it are an unavoidable price of achieving large-scale fuel load reductions and other restorative operations to improve forest health. On the contrary, the GHG emissions incurred by combusting the wood pellets must be a primary focus of the NOP and the DEIR and must be the subject of a cost-benefit analysis.

Below we have laid out the primary climate-related issues that must be fully addressed in the DEIR and therefore the issues that must be laid out in the NOP.

The DEIR for the demonstration project is required by law to assess the greenhouse gas emissions for the project. It is also required to analyze reasonable alternatives, including the no-project option. The primary focus of the alternatives analysis should be on the evaluation of alternative, less carbon-intensive uses for the biomass. It is not enough to declare all forest residues and mill waste to be “unmarketable forest material” as the NOP does. Lumber products such as oriented strand board, veneer lumber, and plywood, sequester carbon for as long as the product lasts and may be well-suited to the volume and nature of wood waste available. Gasification produces a useful product – biochar – for which there is a large market. Liquid fuels made from biomass have advantages over incinerating wood pellets in that they pollute less, and they are more efficient producers of electricity or low carbon transportation. Biofuels can also be sold in California, reducing the carbon intensity of transportation – California’s number one source of greenhouse gas emissions. The final California Scoping Plan from December 2022 indicates a goal of 30% reduction in transportation fuel carbon intensity to be achieved by the Low Carbon Fuels Standard, which offers a premium for biofuels. From a climate perspective, 500 scientists declared in 2021 that incinerating wood pellets to make electricity scores very low on the scale of uses for woody biomass.¹ It is the responsibility of the DEIR to lay out all the potential alternatives in the Project Alternative section. The phrase “unmarketable forest material” should be dropped from the NOP as it will not be defined until all the alternatives are presented.

¹ <https://www.woodwellclimate.org/letter-regarding-use-of-forests-for-bioenergy/>

Similarly, explicit guardrails are needed to guarantee that the feedstock for the biomass facilities derives solely from woody debris and woody growth that must be removed to lessen fire risk and aid the forest's transition back to ecological health. The potential for a biomass industry to increase timber harvesting looms large and has been documented elsewhere.² Logging to produce bioenergy poses a much larger climate risk than sustainable, environmentally sensitive logging to produce lumber, which sequesters a portion of the carbon.

Analysis of the climate impact of the projects must be based on cradle to grave Life Cycle Assessments (LCA). These must include the burning of the wood pellets even if that occurs in another country. The wide range of factors that must be assessed in such an analysis is exemplified in an MIT analysis by Sterman and associates, which we recommend as a model for analysis.³ While LCAs are not ordinarily required for building or manufacturing projects, they are the established scientific approach to bioenergy.

We also believe a climate-focused cost-benefit analysis must be performed for each alternative analyzed. The reason we are in a climate mess is that industries have been able to externalize the climate costs of their pollution, so they are borne by societies around the world rather than the business. The cost-benefit analyses for this project should use either the new social cost of carbon and discount rate of the federal EPA⁴ (\$190 per ton of GHG emitted) or that of the UC Berkeley/Resources for the Future 2022 determination of the social cost of carbon to be \$185 per ton.⁵

A recent study of the climate impact of forest biomass and wood waste used for bioenergy by Röder and colleagues is notable for the very wide range of carbon intensity that such plants may produce. It found that emissions may be 80% less than coal but also that they may be 70% greater, depending on a number of factors – one of which is the little-studied generation of methane in storage piles of wood chips.⁶ The Röder study is unique in considering both forest residues and mill waste in separate and parallel analyses, thus matching the proposed projects. Because of the highly variable carbon intensity of bioenergy projects the DEIR should use the C-BREC model developed by Kevin Fingerman and colleagues at Cal Poly Humboldt as part of the process to determine carbon emissions.⁷ The model

² For example, Giuntoli et al report: "Thus, while 72% of wood used for energy in 2017 derived from secondary industry residues, the origin of 26% of wood for energy cannot be identified, seriously hindering any consideration on the sustainability of the current forest bioenergy use in Canada." Giuntoli, J., S. Searle, N. Pavlenko, and A. Agostini. "A systems perspective analysis of an increased use of forest bioenergy in Canada: Potential carbon impacts and policy recommendations." *Journal of Cleaner Production* 321 (2021): 128889.

³ Sterman, John D., Lori Siegel, and Juliette N. Rooney-Varga. "Does replacing coal with wood lower CO2 emissions? Dynamic lifecycle analysis of wood bioenergy." *Environmental Research Letters* 13, no. 1 (2018): 015007.

⁴ <https://www.eenews.net/articles/epa-floats-sharply-increased-social-cost-of-carbon/#:~:text=The%20Biden%20administration%20has%20been,increasing%20that%20number%20to%20%24190.&text=This%20is%20a%20whole%20new,a%20senior%20attorney%20at%20Earthjustice.>

⁵ <https://www.nature.com/articles/s41586-022-05224-9>

⁶ Röder, Mirjam, Carly Whittaker, and Patricia Thornley. "How certain are greenhouse gas reductions from bioenergy? Life cycle assessment and uncertainty analysis of wood pellet-to-electricity supply chains from forest residues." *Biomass and Bioenergy* 79 (2015): 50-63. On methane also see: Geronimo, Carisse, Sintana E. Vergara, Charles Chamberlin, and Kevin Fingerman. "Overlooked emissions: Influence of environmental variables on greenhouse gas generation from woody biomass storage." *Fuel* 319 (2022): 123839.

⁷ Fingerman, Kevin R., Jerome Qiriazzi, Cassidy L. Barrientos, Max Blasdel, Jeffrey M. Cornick, Andrew R. Harris, Carisse Geronimo et al. "Climate and air pollution impacts of generating biopower from forest management residues in California." *Environmental Research Letters* 18, no. 3 (2023): 034038. Using the model does not eliminate the requirement to completely assess the carbon intensity of the proposed projects. There are likely many aspects of the proposed project that the model does not address, such as air pollution consequences for local communities.

incorporates many variables that will affect the carbon footprint of each pellet plant differently. In particular it assesses different methods of thinning and residue removal for *very specific parts of the state, including the project catchment areas*. It also includes variables related to fire prevention, air pollution, and efficiency of production. Since this level of detailed analysis is readily available through an online C-BREC calculator, or through commissioning an analysis by Dr. Fingerman, any DEIR that does not include it will be inadequate as there are currently no similarly detailed alternatives. However, C-BREC alone is insufficient because the costs of overseas transport must be included as well as the type of equipment in the biopower plants that will combust the pellets.

The DEIR must not only account for the carbon that is emitted, but it must demonstrate that the project results in the additional growth of biomass that will (in a long timeframe) absorb the carbon released. With respect to bioenergy from forest residues, this is a large task because the entire point of removing forest residues to prevent forest fires is to eliminate that area as a source of biomass. In simple terms, if we “clean” the forest, then there is no regrowth to absorb the carbon that the pellet plants emit. While there are trees still growing on the “cleaned” area, the DEIR would have to show that increased growth compensates for the combusted residues. This is not a simple task.⁸

Although the NOP refers to “renewable energy generation,” the DEIR must analyze the sustainability of the projects. We don’t mean here just that “renewable” tells us nothing about its carbon intensity, as noted above, but that we don’t know that there will be a sustainable supply of feedstock in the catchment area. Forests are being thinned so that in the future brush and fuel load can be managed with prescribed burns. We will not be mechanically thinning forests once the initial fuel load is used. How long will that be and what happens then?

Though not directly a climate issue, fires and even explosions have been common at pellet factories,⁹ so the DEIR should outline in great detail the safety measures to be taken both at the plants and during transport. Finally, air pollution leading to illnesses among nearby residents have been repeatedly reported¹⁰ and should be addressed in the EIR.

A project which has as its stated purpose the improvement of “the resiliency of California’s forestlands” must concern itself with the environmental health of those forestlands. The Master Stewardship Agreement with the US Forest Service entails a responsibility to protect our public resources from commercial activities that would lessen the capacity of the forest to render invaluable and numerous

⁸ Giuntoli, J., S. Searle, R. Jonsson, A. Agostini, N. Robert, Stefano Amaducci, L. Marelli, and A. Camia. "Carbon accounting of bioenergy and forest management nexus. A reality-check of modeling assumptions and expectations." *Renewable and Sustainable Energy Reviews* 134 (2020): 110368.

<https://www.sciencedirect.com/science/article/abs/pii/S1364032120306560> : “US pellet producers and buyers maintain that logging residues are indeed the main feedstock for wood pellets production. However, the term ‘residues’ can encompass many biomass feedstocks with widely differing counterfactuals and carbon emissions,...while logging residues intended strictly as tree tops and branches have relatively short payback times, other authors may include in the ‘residues’ category every wood product which is not economically profitable, including, e.g., crooked and small dimension stemwood produced during clearcut operations, thinning stems of pulplog quality, and even stumps. Establishing whether or not the energy use of these latter feedstocks actually contribute to carbon emissions mitigation is not straightforward.”

⁹ “Handling of biomass, such as wood chip or wood pellets, carries substantial risk of fire and even explosion. The material has a tendency for self heating when stored and can cause flammable dust when handled. At the centre of the pile, the temperature can get as high as 90°C. Since 2001, 52 fires and explosions have been recorded at US wood pellet plants.” <https://firefly.se/industry/bioenergy/> Also:

<https://www.azeuspelletmill.com/news/how-to-prevent-pellet-plant-fire-hazard.html> And from the UK: <https://www.iche.org/media/11801/hazards-26-paper-64-fire-and-explosion-hazards-in-the-biomass-industries.pdf>

¹⁰ <https://www.theguardian.com/environment/2018/jun/30/wood-pellets-biomass-environmental-impact> ; <https://www.sec.gov/rules/petitions/2019/ptn4-741-exb.pdf> ; <https://appvoices.org/2023/01/28/wood-pellet-nc-air/>

environmental services, including carbon sequestration. There are numerous ways in which the increase in demand for forest residues can affect other elements of forest eco-systems.¹¹

In summary: Unavoidable wood waste resulting from fuel load reduction and thinning should be utilized in a manner that minimizes GHG emissions. The DEIR must assess the proposed project and alternatives with the proper tools to allow policymakers and the public to make informed choices about risks, cost-benefit, mitigation and alternatives, including the “no project” alternative. At present the NOP inadequately presents the issues and methodologies that must be considered in the DEIR.

Thank you for your consideration of these points.

350 Humboldt Steering Committee

Daniel Chandler, Ph.D.

Nancy Ihara

Martha Walden

Cathy Chandler-Klein

¹¹ Giuntoli, *et al. Op. cit.* See pages 8-9 in particular.

<https://www.sciencedirect.com/science/article/abs/pii/S1364032120306560>



DEPARTMENT OF FISH AND WILDLIFE
Habitat Conservation Planning Branch
P.O. Box 944209
Sacramento, CA 94244-2090
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 29, 2023

Brian Briggs
Deputy General Counsel
Golden State Finance Authority
1215 K Street, Suite 1650
Sacramento, CA 95814
bbriggs@rcrcnet.org

**SUBJECT: GOLDEN STATE NATURAL RESOURCES FOREST RESILIENCY
DEMONSTRATION PROJECT, NOTICE OF PREPARATION (SCH#
2022110466)**

Dear Mr. Brian Briggs:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the Golden State Natural Resources Resiliency Demonstration Project (Project). CDFW appreciates this opportunity to comment on the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Brian Briggs
Golden State Finance Authority
June 29, 2023
Page 2

conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Golden State Finance Authority (GSFA)

Objective: The objective of the Project is to improve the State's forestland's resiliency by procuring and processing excess biomass into pellet fuel source for use in renewable energy generation overseas. Primary Project activities include vegetation treatment of underutilized and unmarketable forest material to produce two types of wood pellets (roundwood and residuals). The pellet processing facilities will be in Tuolumne and Lassen Counties. The finished product will be transported to a shipping facility in the Port of Stockton where it will be exported to international markets.

Location: Lassen, San Joaquin, and Tuolumne Counties

Timeframe: Unknown

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the GSFA in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the potential for the Project to have a significant impact

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on biological resources, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

CDFW previously commented on the NOP for this Project in a letter dated December 20, 2022. CDFW maintains the same recommendations regarding biological impact analyses and the formulation of the DEIR, as advised from our previous comment letter (Attachment 1).

Additional recommendations to the December 20, 2022, letter are made in this letter regarding the export terminal located at the Port of Stockton.

