

**DOCKETED**

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## **STOP FWP**

Date: May 27, 2025

To: California Energy Commission (CEC), Docket Number 23-Opt-01

From: Radley Davis, Shasta County Resident

Subject: A Pit River Person Tribal Response to CEC Staff Assessment of the Fountain Wind Project

In a time long ago our people fished, hunted, gathered, fasted and told incredible narratives of life in our heritage language in the territories of the proposed Fountain Wind Project. We held fare governing systems that balanced people, family, nature and each other “ and then, like a unannounced storm our life ways were shattered like a glass mirror. This shattered glass of 1830’s and on our Pit River Peoples experienced the Hudson Bay Fur Trappers who brought malaria outbreak and syphilis, gold miners, United States Army troops of General Kelsey and General Crook, the Pit River Militia Rangers (who slaughtered innocent Pit River men, women, children and elders), the missionaries and the boarding school, and the many continued attempts to assimilate our Pit River Peoples. We have endured and we have survived and we must heal from these generational traumas. A significant part of this healing is the use of the lands and waters and the knowing and understanding that we need to protect them for our future “ if we can’t protect the land and water then we can’t protect the people- that is one way to think about it!

The Fountain Wind Project negative impacts include:

“ Significant impacts to a wide range of tribal cultural resources of the Pit River Tribe and its peoples.

“ The elevated wildfire risks in a designated very high fire hazard severity zone.

“ Endangerment to wildlife.

“ Endangerment to biodiversity.

“ Ignores local County ordinances.

This Fountain Wind Project has already been rejected by both the Shasta County Planning Commission and the Shasta County Board of Supervisors. The Fountain Wind Project is now trying to supersede local laws and authorities by seeking State approval from the CEC. I also request the CEC to direct the Fountain Wind Applicant Honor all Financial Reimbursement Requests submitted by Shasta County and the Pit River Tribe and denied Fountain Wind Project request for permit.

In Section 11, 11.5 states “Purpose of the Shasta County Ordinance SCC 2023-01 Shasta County Code, section 17.88.335, which was amended under Ordinance SCC 2023-01, prohibits the issuance of a permit or approval of any large wind systems in

unincorporated areas of Shasta County. (See Section 5.8 Land Use.) The stated purpose in the ordinance is to protect and promote the public health, safety, and general welfare of the County's citizens. The ordinance also contains findings that describe other reasons for the prohibition, including the adverse impacts of large wind energy systems with respect to wildfire, aerial firefighting, aesthetics, biological resources, and historical, cultural, and tribal resources, as well as the fact that most areas subject to this ban are in high and very high fire hazard zones as designated by the California Department of Forestry and Fire Protection. With regards to wind systems in these fire zones, the ordinance finds that large wind energy systems are incompatible in the high and very high fire hazard severity zones. The ordinance also finds that due to the identified impacts, the construction or operation of large wind energy systems will not have an overall net positive economic benefit to Shasta County. In sum, the ordinance can reasonably be read as a public health, safety and environmental protection law seeking to address articulated concerns and impacts related to the placing of large turbines in a mountainous forest prone to wildfires.

The protections of this proposed project area aligns with international commitments outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP):

UNDRIP Article 1 emphasizes Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

UNDRIP Article 11 emphasizes the rights of Indigenous Peoples to maintain, protect, and develop the past, present, and future manifestations of their cultures, including sacred sites.

UNDRIP Article 12 upholds the rights of Indigenous Peoples to manifest, practice, develop, and teach their spiritual and religious traditions, customs, and ceremonies, including access to and protection of sacred sites.

UNDRIP Article 25 recognizes the right of Indigenous Peoples to maintain and strengthen their spiritual relationship with traditionally owned or occupied lands, waters, and resources, and to uphold their responsibilities to future generations.

Also, Pit River Tribe and its Citizenry have the Right of Free, Prior and Informed Consent (FPIC) as a requirement, prerequisite and manifestation of the exercise of the fundamental, inherent right to Self-determination as defined in international law.

Free is the absence of coercion and outside pressure, including monetary inducements (unless they are mutually agreed to as part of a settlement process), and divide and conquer tactics. It includes the absence of any threats or implied retaliation if the results of the decision is to say no.

• Prior is having sufficient time to allow for information-gathering and full discussion, including translations into traditional languages, before a project starts. It must take place without time pressure or constraints. A plan or project must not begin before this process is fully completed and an agreement is reached.

• Informed is having all the relevant information available reflecting all views and positions. This includes the input of traditional elders, spiritual leaders, subsistence practitioners and traditional knowledge holders, with adequate time and resources to consider impartial and balanced information about the potential risks and benefits.

• Consent is the demonstration of clear and compelling agreement, in keeping with the decision-making structures of the Indigenous Peoples in question, including traditional consensus procedures. Agreements must be reached with the full participation of authorized leaders, representatives or decision-making institutions as described by the Indigenous Peoples themselves.

In the beginning of the Fountain Wind Project they never implemented FPIC, nor did the state and the Governor when they approved AB 205. Also, FPIC does not mean consultation. A true exercise of discussion is called "meaningful consultation". The UNDRIP explicitly affirms the Right to Free, Prior, and Informed Consent and States' obligations to obtain it in many of its provisions, including:

• Article 19 affirms that states must obtain the Free, Prior and Informed Consent of Indigenous Peoples before adopting and implementing legislative or administrative measures which may affect them;

• Article 32 affirms that states must obtain FPIC prior to the approval of any development project affecting Indigenous Peoples' lands and resources, "particularly in connection with the development, utilization or exploitation of mineral, water or other resources".

In Section 11, 11.15 Conclusion states "staff recommends the CEC find the project is not necessary for public convenience and necessity and should be denied."

I do not agree with all the CEQA "significance" determinations and conclusions in the staff assessment, but I will agree with the CEC staff recommendation to not certify the Project "the evidence is clear that this location is not compatible with this proposed facility." The CEQA should strongly consider the spiritual, physiological, emotional and connectedness that our Pit River people have to these landscapes, views, capes and all of its biodiversity. We look for guidance from these places

CEC Staff assessment has determined only what we've already determined- In Section 11, 11.1 states "Summary of Staff's Recommendations Staff recommends the CEC not certify the project because the project conflicts with local land use ordinances and substantial evidence supports a finding that the project is not

required for public convenience and necessity.

Indigenous Peoples, such as Pit River Peoples, the world over identify themselves by the place we come from, the place where we will return to when this world is over. This identifies who we are in our family, in society. This is why we talk the way we do about our inherent relationships with the land and waters. We been here a long time- longer than anyone will admit.

Therefore, I request you not to certify this project for all the reasons that I and others against this project have said and demonstrated.

With Respect,

Radley Davis, Illmawi  
Citizen of the Pit River Nation