

| <b>DOCKETED</b>         |   |
|-------------------------|---|
| <b>Docket Number:</b>   | 23-OPT-01   |
| <b>Project Title:</b>   | Fountain Wind Project   |
| <b>TN #:</b>            | 263399  |
| <b>Document Title:</b>  | Independent Energy Producers Association Comments - IEP<br>Comments on Fountain Wind Staff Assessment and EIR |
| <b>Description:</b>     | 1   |
| <b>Filer:</b>           | System  |
| <b>Organization:</b>    | Independent Energy Producers Association  |
| <b>Submitter Role:</b>  | Public  |
| <b>Submission Date:</b> | 5/27/2025 4:48:05 PM  |
| <b>Docketed Date:</b>   | 5/27/2025   |

*Comment Received From: Independent Energy Producers Association*  
*Submitted On: 5/27/2025*  
*Docket Number: 23-OPT-01*

## **IEP Comments on Fountain Wind Staff Assessment and EIR**

*Additional submitted attachment is included below.*



# Independent Energy Producers Association

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May 27, 2025  
California Energy Commission  
Docket No. 23-OPT-01  
715 P Street  
Sacramento, CA 95814

## **RE: Fountain Wind Project, Opt-In Application for Certification**

The Independent Energy Producers Association (IEP) appreciates the opportunity to submit comments on the Fountain Wind Project Staff Assessment and EIR (“Staff Assessment”) published March 25, 2025. IEP is a trade association that represents the interest of developers and operators of independent energy facilities before the California Energy Commission (CEC) and other relevant agencies, advocating for fair market competition during the clean energy transition. Member companies of IEP collectively own and operate approximately one-third of California installed generating capacity, including wind energy, and would be harmed by the precedent set in accepting the Staff Assessment denial of the Fountain Wind Project (“Fountain Wind”) as is.

In drafting the Staff Assessment on the “Biological Resources” impact of Fountain Wind, staff cite records of conversation (ROCs) with CAL FIRE officials regarding Fountain Wind to assert the wind turbine location and layout is a significant aerial firefighting risk. However, CAL FIRE later clarified that the ROCs did not accurately represent CAL FIRE’s position. Statements made by CAL FIRE officials serving in dual roles, specifically relating to aerial firefighting, were not listed as an official statement of CAL FIRE in the “Letter from CAL FIRE Department of Forestry and Fire Protection,” dated October 30, 2024, in Docket No. 23-OPT-01. CAL FIRE noted in its letter that a handful of responses in the ROCs “represent CAL FIRE’s formal position or a

statement of fact,” and that “the remaining statements...were not statements of CAL FIRE’s position.” Those statements include responses to questions 3, 4, 6-9 in the ROC dated November 1, 2023.

- Question 3 addressed CAL FIRE’s ability to “effectively use their ‘full suite of aerial firefighting assets, including air tankers and helicopters’ along and within the perimeters of the project site.”
- Question 4 addressed CAL FIRE’s ability to “do any retardant/water dropping over and adjacent to the project site.”
- Question 6 addressed CAL FIRE’s “required/needed setback distances for aerial firefighting equipment from project structures.”
- Question 7 addressed “vegetation along access roads, at the O&M facility, switching station and substation, and for a 15-foot diameter ring around the turbine towers” and if fire breaks would be sufficient.
- Question 8 addressed fire response due to lightning strikes.
- Question 9 addressed CAL FIRE’s “experience in aerial firefighting near wind farms in forested areas.”

Because staff cite this ROC as evidence for identifying significant impacts of uncontrolled wildfire on habitat and biological resources--citing it in every flora and fauna risk assessment in the Biological Resources section--IEP finds it necessary for staff to inquire about CAL FIRE’s offer of clarification. In the letter dated October 30, 2024, CAL FIRE offered to “provide additional information or clarification should it be desired.” IEP finds that CEC staff should complete due diligence by receiving clarification on the statements in which CAL FIRE did not support as their position in the ROCs, particularly those that are cited as evidence of CAL FIRE’s inability to engage in aerial firefighting at Fountain Wind.

IEP respectfully requests reassessment of the Staff Assessment's "Biological Resources" finding of "Significant and Unavoidable Impact," and task CEC staff to reconsider CAL FIRE's offer of clarification on unofficial comments within ROCs cited in the Staff Assessment denying Fountain Wind.

Signed,

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