1. **Tree Removal.** CDFW recommends the DEIR evaluate impacts to native tree species with a diameter at breast height (DBH) of greater than 4 inches in the Project area that would be removed as part of the Project activities. If native trees are required to be removed, the DEIR should include a mitigation plan with a mitigation ratio and a specific proposal for tree replacement (e.g., mitigation bank credits, conservation easement with funding in perpetuity, replanting plan with success criteria and a solution if success criteria are not met).
2. **Swainson's Hawk.** The following recommendations are made to avoid Project impacts to Swainson's hawks:
 - a. Swainson's Hawk Protocol Surveys. CDFW recommends surveys be conducted according to the Swainson's Hawk Technical Advisory Committee's (TAC) [Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley](#) (CDFW, 2000). CDFW strongly recommends the TAC survey method be strictly followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest. Surveys should be conducted, at minimum, within a 1-mile radius of the proposed Project area and should be completed for at least the two survey periods immediately prior to initiating any Project-related construction work. Raptor nests may be very difficult to locate during egg-laying, incubation, or chick brooding periods (late April to early June) if earlier surveys have not been conducted. These full-season surveys may assist with Project planning, development of appropriate avoidance, minimization, and mitigation measures, and may help avoid any Project delays.
 - b. Swainson's Hawk Nests. To avoid "take" or adverse impacts to Swainson's hawk, CDFW recommends avoiding all Project-related

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- disturbance within 0.25 miles (and up to 0.5 miles depending on site-specific conditions) of a nesting Swainson's hawk during the nesting season.
- c. Swainson's Hawk Mitigation. For impacts to Swainson's hawk or their habitats the DEIR should utilize CDFW's [Staff Report Regarding Mitigation for Impacts to Swainson's Hawks \(*Buteo swainsoni*\) in the Central Valley of California](#) (CDFW, 1994).
 - d. Mitigation lands associated with the Project should be of equal or greater value to the habitat that is lost and protected in perpetuity under a conservation easement. Funding for mitigation lands should be ensured for long-term management of Swainson's hawk habitat.
3. **Giant Garter Snake**. The following recommendations are made to avoid Project impacts to giant garter snake (GGS).
- a. CDFW recommends that a qualified biologist conduct habitat assessments of Project areas in advance of Project activities to determine if the Project area or its vicinity contains potential habitat for GGS.
 - b. CDFW recommends that avoidance, minimization, and mitigation measures be incorporated into the DEIR d for giant garter snake. Habitat includes basking, floodplain, upland and aquatic sites; irrigation and drainage channels, and even riprap may provide aquatic habitat.
4. **Domes and Conveyors**. CDFW recommends the DEIR explain how the domes and conveyors operate to transport the pelleted product from the domes to the ship loaders, and how the pellets are transferred from the ship loaders into the ships. Specify if the system is sealed and self-enclosed and where the pellets may enter the San Joaquin River. If the current system allows pellets to potentially enter the water, please provide avoidance and minimization measures to ensure the pellets do not contact the dock or water.
5. **Compensatory Mitigation**. If appropriate, CDFW recommends that the DEIR require and provide a proposal for compensatory mitigation for impacts to threatened and endangered species and their habitats. Examples of compensatory mitigation acceptable to CDFW include mitigation bank credits, participation in the San Joaquin Multi-Species and

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Open Space Conservation Plan (SJMSCP), and conserved lands. Please work with the appropriate [regional CDFW](#) staff to determine appropriate compensatory mitigation options.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the GSFA in identifying and mitigating Project impacts on biological resources.

If you have any questions regarding Project activities associated with the Lassen facility, please contact Erika Iacona, Senior Environmental Scientist (Specialist), by email at R1CEQARedding@wildlife.ca.gov.

If you have any questions regarding Project activities associated with the Tuolumne facility, please contact Jim Vang, Senior Environmental Scientist (Specialist), by email at R4CEQA@wildlife.ca.gov.

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If you have any questions regarding Project activities associated with the export terminal at the Port of Stockton, please contact Andrea Boertien, Environmental Scientist, by email at askbdr@wildlife.ca.gov.

Sincerely,

DocuSigned by:

37E732799B3C452...

Jeff Drongesen, Chief
Habitat Conservation Planning Branch

ec: State Clearinghouse
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Erika Iacona, Senior Environmental Scientist (Specialist)
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Attachment 1

December 20, 2022

Brian Briggs
Deputy General Counsel
Golden State Finance Authority
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bbriggs@rcrcnet.org

**SUBJECT: REVIEW OF THE NOTICE OF PREPARATION FOR GOLDEN STATE
NATURAL RESOURCES FOREST RESILIENCY DEMONSTRATION
PROJECT, STATE CLEARINGHOUSE NUMBER 2022110466**

Dear Brian Briggs:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the Golden State Natural Resources Resiliency Demonstration Project (Project). CDFW appreciates this opportunity to comment on the Project, pursuant to the California Environmental Quality Act (CEQA) Guidelines.¹

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. CDFW relies on the CEQA document prepared by the Lead Agency to make a finding and decide whether to issue a permit or agreement. It is important that the Lead Agency’s Environmental Impact Report (EIR) consider CDFW’s Responsible Agency recommendations. For example, CEQA requires CDFW to include additional feasible alternatives or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect a project would have on the environment (CEQA Guidelines section 15096(g)(2).

CDFW offers the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency.

Project Description and Location

The Project as proposed in the NOP is, “*The proposed project would improve the resiliency of California’s forestlands by sustainably procuring and processing excess biomass into a pelletized fuel source for use in renewable energy generation overseas. The proposed project components include the vegetation treatment activities (feedstock source); the transportation and storage of feedstock, and subsequent processing at two pellet processing facilities (one in the foothills of the Central Sierra Nevada Mountain range (Tuolumne facility) and one in the Modoc Plateau of Northern California (Lassen facility)).*” Herein after referred to as ‘Project’.

Comments and Recommendations

To enable CDFW staff to adequately review and comment on the proposed Project, we recommend the following information be included in the DEIR, as applicable.

1. CDFW recommends a complete assessment of the flora and fauna be conducted within and adjacent to the Project areas, with particular emphasis upon identifying special-status species including rare, threatened, and endangered species. It is also recommended that locally unique species, rare natural communities, and wetlands be addressed in the DEIR. The assessment areas should be large enough to encompass areas potentially subject to both direct and indirect Project effects. It is beneficial for the Project footprint and the assessment area (if different) to be clearly defined and mapped in the DEIR.
 - a. CDFW recommends utilizing California Natural Diversity Data Base (CNDDDB) to obtain current information on previously reported sensitive

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species and habitat. To provide an adequate assessment of special-status species potentially occurring within the Project vicinity, CDFW recommends that the search area for CNDDDB occurrences include all United States Geological Survey (USGS) 7.5-minute topographic quadrangles with Project activities, and all adjoining 7.5-minute topographic quadrangles. It is recommended that the DEIR discuss how and when the CNDDDB search was conducted, including the names of each quadrangle queried, or why any areas may have been intentionally excluded from the CNDDDB query. Please note that CNDDDB is not an exhaustive and/or comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence (or protocol level surveys to determine absence) of sensitive species is recommended. Likewise, contribution of data to the CNDDDB is equally important to the maintenance of the CNDDDB. Whenever possible, CDFW advises that data collected as part of Project studies be submitted using CNDDDB's online field survey form along with a map with rare populations or stands indicated.

- b. In addition to the CNDDDB, CDFW recommends that other electronic databases such as those maintained by the California Native Plant Society and U.S. Fish and Wildlife Service (USFWS) be queried. CDFW's Areas of Conservation Emphasis (ACE) viewer (<https://wildlife.ca.gov/Data/Analysis/Ace>) is also available to be consulted during EIR preparation. The ACE maps show the relative biological value of an area compared with all other areas across the state. ACE is a decision support tool used in conjunction with species-specific information and local-scale conservation prioritization analyses. The ACE maps do not replace the need for site-specific evaluation of biological resources, and it is not recommended to be used as the sole measure of conservation priority during planning.
- c. CDFW recommends review of previous biological technical reports and CEQA documents prepared for other projects in the vicinity, if applicable, to identify biological resources in the area and to perform a cumulative impacts analysis.
- d. CDFW recommends that a complete assessment of rare, threatened, and endangered invertebrate, fish, wildlife, reptile, and amphibian species be presented in the DEIR. CDFW advises that rare, threatened, and endangered species to be addressed include all those that meet the CEQA definition (see CEQA Guidelines section 15380). Seasonal variations in use of the Project area may also need to be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day

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when the species are active or otherwise identifiable, are recommended. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS. Links to some survey procedures are provided on CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>).

- e. Species of Special Concern (SSC) status applies to animals generally not listed under the federal Endangered Species Act or CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist (see CEQA Guidelines section 15380 and CEQA Guidelines Appendix G (IV)(a)). CDFW recommends that SSC be considered during the environmental review process. CEQA (California Public Resources Code sections 21000-21177) requires state agencies, local governments, and special districts to evaluate and disclose impacts from 'projects' in the state. Section 15380 of the CEQA Guidelines clearly indicates that SSC should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity (outlined therein).

Sections 15063 and 15065 of the CEQA Guidelines, which address how an impact is identified as significant, are particularly relevant to SSCs. Project-level impacts to listed (rare, threatened, or endangered species) species are generally considered significant thus requiring lead agencies to prepare an EIR to fully analyze and evaluate the impacts. In assigning 'impact significance' to populations of non-listed species, analysts usually consider factors such as population-level effects, proportion of the taxon's range affected by a project, regional effects, and impacts to habitat features.

- f. Fully Protected animals may not be taken or possessed at any time and CDFW is not authorized to issue permits or licenses for their incidental take². Fully Protected animals may need to be considered during the environmental review process and incidental take must be avoided.
- g. CDFW recommends that a thorough assessment of rare plants and rare natural communities be conducted, following CDFW's March 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*.
 - i. The Tuolumne facility is located within the ranges of the state

² Scientific research, take authorized under an approved NCCP, and certain recovery actions may be allowed under some circumstances; contact CDFW for more information.

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endangered and federal threatened Chinese Camp brodiaea (*Brodiaea pallida*) and the state and federal threatened Red Hills vervain (*Verbena californica*). During the appropriate the survey season, prior to any ground-disturbing activities, CDFW recommends the Tuolumne facility Project boundary be surveyed for special status plants by a qualified botanist following the appropriate protocol (refer to 1d). The protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary. Further, CDFW advises special-status plant species to be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species or to determine if the acquisition of an Incidental Take Permit pursuant to FGC section 2081(b) is necessary prior to conducting ground-disturbing activities in order to comply with CESA.

- h. CDFW recommends that a detailed vegetation map be prepared, preferably overlaid on an aerial photograph. The map should be of sufficient resolution to depict the locations of the Project site's major vegetation communities and show Project impacts relative to each community type. CDFW's preferred vegetation classification system is recommended to name the polygons; however, the vegetation classification ultimately used should be described in detail. Additional information for vegetation mapping can be found on CDFW's website (<https://www.wildlife.ca.gov/Data/VegCAMP>). CDFW advises that special status natural communities be specifically noted on the map.
- i. CDFW recommends that the DEIR include survey methods, dates, and results; and list all plant and animal species (with scientific names) detected within the Project assessment area. CDFW advises that special emphasis be directed toward describing the status of rare, threatened, and endangered species in all areas potentially affected by the Project. CDFW advises that all necessary biological surveys be conducted in advance of the DEIR circulation and not be deferred until after Project approval.

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2. CDFW recommends that a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, be included.
 - a. CDFW advises that the DEIR present clear thresholds of significance to be used by the Lead Agency in its determination of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect. (CEQA Guidelines section 15064.7)
 - b. CEQA Guidelines, section 15125 (a-e), state that knowledge of environmental conditions at both the local and regional levels is critical to an assessment of environmental impacts and that special emphasis shall be placed on resources that are rare or unique to the region.
 - c. Pursuant to CEQA Guidelines 15126.2 (a), impacts associated with initial Project implementation as well as long-term operation and maintenance of the Project should be addressed in the DEIR. CDFW advises that the DEIR describe anticipated maintenance activities and impacts and develop measures to avoid and minimize maintenance impacts.
 - d. CDFW advises that the DEIR consider future decommission of the facilities/staging areas associated with the Project and describe remedial efforts to restore habitat known to be present prior to Project initiation.
 - e. CDFW advises that the DEIR consider the increase in trucking activity and any indirect impacts associated with an increase in trucking activity traveling along rural highways to and from each of the facilities.
 - f. In evaluating the significance of the environmental effects of the Project, CDFW recommends the Lead Agency consider direct physical changes in the environment, which may be caused by the Project and reasonably foreseeable indirect physical changes in the environment, which may be caused by the Project, in addition to quantifying expected impacts (e.g., acres, linear feet, number of individuals taken, volume or rate of water extracted, parts per million of carbon emissions etc.).
 - g. CDFW advises that Project impacts be analyzed relative to their effects on off-site habitats and species. Specifically, this may include public lands, open space, downstream aquatic habitats, areas of groundwater depletion, or any other natural habitat or species that could be affected by the Project (CEQA Guidelines Appendix G (IV and IX)).

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- h. CDFW advises that a cumulative effects analysis be developed for species and habitats potentially affected by the Project. This analysis should be conducted as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts to species and habitats.
- 3. CDFW recommends that a range of Project alternatives be analyzed to ensure that the full spectrum of alternatives to the proposed Project are fully considered and evaluated, such as identification and analysis of alternatives that avoid or otherwise minimize impacts to sensitive biological resources, in addition to identifying and prioritizing alternatives that maximize environmental benefits.
 - a. If the Project will result in any impacts described under the Mandatory Findings of Significance (CEQA Guidelines section 15065) the impacts must be analyzed in depth in the DEIR, and the Lead Agency is required to make detailed findings on the feasibility of alternatives or mitigation measures to substantially lessen or avoid the significant effects on the environment. When mitigation measures or Project changes are found to be feasible, CDFW advises that such measures be incorporated into the Project to lessen or avoid significant effects.
 - 4. CDFW recommends that mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats be developed and thoroughly discussed. CDFW recommends that mitigation measures first emphasize avoidance and reduction of Project impacts. For unavoidable impacts, the feasibility of on-site habitat restoration or enhancement should be discussed. If on-site mitigation is not feasible, off-site mitigation through habitat creation, enhancement, acquisition and preservation in perpetuity, or a combination thereof, is advised.
 - a. CDFW advises that plans for restoration and revegetation be prepared by persons with expertise in native plant revegetation techniques specifically in ecosystems in which they will be implemented. Each plan may need to include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and/or seeding rates; (c) a schematic depicting the mitigation area; (d) planting/seeding schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures may need to be addressed if the success criteria are not met; and (j) identification of the

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party responsible for meeting the success criteria and providing for long-term conservation of the mitigation site.

5. "Take" of species of plants or animals listed as endangered or threatened, or those that are candidates for listing as endangered or threatened under CESA, is unlawful unless authorized by CDFW. If the Project could result in take of any CESA-listed or candidate species and avoidance is not feasible, acquisition of an ITP would be warranted prior to any ground-disturbing activities to comply with CESA, pursuant to Fish and Game Code Section 2081(b). In addition, CDFW recommends that the DEIR quantify and describe the direct and indirect potential impacts to CESA-listed habitat and outline specific proposed mitigation measures to reduce impacts to less than significant.

a. CDFW recommends consulting with the USFWS on potential impacts to federal listed species including, but not limited to Chinese Camp brodiaea and Red Hills vervain. Take under the federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS, to comply with FESA, is advised and may need to occur well in advance of any ground-disturbing activities.

6. **Riparian Habitat and Wetlands:** Riparian habitat and wetlands provide important habitat features for a wide variety of plant and wildlife species. Aerial photos show that swales and ponds are adjacent to and within the Project site. Projects that result in a net loss of acreage or habitat value of riparian habitat and wetlands are potentially significant, and CDFW has a no-net-loss policy regarding impacts to wetlands. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy.

CDFW recommends that a formal wetland delineation be conducted by a qualified biologist to determine the location and extent of riparian habitat and wetland features on site. Please note that delineation is advised to identify both state and federal wetlands on the project site. It is important to note that while accurate delineations by qualified individuals have resulted in a quicker review and response from the United States Army Corps of Engineers (USACE) and CDFW, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants due to insufficient, incomplete, or conflicting data. It is recommended that wetlands be designated on a site map and included in the DEIR.

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- a. Projects activities may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent, as well as those that are perennial in nature. It is important to note, CDFW is required to comply with CEQA, as a Responsible Agency, when issuing a Lake or Streambed Alteration Agreement (LSA Agreement). If inadequate or no environmental review has occurred for Project activities that are subject to notification under Fish and Game Code 1602, CDFW will not be able to issue the Final LSA Agreement until CEQA analysis for the Project is complete. This may lead to considerable Project delays. Information on notification requirements through EPIMS may be obtained through CDFW's website at <https://www.wildlife.ca.gov/Conservation/LSA>.

For information on notification requirements associated with the Tuolumne facility, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593 or R4LSA@wildlife.ca.gov.


7. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations. (Public Resources Code section 21003(e)). Please report any special status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

If you have any questions regarding Project activities associated with the Lassen facility, please contact Erika Iacona, Environmental Scientist, by electronic mail at R1CEQARedding@wildlife.ca.gov.


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If you have any questions regarding Project activities associated with the Tuolumne facility, please contact Jim Vang, Environmental Scientist, by telephone at (559) 580-3203, or by electronic mail at jim.vang@wildlife.ca.gov.

Sincerely,

DocuSigned by:


1D82ADE7303A474...
Tina Bartlett, Regional Manager
Northern Region

DocuSigned by:


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Julie A. Vance, Regional Manager
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June 29, 2023

Via Electronic Mail Only

Golden State Finance Authority
Attn: GSNR Scoping Comment
1215 K Street, Suite 1650
Sacramento, CA 95814

E-Mail: gsnr@gsnrnet.org

Re: Reissued Notice of Preparation of a Draft Environmental Impact Report for the Golden State Natural Resources Forest Resiliency Demonstration Project

To Whom it May Concern:

This firm represents the Natural Resources Defense Council (“NRDC”) in connection with NRDC’s opposition to the Golden State Natural Resources Forest Resilience Demonstration Project (the “Project”). Biofuelwatch, Southern Environmental Law Center, Sierra Club California, Dogwood Alliance, Partnership for Policy Integrity, and Center for Biological Diversity also join in the comments set forth below.

We submitted comments on a previous version of the Notice of Preparation (“NOP”) for this Project on December 17, 2022. The Reissued NOP is almost identical to the previous NOP. Accordingly, our December 17, 2022 comments remain applicable to the Reissued NOP, and are hereby incorporated by reference in their entirety. For the reasons set forth in those comments, the Reissued NOP remains inadequate in describing the Project, its environmental setting, and its environmental impacts.

The Reissued NOP differs in three respects from the prior NOP: (1) it identifies the Port of Stockton as the location from which pellets will be shipped, (2) it discloses that pellets may be transported from the Tuolumne pellet plant to the Port of Stockton by truck, not just rail, and (3) it identifies a specific parcel for feedstock storage at the Lassen pellet plant. Additional comments addressing the changes to the NOP and supplementing our December 17, 2022 comments follow.

I. Impacts Related to Port of Stockton Facilities and Activities

The Reissued NOP identifies the Port of Stockton as the location from which wood pellets will be shipped to overseas markets. The Reissued NOP also discloses that trucks (rather than rail) may be used to transport pellets to the Port from the Tuolumne facility.¹

The EIR must accurately reflect the Project's environmental setting and must account for both direct and cumulative impacts. The Port of Stockton is located in a community that already bears a disproportionate share of environmental and economic burdens. CalEnviroScreen 4.0 classifies the Port and surrounding areas at above the 90th percentile in overall economic and environmental burdens; the community immediately surrounding the Port is in the 99th percentile statewide for pollution burdens, the 99th percentile for impaired waters, the 91st percentile for diesel particulate matter exposures, and the 96th percentile for asthma.² The Port and surrounding areas also are classified as disadvantaged communities for purposes of SB 535,³ and as disadvantaged and low-income communities for purposes of AB 1550 (the California Air Resources Board's Climate Investment program).⁴

As expressed by several community members at the June 20, 2023 virtual scoping hearing, the Golden State Finance Authority's failure to conduct outreach and to hold a scoping hearing in the communities surrounding the Port of Stockton violated basic principles of environmental justice. The draft EIR should not move forward unless and until GSFA has corrected this oversight.

Construction of purpose-built facilities at the Port, along with transportation, handling, and shipment of pellets through the Port, may have significant impacts on communities and the environment. Construction, operations, and transportation activities at the Port will likely emit PM 10 and PM 2.5 (including diesel particulate matter and wood dust) and toxic air contaminants and will contribute to ozone pollution.

¹ Reissued NOP at 2 ("Trucks may alternatively be used to transport pellets from the Tuolumne site.").

² See <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>; see also maps attached as Exhibit A.

³ See <https://oehha.ca.gov/calenviroscreen/sb535>; see also maps attached as Exhibit A.

⁴ See <https://gis.carb.arb.ca.gov/portal/apps/experiencebuilder/experience/?id=6b4b15f8c6514733972cabdda3108348>; see also maps attached as Exhibit A.

Accordingly, the EIR must contain all of the following:

- A description of the location and nature of Port facilities, including rail spurs, storage structures, truck and rail loading and unloading areas and equipment, berthing facilities, pellet handling and loading equipment.
- A description of all foreseeable transportation routes for both truck and rail shipments from both pellet plants to the Port.
- A description of the number and type of ships that may be used to transport pellets that accurately reflects the depth of the channel, the capacity of the ships, and the availability of berths. The EIR also must describe the amount of time each ship will remain at berth, and details of ship operations while berthed and in transit through the Port, the Delta, and San Francisco Bay.
- Full air pollution inventories for all stationary and mobile sources (including emissions from trucks, railroad engines and ships) during both construction and operation.
- Analysis of the correlation between emissions estimates and health impacts. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 519-22.)
- Health impact analyses at sensitive receptors (including homes, schools, daycares, and medical facilities) located near Port facilities and along transportation routes.
- An analysis of the Project's consistency or inconsistency with the San Joaquin Valley Air Pollution Control District's Community Emissions Reduction Plan for the area.⁵ (*See* CEQA Guidelines § 15125(d).)
- An analysis of hazards and safety issues associated with Project transportation and facilities, including the potential for fires and explosions associated with pellet storage.⁶
- An analysis of noise from Port facility construction and operations and from transportation, including but not limited to increases above ambient conditions and single-event noise.

⁵ See <https://community.valleyair.org/selected-communities/stockton/>.

⁶ See, e.g., Environmental Integrity Project, *Dirty Deception: How the Wood Biomass Industry Skirts the Clean Air Act* at 30-31 and endnotes 94-103 (April 2018), <https://environmentalintegrity.org/wp-content/uploads/2017/02/Biomass-Report.pdf>.

- A water supply analysis for the Port facilities (including will-serve letters as applicable).
- An analysis of water quality impacts (including stormwater and sewer system discharges).
- A comprehensive energy impact analysis. (See CEQA Guidelines § 15126.2 & Appendix F.)
- A description and analysis of feasible mitigation measures and alternatives—including the no-project alternative—that could reduce or avoid significant environmental impacts.

II. Air Quality Impacts from Pellet Manufacturing and Processing

Pellet manufacturing facilities emit a range of air pollutants, including dust and particulate matter from wood chipping and feedstock storage, diesel particulates and dust associated with trucking and deliveries of feedstocks, combustion emissions from burning of wood and residues to heat dryers, combustion emissions from natural gas, off-site emissions associated with electricity demand, and hazardous air pollutants and VOCs from all stages of pellet manufacture (including not only dryers but also hammermills, pellet presses, and pellet coolers).⁷ The EIR must accurately disclose and analyze all emissions associated with construction and operation of the pellet plants, including mobile source emissions, and must correlate those emissions with potential health impacts. The EIR also must identify feasible mitigation and alternatives that could reduce or avoid significant impacts, including but not limited to requiring covers on all trucks and rail cars transporting logs, chips, and pellets.

III. Forest and Climate Impacts

Comments on the prior version of the NOP—and additional comments at the June 20, 2023 virtual scoping hearing—detailed the profound damage that the export-oriented wood pellet industry has done to forests in the Southeastern United States. This Project would create an ongoing demand for logging to produce up to one million tons of wood pellets for export *every year*.⁸ The EIR must examine whether creating this

⁷ See Environmental Integrity Project, *supra* note 6 at 5-7.

⁸ According to a “Wood Products Infrastructure Assistance” grant application GSNR submitted to the U.S. Forest Service for fiscal year 2022, the Project will require 1.9 million green tons of feedstock from timber operations on 40,000 acres *each year* to

additional demand will affect *currently existing* levels and methods of timber harvest in the forests within each facility’s “woodshed,” and must assess any and all environmental impacts of any change this Project may cause.

Prior comments also detailed the need for accurate and comprehensive accounting and analysis of carbon stocks and greenhouse gas emissions across all aspects of the Project, including timber harvest, feedstock transportation and storage, pellet manufacture, transportation and shipping of pellets, and combustion of pellets by their ultimate consumers (coal-fired power plants in Asia and Europe).⁹

Accurate analysis of carbon stock changes and greenhouse gas emissions is particularly critical here given the Project’s likely reliance on “green” wood (i.e., living trees) for pellet feedstock. A feasibility analysis prepared by FutureMetrics for this Project dated July 6, 2020 estimated that *all* of the wood used for pellet production would be “green tree” roundwood or chips; “mortality” wood would be used only for combined heat and power applications at the pellet manufacturing facilities.¹⁰ At the June 20, 2023 scoping hearing, the environmental consultant stated that “slash” and other residual wood comprising about 15 percent of each pellet plant’s total usage would be burned to heat the wood dryers; this statement appears to confirm that 85 percent of the facilities’ feedstock would come from “green” roundwood and chips. As discussed in our comments on the prior NOP, woody biomass combustion—but particularly “green” roundwood and chips—cannot be assumed to be “carbon neutral” over any time frame relevant to mitigating the impacts of climate change. Absent harvest, those trees would have continued to store and sequester carbon in the forest. This Project, in contrast, will convert those terrestrial carbon stocks to atmospheric greenhouse gas emissions over a very short time frame.

produce 1 million tons of pellets. The grant application states that 65 percent of the feedstock will come from federal lands, but it does not specify where the other 35 percent would be sourced.

⁹ Although combustion of the Project’s wood pellets would occur outside California and the United States, emissions of climate pollutants from pellet combustion contribute to the *global* effects of climate change, which is directly affecting California’s environment.

¹⁰ FutureMetrics, *An Analysis of the Feasibility of Producing and Exporting Wood Pellets from Two Northern and Central California Sites* at 11 (July 6, 2020).

IV. Conclusion

This Project threatens the climate as well as forests and communities throughout California. NRDC remains staunchly opposed to this environmentally irresponsible and economically unsupportable Project. We once again respectfully urge GSFA not to proceed further with it.

Thank you for your consideration of these comments.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Kevin P. Bundy

Encl.: Exhibit A (maps)
cc: Brian Briggs, GSFA Counsel (via email)

Signatories and contact information for additional organizations joining these comments:

Gary Graham Hughes, M.Sc.
Biofuelwatch
(707) 223-5434
garyhughes.bfw@gmail.com

Heather Hillaker
Senior Attorney
Southern Environmental Law Center
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Shaye Wolf, Ph.D.
Climate Science Director
Center for Biological Diversity
(415) 385-5746
swolf@biologicaldiversity.org

Exhibit A

CalEnviroScreen, SB 535, and AB 1550 Maps

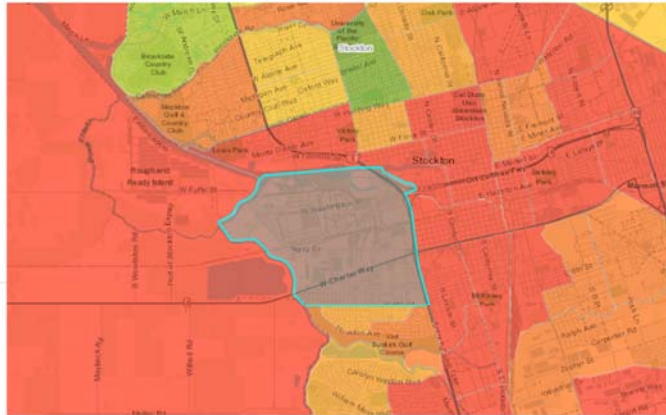
CalEnviroScreen 4.0 Maps

CalEnviroScreen Port of Stockton

Legend



CalEnviroScreen 4.0 High Pollution, Low Population



Census Tract: 6077000801 (Population: 7,624)

The results for each indicator range from 0-100 and represent the percentile ranking of census tract 6077000801 relative to other census tracts.

Overall Percentiles

CalEnviroScreen 4.0 Percentile	99
Pollution Burden Percentile	99
Population Characteristics Percentile	92

Exposures

Ozone	47
Particulate Matter 2.5	58
Diesel Particulate Matter	91
Toxic Releases	83
Traffic	63
Pesticides	70
Drinking Water	42
Lead from Housing	52

Environmental Effects

Cleanup Sites	90
Groundwater Threats	97
Hazardous Waste	77
Impaired Waters	99
Solid Waste	85

Sensitive Populations

Asthma	96
Low Birth Weight	82
Cardiovascular Disease	89

Socioeconomic Factors

Education	87
Linguistic Isolation	71
Poverty	84
Unemployment	53
Housing Burden	59



Race/Ethnicity Profiles
 Hover your mouse over the pie chart segment to see the race/ethnicity in percentages and approximate counts.

1 of 1



Age Profiles
 Hover your mouse over the pie chart segment to see the age characteristics in percentages and approximate counts.

1 of 1

CalEnviroScreen Rough and Ready Island



CalEnviroScreen 4.0 High Pollution, Low Population



Census Tract: 6077003900 (Population: 1,518)

The results for each indicator range from 0-100 and represent the percentile ranking of census tract 6077003900 relative to other census tracts.

Overall Percentiles

CalEnviroScreen 4.0 Percentile	93
Pollution Burden Percentile	88
Population Characteristics Percentile	89

Exposures

Ozone	47
Particulate Matter 2.5	46
Diesel Particulate Matter	25
Toxic Releases	34
Traffic	8
Pesticides	92
Drinking Water	94
Lead from Housing	56

Environmental Effects

Cleanup Sites	34
Groundwater Threats	99
Hazardous Waste	73
Impaired Waters	99
Solid Waste	64

Sensitive Populations

Asthma	65
Low Birth Weight	93
Cardiovascular Disease	48

Socioeconomic Factors

Education	88
Linguistic Isolation	76
Poverty	89
Unemployment	N/A
Housing Burden	N/A



Race/Ethnicity Profiles
 1 of 1
 Hover your mouse over the pie chart segment to see the race/ethnicity in percentages and approximate counts.

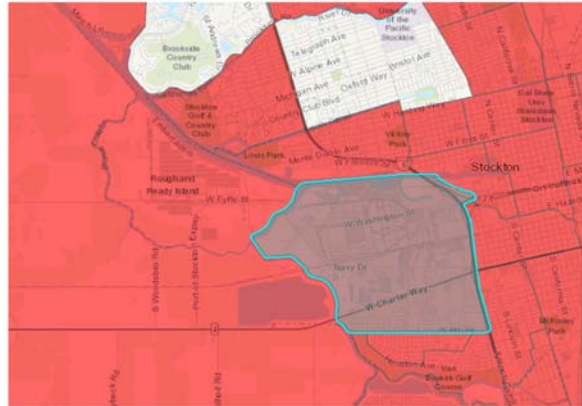


Age Profiles
 1 of 1
 Hover your mouse over the pie chart segment to see the age characteristics in percentages and approximate counts.

SB 535 Maps

Port of Stockton

SB 535 Disadvantaged Communities 2022 (Census Tracts and Tribal Areas)

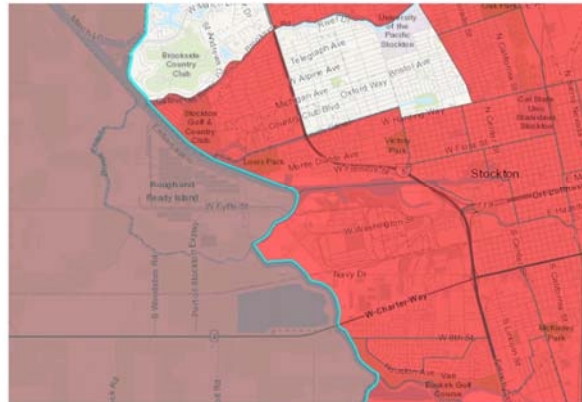


SB 535 Disadvantaged Communities 2022

Census Tract	6077000801
ZIP	95203
Population	7,624
County	San Joaquin
CalEnviroScreen 4.0 Percentile	99.4
Disadvantaged Communities Category	CalEnviroScreen 4.0 Top 25%

Rough and Ready Island

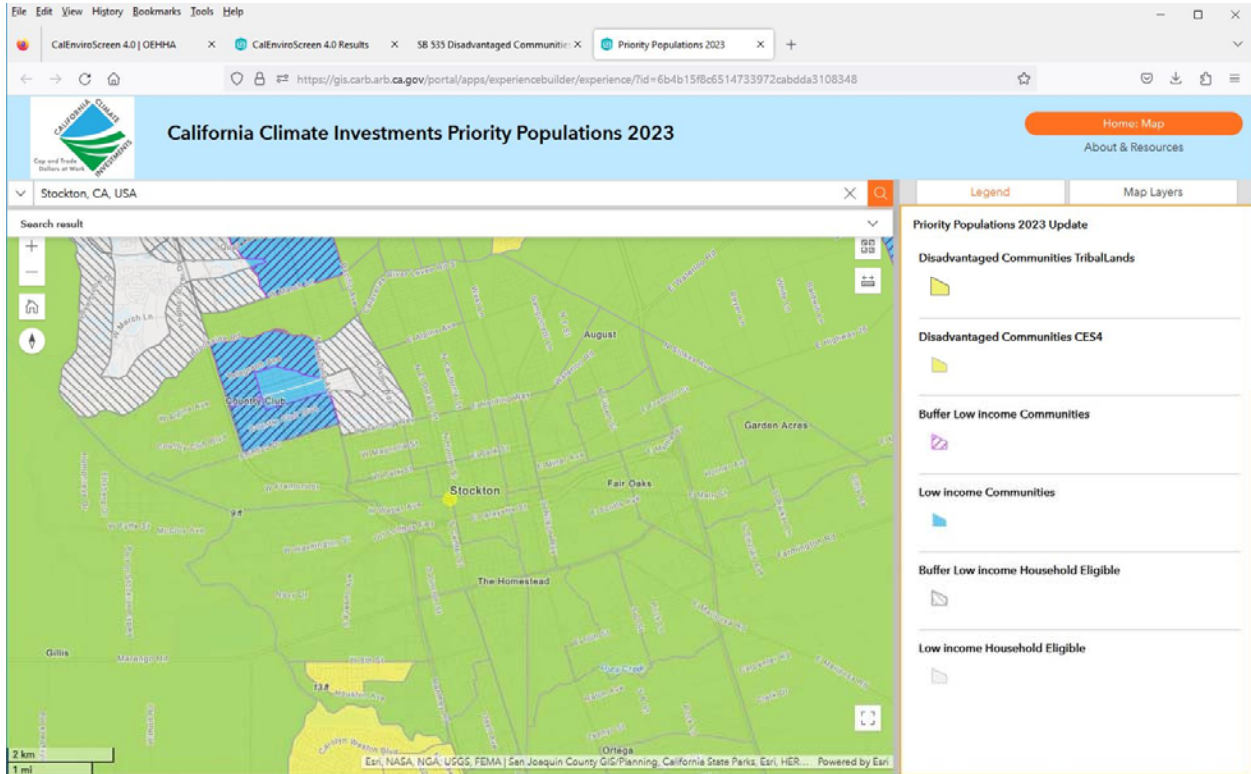
SB 535 Disadvantaged Communities 2022 (Census Tracts and Tribal Areas)



SB 535 Disadvantaged Communities 2022

Census Tract	6077003900
ZIP	95206
Population	1,518
County	San Joaquin
CalEnviroScreen 4.0 Percentile	93.5
Disadvantaged Communities Category	CalEnviroScreen 4.0 Top 25%

AB 1550 Map





June 30, 2023
c/o ARA e.V.
August-Bebel-Str. 16-18
D – 33602 Bielefeld,
Germany

To: Golden State Finance Authority
Attn: GSNR Scoping Comment
1215 K Street, Suite 1650
Sacramento, CA 95814
Email: gsmr@gsmrnet.org

Scoping Comments on the Reissued Notice of Preparation of a Draft Environmental Impact Report for the Golden State Natural Resources Forest Resiliency Demonstration Project

We hereby submit comments regarding unacceptability of this project, the need to understand boundaries to its impacts, and the scope of the Environmental Impact Report.

We share a vision of a world in which thriving natural forests play a significant role in tackling climate change and contribute to a clean, healthy, just and sustainable future for all life on earth. Burning forest wood for large-scale energy production cannot be part of that future. Instead we must protect and restore natural forests, thereby reducing emissions and removing atmospheric carbon dioxide while supporting biodiversity, resilience and well-being. The reasons for our opposition to large-scale forest biomass energy are contained in the [Biomass Delusion statement](#) signed by 204 organisations which calls on governments, financiers, companies and civil society to avoid expansion of the forest biomass based energy industry and move away from its use.

The proposed project is based on use of biomass from natural forests, allegedly as some sort of fire reduction measure and with the concurrent aim of thinning forests to remove trees and understory plants to engineer a production forest quite different to the natural ecosystem. Use of the term “resilience” bears no relationship to ecological resilience but appears to be a marketing concept. To confer resilience to climate change and to fire, the science tells us that the most effective action is to protect carbon rich ecosystems such as forests, and after that to restore degraded natural ecosystems. That is not what this project is doing. Neither is it taking into account the science on reducing fire risk which shows that intact old forests are much better buffers to fire than are degraded secondary forests, which in turn are more effective than monoculture plantations. Removing all that biomass so that it can be processed and burnt elsewhere is not reducing greenhouse gas emissions in any way either, it is simply ensuring they go to the atmosphere quite rapidly whilst adding further emissions along the transport and processing chain.

Exclude Natural Forests from the Scope of the Project

The scope of this project should be restricted in light of world's best practice as demonstrated by Australia whose policy declares that native forest biomass is not a renewable energy source under the national Renewable Energy Target (RET), implemented by regulation on 16 December 2022 thereby excluding such energy from government incentives and tradeable certificates. The Australian Government earlier justified this position, saying "***This amendment was made to ensure that the RET did not provide an incentive for the burning of native forest wood waste for bio-energy, which could lead to unintended outcomes for biodiversity and the destruction of intact carbon stores.***"

It is exactly this problem of impacts on biodiversity, at a time when the world is attempting to address the global biodiversity crisis, and the destruction of intact natural carbon stores which will inevitably exacerbate global warming through large immediate emissions whilst depleting sequestration, at a time when the world is also attempting to address the climate crisis, which is at the heart of the unsuitability of large-scale energy generation from forest biomass. California, or at the least the proponents and financial supporters of this project, should review the scope of its biomass sourcing and reject its application to natural forests.

Include Carbon Dioxide Emissions of Combustion of the Wood Pellets Produced by the Project

International carbon accounting rules provide that emissions responsibility for biomass energy is with the producer of the biomass and not with the consumer who burns that biomass for energy. It is to be calculated in relation to the stock change it generates in the land and forests sector, whilst emissions of combustion will not be calculated in the energy sector of whichever country burns the pellets. This means that although the wood pellets may be used elsewhere, including overseas in Asia or Europe, the greenhouse gas emissions it generates are the responsibility of the United States of America. Therefore, carbon dioxide that will be released to the atmosphere by the pellets produced by this project must be calculated and applied as a future stock change (depletion) to carbon stocks in the forests in a transparent manner that allows the annual emissions impact on the atmosphere as a result of this project to become clear. It is not good science for biomass advocates to claim that forests growing somewhere else will make up for the biomass burning emissions. Those forests were growing anyway, whether wood was logged and burnt for bioenergy or not. The IPCC was very clear about this, saying:

*"If bioenergy production is to generate a net reduction in emissions, it must do so by offsetting those emissions through **increased net carbon uptake of biota and soils**"* (emphasis added).

Failure to clearly identify emissions impacts in producing countries coupled with the lack of any requirement to account for the carbon emissions when burnt in other places has led to erroneous assumptions of zero carbon or carbon neutrality, when the fact is that emissions have simply been ignored. This should not be the case for California which regards itself as a climate leader.

Consider that Wood Pellets will be used to Co-Fire with Coal, assisting to entrench rather than transition away from coal-fired energy generation

In Europe and increasingly in Japan, co-firing coal with wood in large generators is occurring under a pretext of "abating" emissions. The carbon accounting rules outlined above, in which no emissions of combustion are recorded in the energy sector, allow the misunderstanding that emissions have been abated simply because they are not recorded alongside fossil fuel emissions in the energy sector, not

because the emissions have actually been reduced. We have argued that since the USA takes emissions responsibility as the producer of the wood, you should clearly show the annual quantum of those carbon releases to atmosphere. You should also be aware that use of your product would involve the accounting sleight of hand that sees that actual emitting facilities claim emissions reductions that magically make their coal burning appear more efficient. That is, your pellets will likely be used to entrench the use of coal-fired power in your markets. This also falls within the scope of your project impacts and should form part of its assessment.

Many other more localised issues have been raised regarding the proposed project and its assessment. We seek to add to those important considerations with this input from an international perspective. We agree that the Environmental Impact Report must consider project alternatives, including the “no action” alternative, which must assess carbon sequestration and ecological benefits of leaving forests standing.

Thank you for the opportunity to provide scoping comments on the proposed project.

Yours sincerely,



Ms Peg Putt

Coordinator – Forests, Climate and Biomass Working Group,

Environmental Paper Network International

From: [Terrance Rodgers](#)
Sent: Monday, July 3, 2023 11:23 AM
To: [Brian Grattidge](#); [Brian Briggs](#); [Arthur J. Wylene](#); [Maggie Chui](#)
Subject: FW: Caltrans Comments-Golden State Natural Resources Forest Resiliency Demonstration Project
Attachments: temp debris control structures.pdf; Type B Road Connection Std Detail.pdf; Type C Modified Road Connection Std Detail.pdf

From: Battles, Michael@DOT <Michael.Battles@dot.ca.gov>
Sent: Friday, June 30, 2023 11:56 AM
To: GSNR <gsnr@gsnrnet.org>
Cc: Grah, Kathy M@DOT <kathy.grah@dot.ca.gov>; Clark, Cherie D@DOT <cherie.clark@dot.ca.gov>; Caruso, Brenda@DOT <Brenda.H.Caruso@dot.ca.gov>
Subject: Caltrans Comments-Golden State Natural Resources Forest Resiliency Demonstration Project

Good morning,

Thank you for the opportunity for Caltrans District 2 staff to review and comment on the NOP for the proposed Forest Resiliency Demonstration Project. These comments refer only to the work being performed on the Modoc Plateau in Lassen County and the proposed pellet production facility being proposed in Nebieber, as the Tuolumne location is outside of the boundaries of District 2. These comments are broken down by functional unit:

Hydraulics

- The Nebieber processing facility appears to be slightly lower than the adjacent highway. It would be beneficial if Caltrans and others could review any grading plans for this location, should grading be proposed as part of construction.
- In the locations where the raw materials are being gathered, Caltrans has concerns that an increase in precipitation runoff or debris from land upstream of the highway could overtax the capacity of a culvert or bridge to pass water, or could cause a landslide that might affect the highway. There is also concern that erosion downstream of the highway could put the highway or other Caltrans assets at risk of collapse. Some short-term methods for reducing debris at minor culverts are shown in the attached PDF, but most of these methods require future removal of materials.

Traffic Operations

- VMT Analysis-Please provide an analysis compliant with the regulations of SB 743. Relevant documents for this analysis include:
 1. May 2, 2020 Caltrans Vehicle Miles Traveled-Focused Transportation Impact Study Guide
 2. December 2018 Office of Planning and Research Technical Advisory on Evaluating Transportation Impact in CEQA
- Operations-Please provide a description of the proposed transportation impacts, including number of expected vehicles, percent heavy vehicles, percent heavy vehicles, and multi-modal analysis.
 1. Provide analysis of turn conflicts, and the potential warrant for left turn lane, acceleration/de-acceleration lanes.
 2. Provide analysis of existing signage and the potential need for new warning signs.
 3. Provide analysis of the existing collision history of SR 299 in the locations of potential impact. Identify and propose mitigation for any safety pattern which the project could exacerbate.

Permits

- The road connection will potentially be utilized by heavy truck traffic. For this reason, the road connection will need to conform to EITHER a Type C or Type B road connection (details attached). The determination on which level of improvement will need to be agreed upon between Traffic Safety, Traffic Operations, and Encroachment Permits.
- Corner Sight Distance looking northerly should be evaluated to ensure that it is adequate. The vertical curve may be an issue.
- There is no current permit with Caltrans for this location. It is possible that Front Street is a "public" road, and as such, maintained by Lassen County. Caltrans recommends the developer confirm with Lassen County that this is their road. If it is, the developer would need to work with Caltrans and Lassen County to make improvements to the road connection.
- It appears that Front Street is less than 28-feet wide (2-ea 12-foot lanes and 2-ea 2-foot shoulders). Front Street may need to be widened to accommodate two-way truck traffic.
- The clearance of the overhead guy wire on Front Street should be confirmed to be greater than 18-feet.
- There is a potential that intersection lighting might be needed.
- Any work needed within the State Right-of-Way will require a Caltrans Encroachment Permit.

Once again, thank you for the opportunity to review and comment on the NOP for the GSNR Forest Resiliency Demonstration Project in Nubieber. Please let me know if you have any questions regarding Caltrans District 2 comments.

Sincerely,

Mike Battles
Associate Transportation Planner
Caltrans District 2

DEBRIS CONTROL STRUCTURES

FIG. 728-1 GRIZZLY OR TRASH RACK

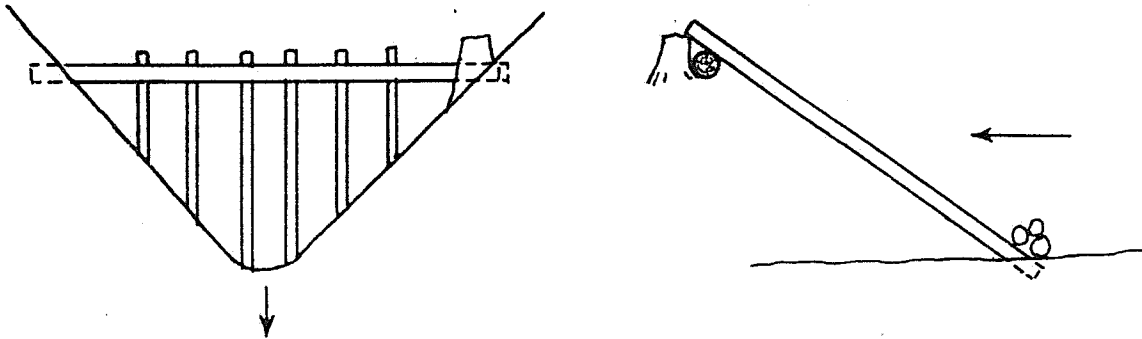


FIG. 728-2 CRIB DEFLECTOR

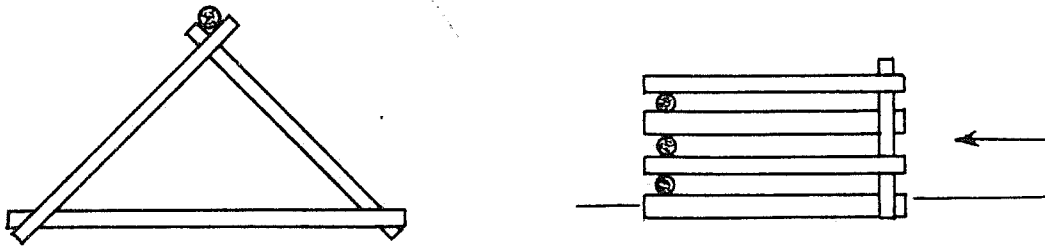
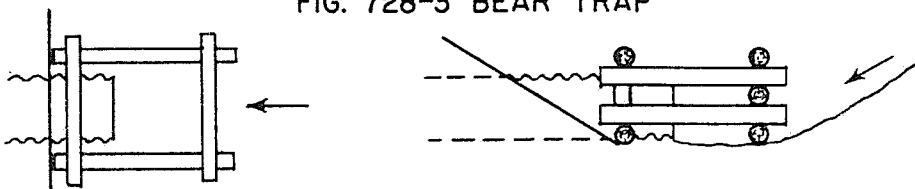


FIG. 728-3 BEAR TRAP



DETRITUS CONTROL

FIG. 728-4 PERFORATED RISER

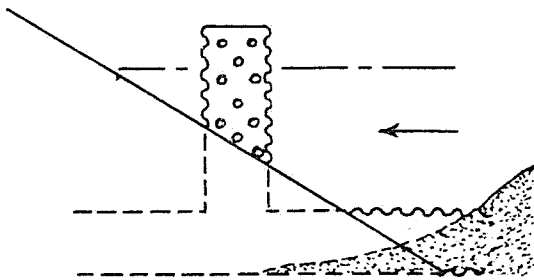
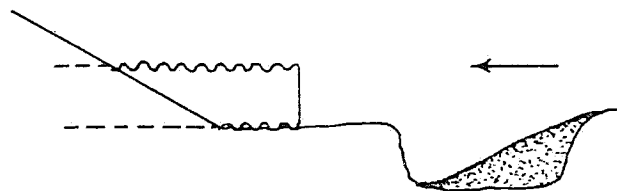
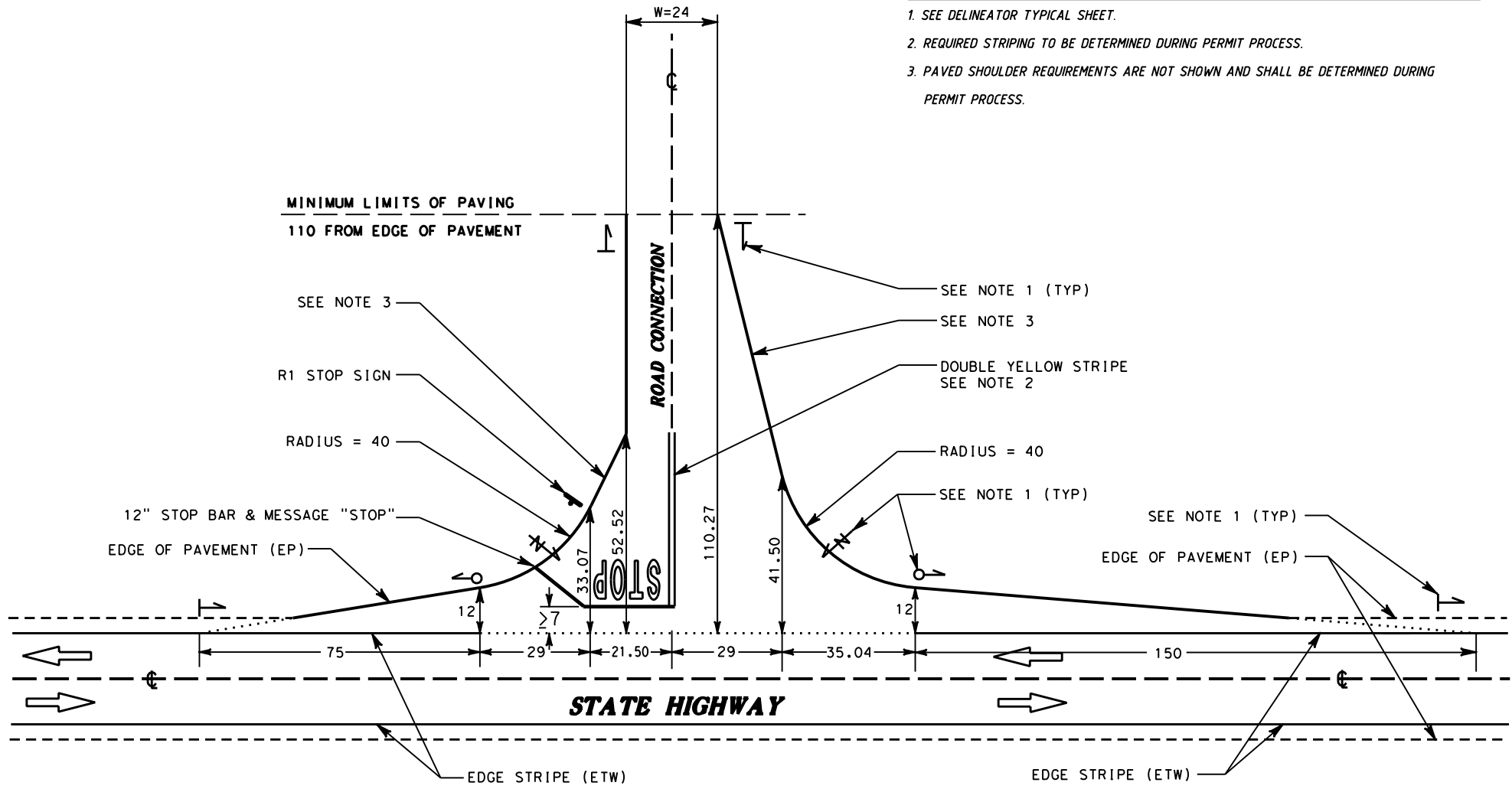


FIG. 728-5 CATCH BASIN



- NOTES:**
1. SEE DELINEATOR TYPICAL SHEET.
 2. REQUIRED STRIPING TO BE DETERMINED DURING PERMIT PROCESS.
 3. PAVED SHOULDER REQUIREMENTS ARE NOT SHOWN AND SHALL BE DETERMINED DURING PERMIT PROCESS.



TO BE SUPPLEMENTED BY STANDARD PLANS DATED MAY 2006

ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE SHOWN

DISTRICT 2
Encroachment Permit Department
 John Bulinski, District Director
 Stacey Barnes, District Permit Engineer

FOR ASSISTANCE WITH THIS DRAWING, CALL THE DISTRICT 2 PERMIT INSPECTOR FOR YOUR COUNTY:

KEN KUBISCH.....	SHASTA, TRINITY COUNTIES.....	530-225-3306
FRED CHAFFIN.....	PLUMAS, TEHAMA COUNTIES.....	530-225-3121
TONY PASCAL.....	SISKIYOU, MODOC, LASSEN COUNTIES.....	530-225-3499

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
 DISTRICT 2 ENCROACHMENT PERMIT DEPARTMENT

**TYPE "B" ROAD CONNECTION
 STANDARD DETAIL**

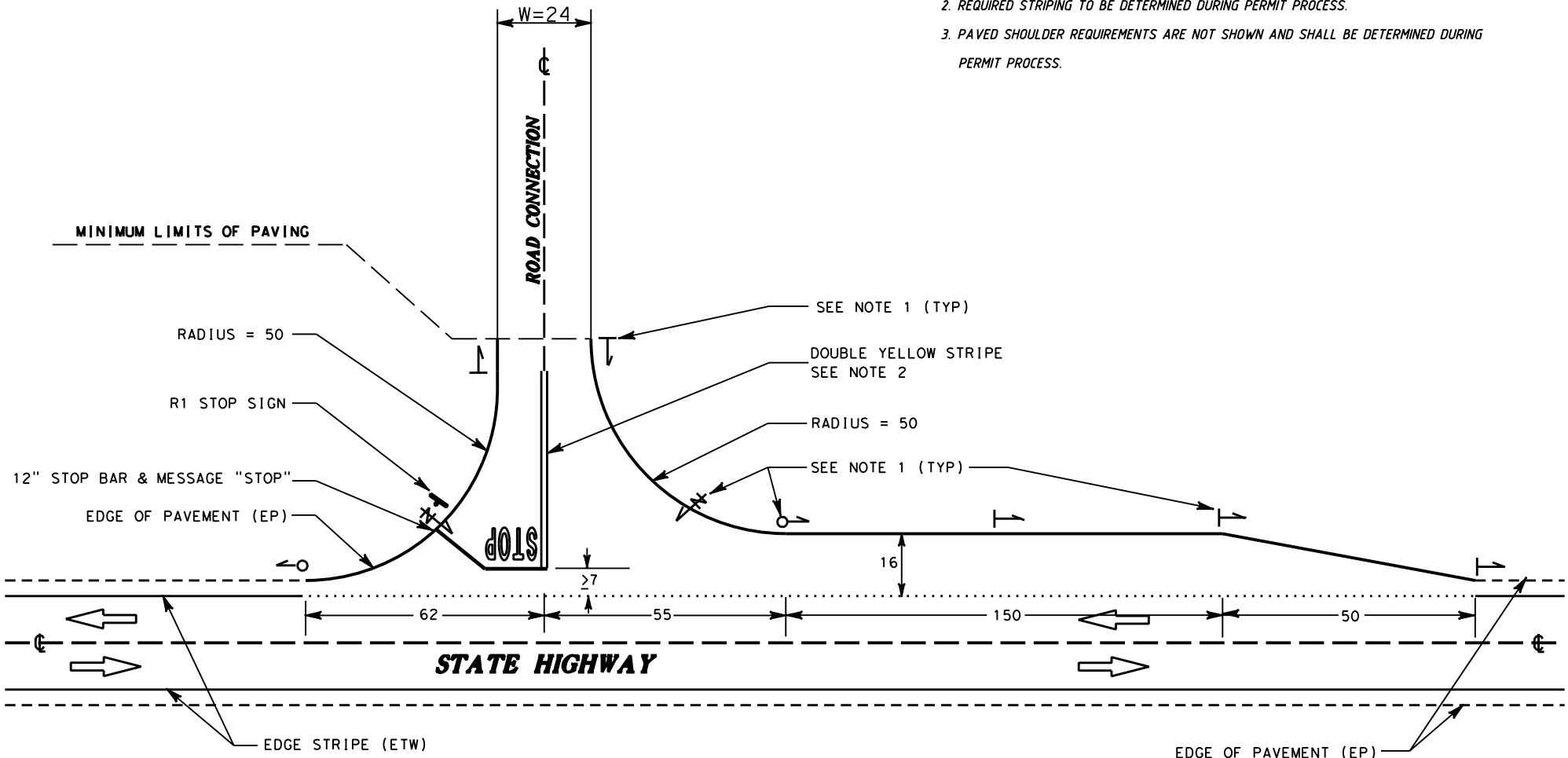
NO SCALE

RC-B

REVISED: JUNE, 2008 (DAB)

NOTES:

- 1. SEE DELINEATOR TYPICAL SHEET.
- 2. REQUIRED STRIPING TO BE DETERMINED DURING PERMIT PROCESS.
- 3. PAVED SHOULDER REQUIREMENTS ARE NOT SHOWN AND SHALL BE DETERMINED DURING PERMIT PROCESS.



TO BE SUPPLEMENTED BY STANDARD PLANS DATED MAY 2006

ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE SHOWN



John Bulinski, District Director
Stacey Barnes, District Permit Engineer

FOR ASSISTANCE WITH THIS DRAWING, CALL THE DISTRICT 2 PERMIT INSPECTOR FOR YOUR COUNTY:

KEN KUBISCH.....	SHASTA, TRINITY COUNTIES.....	530-225-3306
FRED CHAFFIN.....	PLUMAS, TEHAMA COUNTIES.....	530-225-3121
TONY PASCAL.....	SISKIYOU, MODOC, LASSEN COUNTIES.....	530-225-3499

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
 DISTRICT 2 ENCROACHMENT PERMIT DEPARTMENT

**MODIFIED TYPE "C" ROAD
 CONNECTION STANDARD DETAIL**

NO SCALE

RC-MC

REVISED: JUNE, 2008 (DAB)

California Department of Transportation

OFFICE OF THE DISTRICT 10 PLANNING
P.O. BOX 2048 | STOCKTON, CA 95201
(209) 948-7325 | FAX (209) 948-7164 TTY 711
www.dot.ca.gov



July 25, 2023

Brian Briggs
Project Manager
Golden State
Finance Authority
1215 K Street, Suite 1650
Sacramento, CA 95814

TUO-120-PM 8.175 Golden State Natural Resources Forest Resiliency Demonstration Program

Dear Mr. Briggs,

California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Notice of Preparation of a Draft Environmental Impact Report for the Golden State Natural Resources Forest Resiliency Demonstration Project.

The proposed project is a response to the growing rate of wildfires in California, which has been exacerbated by hazardous excess fuel loads in forests, and the need to promote economic activity within California's rural counties. The proposed project would improve the resiliency of California's forestlands by sustainably procuring and processing excess biomass into a pelletized fuel source for use in renewable energy generation overseas. The proposed project components include the vegetation treatment activities (feedstock source); the transportation and storage of feedstock, and subsequent processing at two pellet processing facilities (one in the foothills of the Central Sierra Nevada Mountain range (Tuolumne facility) and one in the Modoc Plateau of Northern California (Lassen facility)); and the transportation of the finished product to a storage and shipping facility to be constructed at a suitable Deepwater port in California for export to international markets.

Caltrans has the following comments:

Traffic Operations

1. The traffic study should also include the following intersections: State Route (SR) 120/Red Hill Road and SR 132/La Grange Road
2. The Traffic Study Level of Service (LOS) Analysis should have the following:
 - a. An Opening Year
 - b. Opening Year plus Proposed Project Scenario

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Environmental

If any construction related activities will encroach into Caltrans Right of Way (ROW), the project proponent must apply for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. All California Environmental Quality Act (CEQA) documentation, with supporting technical studies, must be submitted with the Encroachment Permit Application. These studies will include an analysis of potential impacts to any cultural sites, historic properties, biological resources, hazardous waste locations, scenic highways, and/or other environmental resources within Caltrans ROW, at the project site(s).

Outdoor Advertising

It is important to note that any advertising structure visible to the National Highway System (NHS) is subject to the provisions of the California Outdoor Advertising Act outlined in Business and Professions Code Section 5200 et seq. Any advertising structure that displays off-premises commercial copy visible from the NHS will require a permit from the Office of Outdoor Advertising (ODA). Any advertising structure that only advertises goods and services available on-premises will not require a permit from ODA, provided it adheres to the provisions of Business and Professions Code Section 5272 and 5274 and California Code of Regulations 2243 and 2246. Each of the proposed advertising structures should refrain from operating in any of the conditions outlined in Business and Professions Code Section 5403. For questions related to the ODA permit application process please visit our website at: <http://www.dot.ca.gov/trafficops/oda/>.

Caltrans suggest Golden State Finance Authority continue to coordinate and consult with Caltrans to identify and address potential cumulative transportation impacts that may occur from this project and other developments near this location. This will assist Caltrans in ensuring that traffic safety and quality standards are maintained for the traveling public on existing and future state transportation facilities.

If any future project activities encroach into Caltrans ROW, the project proponent must submit an application for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. Appropriate environmental studies must be submitted with this application. These studies will analyze potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans ROW at the project site(s). For more information, please visit the Caltrans Website at: <https://dot.ca.gov/programs/traffic-operations/ep/applications>

Mr. Brian Briggs
July 25, 2023
Page 3

Please contact David Karnes at (209) 986-9830 (david.karnes@dot.ca.gov), or me at (209) 483-7234 (Gregoria.Ponce@dot.ca.gov) if you have any questions or concerns.

Sincerely,

Gregoria Ponce'

Gregoria Ponce'
Chief, Office of Rural Planning

c: State ClearingHouse

David Ruby, Planning Manager, Tuolumne County Planning

Mr. Brian Briggs
July 25, 2023
Page 4

bc: Environmental—Elizabeth Hummel
Traffic Operations—Sonia Arellano

June 30, 2023

Golden State Finance Authority
Attn: GSNR Scoping Comment
1215 K Street, Suite 1650
Sacramento, CA 95814
Email: gsnr@gsnrnet.org

Regarding the Golden State Natural Resources Forest Resiliency Demonstration Project Notice of Preparation

The Notice of Preparation for this project does list a substantial number of anticipated impacts. Of most concern is the Greenhouse Gas (GHG) emissions that will result from the operation of the proposed wood pellet operations. An Environmental Impact Report (EIR) would require a full accounting of emissions from the timber harvest operations that would be associated with this project, i.e., from the foregone sequestration of felled trees harvested for this project, any associated application of chemical herbicides, pesticides and fertilizers, soil disturbance, transportation, and operation of equipment.

This accounting would also include the GHG emissions from the two processing plants at full capacity as well as the emissions from transporting a million tons of wood pellets overseas every year during the operation of these plants.

IPCC accounting rules for Biomass Energy Generating Plants would also require the full amount of CO₂ produced from burning the wood pellets to be included in this calculation.

“Carbon dioxide (CO₂) emissions from the combustion of biomass or biomass-based products are captured within the CO₂ emissions in the AFOLU (Agriculture, Forestry and Other Land-Use) sector through the estimated changes in carbon stocks from biomass harvest, even in cases where the emissions physically take place in other sectors (e.g., energy). This approach to estimate and report all CO₂ emissions from biomass or biomass-based products in the AFOLU sector was introduced in the first IPCC guidelines for national greenhouse gas emissions (IPCC 1995), reflecting close linkages with data on biomass harvesting, and for the pragmatic reason to avoid double counting.”¹

The EIR should further state how these emissions would be in compliance with the the California Air Resources Board (CARB) proposal to reduce GHG emissions 48% below 1990 levels by 2030 with the further reduction to 85% below 1990 levels by 2045.²

Of equal concern is how the proposed project will impact species listed under the Endangered Species Act (ESA). Alongside the Global Warming Crisis occurring is the conjoined Biodiversity Crisis.

A recent landmark United Nations report delivered an alarming assessment of the fate of animal life and biodiversity on Earth. The authors report how natural habitats are declining at rates “unprecedented in human history,” as species extinction is accelerating “with grave impacts on people around the world now likely.”³

“The health of ecosystems on which we and all other species depend is deteriorating more rapidly than ever,” said Sir Robert Watson, chair of the United Nations Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), which issued the report. “We are eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide.”⁴

Trend lines reveal unrelenting human activity is accelerating biodiversity loss. Within the 100 mile radii of the two proposed plants are dozens of ESA listed animal and plant species.⁵ Undoubtedly suitable habitats for and occurrence of these species exist in those forests where timber harvesting to procure feedstock for the project will be taking place. The EIR must delineate these habitat areas and describe how these areas and species will be protected.

Additionally, the EIR should explain how Golden State Natural Resources plans to continue their operations when subsidies for using biomass for energy generation are rescinded globally. It has become abundantly clear that burning forest biomass for energy is misguided and produces a carbon debt which, even if trees are replanted and protected to re-sequester the emitted CO₂, will not be repaid for decades or centuries — far past the time for needed action to reduce GHG emissions.

“With a world leading move, Australia has excluded native forests from eligibility as a renewable energy source under the national Renewable Energy Target, increasing pressure on Europe to exclude forest biomass from the Renewable Energy Directive.”⁶

In the Netherlands —

“The government wants to stop funding wood-based biomass plants as soon as possible. At the request of the Tweede Kamer, the Cabinet announced on Wednesday they will temporarily stop granting subsidies for the facilities until there is a phase-out plan.”⁷

“Prompted by exclusive reporting from Mongabay, the House of Representatives in The Netherlands’s Parliament has approved a motion that compels its government to stop

paying subsidies to wood-pellet manufacturers found to be untruthful in their wood-harvesting practices.”⁸

Two years ago, more than 500 scientists and economists sent a letter to world leaders asking them to stop treating the burning of wood from forests to make energy and heat as emissions-free, and to end subsidies now driving the explosive demand for wood pellets.

“Burning wood is also carbon-inefficient, so the wood burned for energy emits more carbon up smokestacks than using fossil fuels. Overall, for each kilowatt hour of heat or electricity produced, using wood initially is likely to add two to three times as much carbon to the air as using fossil fuels.”⁹

These actions by governments and scientists acknowledge the reality that burning biomass is much more harmful to the environment and portend global actions to end government subsidies from the use of the IPCC biomass loophole in national CO₂ emission accounting.

The EIR should have an analysis of this developing global movement as it pertains to the future business plans of this GSNR project since its intended markets are all overseas and the plan may cease to be realizable in the future.

Thank you for your attention,

Frank Toriello
Montague, CA

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1. <https://www.drax.com/sustainability/sustainable-bioenergy/ipcc-on-biomass-power-generation-carbon-accounting/>
 2. <https://www.gov.ca.gov/2022/11/16/california-releases-worlds-first-plan-to-achieve-net-zero-carbon-pollution/>
 3. <https://now.tufts.edu/2019/05/21/extinction-crisis>
 4. *ibid.*
 5. <https://center.maps.arcgis.com/apps/webappviewer/index.html?id=def877f10b304220beab7ee8b19f1533>
 6. <https://environmentalpaper.org/2022/12/australias-historic-decision-puts-pressure-on-eu-to-exclude-forests-biomass-from-red-ii/>

7. <https://nltimes.nl/2021/06/12/government-temporarily-halts-subsidies-biomass-power-plants>
8. <https://news.mongabay.com/2022/12/the-netherlands-decides-to-stop-paying-subsidies-to-untruthful-biomass-firms/>
9. <https://s3.documentcloud.org/documents/20482842/scientist-leter-to-biden-van-der-leyden-michel-suga-moon-february-11-2021.pdf>

June 30, 2023

Golden State Finance Authority
Attn: GSNR Scoping Comment
1215 K Street, Suite 1650
Sacramento, CA 95814

Email: gsnr@gsnrnet.org

Re: Scoping Comments on the Reissued Notice of Preparation of a Draft Environmental Impact Report for the Golden State Natural Resources Forest Resiliency Demonstration Project

The undersigned 109 organizations, representing hundreds of thousands of members across California, the United States, and around the world, submit these comments strongly opposing the proposed Golden State Natural Resources (GSNR) wood pellet project. We believe this project will irrevocably harm our climate, communities, and forests, and urge that the best available science be utilized in assessing the impacts of this project.

The elimination of the Levin-Richmond terminal from consideration for the pellet export facility is the major change reflected in the Reissued Notice of Preparation (NOP), dated June 1, 2023, from the previous NOP that many of our organizations commented on last fall. The Reissued NOP also discloses that wood pellets may be transported by truck, not just rail, from the proposed Tuolumne pellet facility. Under the revised proposal, therefore, the entire wood pellet output – a projected million metric tons per year – would be transported via rail or truck to the port of Stockton for export to overseas markets. The Reissued NOP was not amended to address our concerns about the proposal’s potential health, climate and environmental impacts, which we reiterate below.

We are particularly concerned about the unacceptable public health and safety harms that the GSNR wood pellet project would pose to the port community of Stockton. Wood pellet storage and handling operations at ports create substantial fire and explosion hazards.¹ Wood pellet piles are prone to spontaneous combustion, and fine wood dust released during pellet production, transportation and handling can “pose catastrophic fire and explosion hazards.”² Repeated fires and explosions at wood pellet storage silos at ports across the Southeastern US have harmed residents with air pollution from fires that have burned for days, weeks, or months, and have injured or killed workers. As one of many examples, a fire at a wood pellet storage silo at Port

¹ See e.g., Environmental Integrity Project, *Dirty Deception: How the Wood Biomass Industry Skirts the Clean Air Act* (April 2018), <https://environmentalintegrity.org/wp-content/uploads/2017/02/Biomass-Report.pdf>

² <https://www.osha.gov/news/newsreleases/region2/03132013-0>

Arthur, Texas, burned for 102 days in 2017, sending smoke into the adjacent neighborhoods and causing the hospitalization of many residents.³

The port community of Stockton has one of the highest pollution burdens in California according to CalEnviroScreen, with residents suffering from high exposure to particulate matter; high rates of asthma, low birth weights, and cardiovascular disease; and a high poverty rate.⁴ This community is already overburdened with pollution and should not be forced to face the significant health and safety risks from this proposed polluting project. Already, another port in California in a disadvantaged community—the Levin-Richmond Terminal—has rebuffed the GSNR proposal due to concerns raised by residents to the Richmond City Council about the project’s health and safety risks to the surrounding community. Where is GSNR's next choice? The Port of Stockton, where there’s a high pollution burden in a disadvantaged community.

Wood pellets are a highly carbon-intensive, polluting, expensive, and inefficient energy source that have no place in a clean energy future. Burning wood for electricity releases more carbon emissions at the smokestack than fossil fuels, including coal, per unit of energy produced.⁵ Numerous studies show that it takes decades to a century or more for cut forests to re-sequester the amount of carbon emitted from logging and burning woody biomass for energy, even when forest “residues” (*i.e.* “waste”) are burned.⁶ Producing wood pellets is extremely carbon-intensive because the wood must be debarked, chipped, dried, pulverized, and compressed into pellets. Wood pellet production facilities also emit toxic air pollution that harms public health. These facilities are often concentrated in communities of color and low-income communities, worsening environmental injustice.

GSNR proposes to build two of the country's largest wood pellet production facilities in California and ship the pellets overseas to be burned in converted coal-fired power plants. If built, this project will worsen the climate crisis and harm public health at every stage of the harvest, production, transport, and combustion process. The project would significantly increase logging of California’s forests, releasing their stored carbon at a time when we must increase forest protection and forest carbon storage. Significant greenhouse gas emissions and air pollution would be emitted at every step – from cutting forests, trucking cut trees long distances

³ <https://www.courthousenews.com/residents-go-court-months-long-texas-plant-fire/>

⁴ <https://oehha.ca.gov/calenviroscreen>

⁵ See *e.g.* Mary S. Booth, *Trees, Trash, and Toxics: How Biomass Energy Has Become the New Coal*, Partnership for Policy Integrity (Apr. 2014), Table 1 at 16, <https://www.pfpi.net/wp-content/uploads/2014/04/PFPI-Biomass-is-the-New-Coal-April-2-2014.pdf>

⁶ See generally Mary Booth, *Not carbon neutral: Assessing the net emissions impact of residues burned for bioenergy*, *Environ. Res. Lett.* 13 (2018), <https://iopscience.iop.org/article/10.1088/1748-9326/aaac88>; Jerome Laganier et al., *Range and uncertainties in estimating delays in greenhouse gas mitigation potential of forest bioenergy sourced from Canadian forests*, *GCB Bioenergy* 9: 358-369 (2017), <https://doi.org/10.1111/gcbb.12327>; <https://doi.org/10.1080/00963402.2022.2062933>; [John Serman et al., *Does wood bioenergy help or harm the climate?*, 78 *Bulletin of the Atomic Scientists* 128 \(2022\), <https://doi.org/10.1080/00963402.2022.2062933>.](https://doi.org/10.1080/00963402.2022.2062933)

in hundreds of daily trips, chipping wood and producing pellets, transporting pellets by truck or rail hundreds of miles to ports, and then shipping pellets overseas to countries in Asia and Europe that currently incentivize woody biomass energy.⁷ This project does not make sense as “climate mitigation.” There is a scientific consensus in the U.S. and internationally that burning wood is not categorically “carbon neutral.” As climate policies catch up with the science, many states and countries are revising their biomass energy policies to reduce or eliminate incentives for wood-burning.⁸

The proposed wood pellet production facilities are projected to produce *one million metric tons* of wood pellets each year (700,000 metric tons/year at the Lassen facility and 300,000 metric tons/year at the Tuolumne facility) – making these two facilities as big as the polluting Enviva facilities in the Eastern United States. The wood pellet industry in the Southeastern U.S. has already devastated forests and negatively impacted the climate and community health, particularly for low-income communities and communities of color.⁹ This project is unique in that it is being advanced by elected county officials in partnership with a state agency. California, considered a climate-forward state, should not be promoting this destructive and carbon-intensive industry with its attendant health and environmental justice impacts.

The Environmental Impact Report Must Fully Evaluate the Many Significant Lifecycle Impacts from the Proposed Project.

Greenhouse Gases and Air Quality: The Environmental Impact Report (EIR), which is required under the California Environmental Quality Act (CEQA), must fully evaluate the substantial greenhouse gas and air pollution from the project across its lifecycle. The EIR analysis must account for biogenic and fossil fuel carbon emissions from cutting forests, wood transportation, wood pellet production, pellet transport, storage, and combustion.¹⁰ Full accounting must include greenhouse gasses (*e.g.*, CO₂, N₂O, and CH₄), criteria pollutants (*e.g.* PM, NO_x, SO_x, and CO), diesel particulate matter, heavy metals (*e.g.* lead, mercury), and hazardous air pollutants (*e.g.* benzene, toluene, formaldehyde, dioxins), as well as dust and ash.

⁷ Sami Yassa and Nathanael Greene. 2021. A Bad Bet for Biomass: Why the Leading Approach to Biomass Energy with Carbon Capture and Storage Isn't Carbon Negative , <https://www.nrdc.org/sites/default/files/bad-biomass-bet-beccs-ib.pdf>.

⁸ See *e.g.* IPCC Task Force on National Greenhouse Gas Inventories, Frequently Asked Questions, Q2-10, <https://www.ipcc-nggip.iges.or.jp/faq/faq.html>; Commentary by the European Academies' Science Advisory Council on Forest Bioenergy and Carbon Neutrality (June 2018), <https://easac.eu/publications/details/commentary-on-forest-bioenergy-and-carbon-neutrality/>; EPA Science Advisory Board (SAB), SAB Review of EPA's Accounting Framework for Biogenic CO₂ Emissions from Stationary Sources (September 2011), SAB-12-011 (September 28, 2012), <https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P100RNZG.TXT>

⁹ Stefan Koester and Sam Davis, Siting of wood pellet production facilities in Environmental Justice communities in the Southeastern United States, *Environmental Justice* 11: 64-70 (2018), <http://doi.org/10.1089/env.2017.0025>; see also Christopher Tessum, et al., PM_{2.5} pollutants disproportionately and systemically affect people of color in the United States, *Science Advances* 7: 18 (2021), <https://www.science.org/doi/10.1126/sciadv.abf4491>.

¹⁰ See Yassa & Greene, *supra* note 7.

Greenhouse gas and air pollution emissions will be emitted during project construction, including construction of wood pellet production facilities, storage silos, rail spurs (connecting facilities to rail lines), and any purpose-built export terminals at deep-water ports. The long-term operation of the project will emit significant daily greenhouse gas and air pollution emissions from:

- Loss of forest carbon, including soil carbon, from logging operations, including salvage logging;
- Chipping trees and other forest materials on site, or at wood chipping facilities;
- Trucking forest materials, with an estimated 285 daily truck trips to feed pellet facilities, traveling within a 100-mile radius from facilities;
- Storing woody materials (which releases methane, dust, and fine particles);
- Drying and processing wood to make pellets (including wood burning for pellet drying)
- Transporting pellets hundreds of miles to the Port of Stockton by truck or rail;
- Storage and loading operations at the Port of Stockton, where stored pellets will release methane and other emissions and pose a fire and explosion hazard;
- Shipping pellets thousands of miles overseas to markets in Asia and/or Europe; and,
- Greenhouse gas emissions from pellet combustion that have not been previously accounted as a loss of forest carbon.

In order to assess the full greenhouse gas emissions impact of this project, the EIR must analyze the anticipated loss of forest carbon stocks at a landscape level resulting from removing materials to produce wood pellets, and how this will impact California's forest carbon flux and its ability to achieve its net zero climate goals. The EIR needs to analyze the air quality impact of the project and the cumulative air quality impacts to the SJV given the nonattainment status of the air basin for ozone and PM2.5. This oversight is emblematic of California's decades-long pattern of clustering undesirable projects in disempowered and disadvantaged communities like South Stockton and should be shelved for that reason alone.

Environmental Justice: The EIR must evaluate project impacts to communities of color and low-income communities. Specifically, the EIR should analyze the EJ impacts of the project for consistency with CEQA, Title VI of the Civil Rights Act (42 U.S.C. section 2000d), and California Government Code section 11135. The proposed deep-water port site – the Port of Stockton – has some of the highest pollution burdens in the state according to CalEnviroScreen, with high exposure to particulate matter; high rates of asthma, low birth weights, and high cardiovascular disease; high poverty rates; and majority Hispanic populations. Construction and operation of wood pellet storage and handling facilities, along with increased truck and rail traffic through neighborhoods surrounding the Port of Stockton, this project will entail a massive increase in ocean going vessel traffic, the dirtiest engines in our community which all told will

categorically increase these already disproportionate burdens. The Tuolumne wood pellet production site also has a higher-than-average pollution burden, with a high poverty rate, and high rates of asthma and cardiovascular disease.

Biological Resources: The project proposes to cut and remove trees and other forest materials, of *any* type and size, under the category of “roundwood,” within a 100-mile radius of each pellet facility. Under a 20-year agreement with the US Forest Service, GSNR may use logged trees and other forest materials from all 18 national forests in California as feedstock for the pellet mills. The EIR must fully evaluate the harms to forest ecosystems from cutting and clearing trees and other habitat, and how this habitat clearance will impact sensitive, threatened, and endangered species and forest ecosystems.¹¹

Wildfire: The project is justified as a way to reduce “the growing rate of wildfires in California.” The EIR must evaluate the full breadth of research, much of which demonstrates that thinning forests is not effective for reducing wildfire “rate” or intensity, protecting communities during wildfire, or cutting climate-heating emissions. Instead, broad-scale thinning releases more carbon emissions than it prevents from being released in a wildfire, while degrading forests.¹²

Hazards and Hazardous Materials: The EIR must analyze the risks to workers and nearby communities from fires and explosions resulting from wood pellet facility operations, pellet storage, and transportation, including at the Port of Stockton.

Noise: As noted in the public scoping meeting for the first NOP, GSNR expects a combined 285 daily truck trips given that it expects to operate the facilities nearly continuously. The Revised NOP reveals that additional truck traffic is foreseeable between the Tuolumne facility and the Port of Stockton. The EIR must evaluate the potential noise impacts on local communities – including on environmental justice communities – that would arise from hundreds of additional daily truck trips through small rural communities and the Stockton area. In addition to this large number of truck trips, the EIR must evaluate noise impacts from facility operations, as well as noise impacts from extra railcars and train trips.

Energy: The EIR must fully evaluate the potential impacts the proposed facilities will have on the electrical grid. The factual record is currently unclear as to the expected electric demand necessary to operate the two facilities continuously; however, given their large size, it is likely that they will require significant energy inputs. The EIR should evaluate the total energy needs for the two facilities, the appropriate transmission connection, and whether additional demand

¹¹ See Southern Environmental Law Center. Satellite images show link between wood pellet demand and increased hardwood forest harvesting, <https://www.southernenvironment.org/wp-content/uploads/2022/04/Biomass-White-Page.pdf>.

¹² Beverly E. Law et al., Creating strategic reserves to protect forest carbon and reduce biodiversity losses in the United States, 11 Land 721 (2022), <https://doi.org/10.3390/land11050721>.

will result in transmission congestion (or otherwise have the potential to overload transmission lines), as well as whether a substation must be constructed.

Hydrology and Water Quality: The EIR must fully evaluate impacts to hydrology and water quality, including but not limited to: whether the facilities' operation (including logging activities) would impact ground-water levels or aquifer recharge rates; and whether the facilities' operation (including logging activities) would impact surface and ground-water quality. Additionally, if the facilities will require water in their production processes, the EIR must evaluate the expected water demand and whether special contracts with the counties are necessary to ensure the water demand would not impact overall water supply for local communities. If a will-serve letter is required, include the letter in the DEIR to demonstrate that sufficient water is available for operations.

Cumulative Impacts: The EIR must take into account all existing and proposed projects and developments in their geographic proximity. Section 15355 of CEQA defines a cumulative impact as the condition under which "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." The EIR must seriously consider any potential cumulative impacts that the construction and operation of two wood pellet facilities would have on the local environment. The EIR should also examine the cumulative impacts of extra truck, rail, and port use at the Port of Stockton on residents in already pollution-burdened communities.

The Environmental Impact Report Must Consider Project Alternatives. The EIR must consider project alternatives, including the "no action" alternative, which must assess carbon sequestration and ecological benefits of leaving forests standing.

Thank you for the opportunity to provide scoping comments on the proposed project.

Sincerely,

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Peter Riggs
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PORT OF STOCKTON



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June 30, 2023

Golden State Finance Authority
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Re: GSNR Forest Resiliency NOP Comment – Port of Stockton

Dear Golden State Finance Authority representative,

Thank you for providing the Port of Stockton (Port) with the opportunity to comment on the Notice of Preparation (NOP) for the Golden State Natural Resources Forest Resiliency Demonstration Project (proposed project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2022110466. The proposed project would be located within Tuolumne, Lassen, and San Joaquin counties.

The Port understands that proposed project's stated objectives are to respond to the growing rate of wildfires in California, which has been exacerbated by hazardous excess fuel loads in forests, and to promote economic activity within California's rural counties. The proposed project components include the vegetation treatment activities (feedstock source); the transportation and storage of feedstock, and subsequent processing at two pellet processing facilities (one in the foothills of the Central Sierra Nevada Mountain range [Tuolumne facility] and one in the Modoc Plateau of Northern California [Lassen facility]); and the transportation of the finished product to a storage and shipping facility at the Port for export to international markets.

The Golden State Finance Authority (GSFA) is the California Environmental Quality Act (CEQA) lead agency and the Port would be a CEQA responsible agency based on the need for the Port to issue a lease or other form of agreement to support outbound shipping of the finished product as part of the proposed project.

The Port encourages the GSFA to collaborate with the Port and community organizations regarding the proposed project. As a CEQA responsible agency, the Port seeks to ensure that the DEIR adequately analyzes transportation, air quality, greenhouse gas (GHG) emissions, and energy

impacts, particularly those that could affect the nearby Assembly Bill (AB) 617 Southwest Stockton community.

Three AB 617 communities have been identified in the San Joaquin Valley, including the Southwest Stockton Community. The San Joaquin Valley Air Pollution Control District (SJVAPCD) is working closely with community residents, community businesses, and other key stakeholders, including the Port, to reduce exposure to harmful air pollutants in selected communities. Through the implementation of the AB 617 legislation, SJVAPCD, with input from the community, have committed to deploying additional community-specific air quality monitoring to better understand the impacts of local sources of pollution and develop community-specific emission reduction programs. The Port is a member of the AB 617 Community Steering Committee and is active in developing strategies to protect public health and the environment. The Port is also working on a draft Clean Air Plan (CAP)¹, which aims to significantly reduce Port-related emissions, particularly those induced by truck, rail, and cargo-handling equipment. In light of these conditions and the CAP initiative, the Port seeks to ensure that the proposed project minimizes local air emissions resulting from potential increases in rail and truck traffic, and includes energy saving measures.

The Port would also like to request that community outreach be conducted with applicable community organizations for the proposed project. The Port can provide a list of recommended organizations to outreach to if helpful. At a virtual Port Outreach Committee Meeting held on June 21, 2023, community members and representatives from local organizations expressed an interest in being included in the proposed project's outreach process moving forward. Concerns were raised regarding the proposed project's potential environmental impacts related to air quality, traffic, and increased wildfire risks.

The Port appreciates the opportunity to comment on the NOP for the proposed project and would be pleased to collaborate as the GSFA develops the DEIR. Please include the Port on your State Clearinghouse list of selected agencies that will receive the DEIR during the comment period. If you have questions, please contact me at jcashman@stocktonport.com at 209-946-0246.

Sincerely,



Jason Cashman
Environmental and Regulatory Affairs Manager

¹ <https://www.portofstockton.com/wp-content/uploads/2022/12/DRAFT-Clean-Air-Plan.pdf>

Golden State Finance Authority
Attn: GSNR Scoping Comment
1215 K Street, Suite 1650
Sacramento, CA 95814

Dear GSNR Environmental Impact Report Experts and Evaluators,,

The Lost Coast League is an organization which originated in the 1970's in order to defend the King Range from logging. It expanded its interests over the decades to address other challenges to the Public Trust Values of California.

We are concerned about the proposed plan of Golden State Natural Resources to build pellet manufacturing plants in Tuolumne and Lassen Counties and to ship their product through a coastal city to other countries for sale.

As you may know, wood pellet factories are materializing all over the world, and feed stock, from brushwood in Africa to conifers and hardwoods in the Baltic states and tropical rainforests in South America are being decimated to capitalize on the pellet market. Cutting down trees is cheap and easy compared with other energy forms classified as renewable, and help nations reach their targets.

World history records ominous consequences to this pattern of human behavior. Civilizations and empires, from Africa, Mesopotamia, to Greece, Rome, Europe, and to the conquest of the western hemisphere, have fallen, or been conquered, after the exhaustion of their forest resources, whether it be for building, smelting metal or war. The decline of its forests have caused the fall of every empire in history. John Perlin in his famous book "A Forest Journey" has documented the decline, and resultant impoverishment.

In the modern era with multinational corporations and intertwined economic systems, the planet's different empires are indistinguishable from the viewpoint of resource extraction. However, organizations such as Biofuelwatch, are beginning to recognize the danger, and are reaching large swathes of earth's population, terrified into giving up their forests by threats of fires and prospects of cold winters, and they are raising protests.

Although the EU still recognizes forest biomass as "renewable", the IPCC does not. Wood pellets are beginning to lose their advantage in the Nationally Determined Contributions to GG reduction pledged by various countries.

No wonder Humboldt County Supervisor Rex Bohn urged haste in approval of the GSNR projects remarking “in fifteen years they will catch on to us and we won’t be able to burn wood pellets anymore”.

We are therefore writing to address the Notice of Preparation of an Environmental Impact Report regarding this project, which will be produced in the coming months.

In a recent seminar introducing the project to the public, CEO Greg Norton described GSNR’s Mission as enhancing forest resiliency.

In your EIR, we would be grateful if you would supply a definition of forest resiliency. Do you mean resiliency to fire?

In “Ecological Applications an Oregon State University publications, a definitive study reported that “ daily fire weather was the most important predictor of fire severity, followed by stand age and ownership, followed by topographical features. Estimates of pre-forest-fire biomass were not an important predictor of fire severity.”

Another study stated that “intense forest management increased fire severity in a multi-ownership landscape.” As the Sierra Nevada Ecosystem Project reported, together with the US Forest Service, “timber harvest through its effects on forest structure local microclimate and fuel accumulation, has increased fire intensity more than any other recent human activity”.

Although The GSNR project does not purport to produce timber, it is a logging project. It is end-stage logging which, together with products like fiberboards and glued products, characterize end-stage logging. And, just like old-fashioned logging which occurred when there were abundant trees, end-stage logging increases fire risk.

Please describe in your EIR why the removal of trees, snags, branches, And other forest materials which are not destined for a lumber mill will not increase fire danger in the same way that logging does. How much will it reduce moisture, and dry out the forest, increase fire-spreading wind velocity, and heat up the forest floor?

As you may know trees produce at least 40% of the world’s rainfall.(Fred Pearce, WeatherMakers, Science 268, no. 6497 (June 18th 2020: 1306)

How much will the GSNR project reduce rainfall in the forests it uses for feedstock? How much will roads, thinning and harvest activity, increase temperature and create wind corridors?

Will the more fire-resistant trees, such as hardwoods, be part of the feedstock? If not, how will the project affect their ability to provide food for surviving wildlife?

The GSNR mission statement states that the project will increase biodiversity. Please provide details in regard to this benefit. The feed stock which was described included “unmarketable” timber. Does this include down logs, snags, and branches, material normally considered to be wildlife habitat?

In the principal wood pellet production region in our country, the south east, the industry now uses 50% trunks and whole logs for pellet production. Do you anticipate having to do the same?

Please describe the anticipated effect of the removal of this carboniferous biomass on the fertility and sequestered carbon content of the underlying soil.

Is greenhouse gas production of this project included in your calculation of total pollution effect, including dust at the factory sites, in transportation and at the export facilities?

Please define what you mean by renewable energy. How do you calculate the rate of sequestration renewal of a tree which has been harvested, by a seedling? Is the new tree as dense as the harvested one? Is it as old?

Does the EU continue to regard woody biomass from forests as renewable energy and therefore not calculate the total tonnage of greenhouse gases produced in European carbon footprints? If so, does this mean that the carbon footprint of the burning of these wood pellets is never calculated at all?

Given the immediacy of our climate crises, with the yearly steep increase in world temperatures and CO2 ppm, how do you justify the categorization of these forest products as renewable, given that it takes years for woody biomass to be replaced?

What percentage of the landbase for feedstock used at the the factory sites is in public lands? Is GSNR receiving any government or agency subsidies for the project? Would the project be economically feasible without these subsidies?

Does GSNR have a plan for the dissolution of their economic venture if wood pellet production ceases to be profitable, or the negative consequences of “raking the forest” as our previous President described it, affect policy?

Some analysts state that removing feed stock from forests more than 30 miles distant is uneconomical. How are you justifying the collection of feed stock from more distant areas, Especially if the project is being subsidized by the public?

Earlier this month GSNR conducted a zoom in order to assess public opinion of this project. It was uniformly negative. How much weight will the EIR give to this negative public opinion?

Do you think, regarding the segment of the population which did not attend the zoom, that, if they were properly informed concerning the cumulative effects of the project, instead of being goaded in their fear of catastrophic fire by the timber lobby, that they would agree with the zoom participants?

As you may know in terms of EROI (energy return on investment) biomass is far less efficient than coal, and well as being dirtier. Pellets require far more energy input per unit of electricity produced than an equivalent mass of coal (wood pellets are now being used in municipal and industrial generators). They produce 2-3 x more CO₂. Also unlike other sources of energy classified as renewable, burning wood pellets causes the destruction of the world's most powerful carbon sequesterer, trees. They capture about 29% of the greenhouse gases produced by humans each year. Setting aside your economic interests, do you believe it would be beneficial to generations yet to come if the wood pellet industry were to be abandoned, and the future cease to be regarded as a "distant colonial outpost where we dump environmental degradation, nuclear waste, public debt and technological risk," as expressed by the public philosopher Roman Krznarik in his book "The Good Ancestor"?

Wood pellet processing plants have a history of starting fires. There were fires in the Roseburg and the Reed wood pellet plants, and explosion occurred in multiple other facilities.

What caused these fires and explosions/ As California continues to become drier and hotter, is causing a fire a concern? What measures is GSNR taking to make sure it does not cause fires?

One organization commenting on the GSNR project at the recent zoom stated that asthma rates have skyrocketed among the residents of cities and communities producing wood pellets.

Everybody has asthma. The statistics for lung diseases in pellet areas are also high, as reported. Please describe GSNR's plan for exacerbating health problems in the areas of enterprise.

The Lost Coast League is based in Humboldt County California, and many of its projects are developed here. In that context, we observed that one of our County Supervisors, Rex Bohn, sits on the Board of Golden State Financial Authority, the organization which will review the EIR.

Is Humboldt County involved in any way, with the current or projected activities of GSNR?

In view of the above concerns, and others not described, we would like to discourage you from going ahead with this wood pellet project. Although GSNR's aspirations to forest resilience, biodiversity enhancement, fire reduction and forest and human health are admirable, work toward these ends cannot be governed by a commercial objective. It is too distracting and too powerful a driver.

Thank you for the opportunity to comment on this project. Lost Coast League looks forward to receiving the EIR in the coming weeks.

Very Truly Yours

Ellen Taylor,
Lost Coast League Chairperson
P.O.Box 60
Petrolia California 95558

NOP Comments

Page 1 Feedstock

Residuals would also include in-the-woods small trees and brush removed to reduce fuel loading. In-the-woods residuals could be obtained from Federal lands through the GSFA MSA, Partners performing fuels reduction, thinning, and restoration activities, and purchase of biomass piles. In-the-woods residuals could also come from private industrial and non-industrial lands.

Page 2 Transport to Market

The opening paragraph on page 1 calls for sufficient information to include feasible mitigation measures and project alternatives. But the Transport to Market section only provides one option for:

- Moving pellets from Nubieber to a Port, and
- Only considers the Port of Stockton as a suitable deepwater port for export to international markets

Though rail is likely the only economic method of moving the pellets from Nubieber, truck haul is feasible. It likely would not take much effort to do some analysis and disclosure to show this to not be a viable option.

Today, Port of Stockton is the most logical, feasible, and economic deep-water port to transport the pellets to and ship from. However, for Nubieber, Coos Bay would be another option and perhaps the Port at Humboldt Bay. Again, it would not take much analysis and disclosure to rule both of these alternative Ports out as not reasonable to consider in detail. One note to consider on Coos Bay, there is rail line from Nubieber to Coos Bay via BNSF to Chemult, then Union Pacific to Eugene, then Coos Bay Rail line to Coos Bay. There is also an existing BNSF rail line from Nubieber to Longview, WA.

Top of Page 3 – states pellets will be transported “by rail or truck” to the Port of Stockton. Page 2 is explicit that the option of truck haul would only potentially occur from the Tuolumne site.

Page 3 Lead and Responsible Agencies

It would be helpful to have a list of Permits that will be needed to fully implement the project.

Additional Comments Not Addressed by the NOP

- 1) GSNR/GSFA have sufficient information to provide tentative site plans for the 2 pellet mills. These plans and text could include size and location of the pellet mill on each site, conveyers, unloading hoppers for offloading chips and area for offloading and chipping cull logs. Size and location of the Dryer(s), location of the rail line including conveyers to load the rail cars. Is there a need for a switch engine to move rail cars in the vicinity of the site? How many rail cars will be at the site?
- 2) There likely is sufficient information to disclose additional electrical infrastructure needed to power the site
- 3) How much housing needs to be constructed in the local area to accommodate new hire workers?
- 4) What is the expected structural section (geotextile fabric, crushed rock, and asphalt pavement) expected for the site? How large of a concrete pad will be needed for the pellet mill, Dryer(s), and unloading hoppers?
- 5) Will there be residual wood waste that will not be suitable to utilize on-site (bark) and how/where will it be disposed of?