

<b>DOCKETED</b>	
<b>Docket Number:</b>	23-OPT-01
<b>Project Title:</b>	Fountain Wind Project
<b>TN #:</b>	267648
<b>Document Title:</b>	Response to Comments on the Fountain Wind Staff Assessment
<b>Description:</b>	N/A
<b>Filer:</b>	Marichka Haws
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	11/19/2025 4:16:42 PM
<b>Docketed Date:</b>	11/19/2025

## Response to Comments

Staff reviewed all written and oral comments received in response to the Staff Assessment of the proposed Fountain Wind Project (FWP) and has determined that none of the information in the comments would change the conclusions of the Staff Assessment or warrant a change in staff's recommendation to deny the FWP. For this reason, staff is not amending or recirculating the Staff Assessment document;<sup>1</sup> instead, staff provides this general response to comments received during the public review period.

Staff treats every application submitted for Opt-In certification of a project as unique and conducts a thorough and comprehensive review based on the project's individual merits. The CEC works closely with other agencies and has memorandums of understanding for the Opt-In Certification Program with the following:

1. California Department of Fish and Wildlife (CDFW), with respect to any proposed CEC findings and actions to authorize the take of endangered, threatened, and candidate species pursuant to the California Endangered Species Act (Chapter 1.5 (commencing with section 2050) of Division 3 of the Fish and Game Code) (CESA), impacts to fish and wildlife resources pursuant to Chapter 6 (commencing with section 1600) of Division 2 of the Fish and Game Code (section 1600), and other potential impacts to fish, wildlife, and plant species and the habitats upon which they depend.
2. State Water Resources Control Board and regional water quality control boards, with respect to any proposed CEC findings and actions related to discharges of waste that could affect the quality of waters of the state.
3. Department of Toxic Substances Control, with respect to any proposed CEC findings and actions related to hazardous waste control laws.

Staff's recommendation to deny the FWP is due to project-specific factors, notably (1) the numerous significant and unavoidable environmental impacts specifically associated with the FWP, and (2) findings that the particular circumstances of the FWP do not support a statement of overriding considerations for the environmental impacts. The California Environmental Quality Act (CEQA) requires consideration of the project as a whole, including the combined findings of multiple significant impacts, across applicable environmental topic areas, that cannot be mitigated to less than significant. Staff's recommendation is tied to the particulars of the proposed FWP and its proposed location. Staff's recommendation does not extend to wind energy technology generally.

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<sup>1</sup> An environmental impact report (EIR) must be recirculated if "significant new information" is added after the draft is made public but before certification. No new significant information has been added in this proceeding, thus the EIR will not be recirculated. (Cal. Code of Regs., tit. 14, § 15088.5.)

All large-scale projects have the potential to pose some impact to the environment. The FWP, located in a heavily forested area in proximity to national forest lands, presents numerous impacts. Identified project impacts include impacts to biological resources, tribal cultural resources, visual resources, land use, and forestry resources. Staff's recommendation to deny the FWP is based on the totality of the potential impacts based on the specific project, weighed against the potential benefits of the project. Staff's findings set forth in the Staff Assessment are unique to this project and do not set any precedent for future wind or other energy projects. For example, wildlife impacts from wind projects vary widely depending on the exact location and configuration of each proposed project. Tribal impacts are also very location dependent.

CEC staff believes that wind energy is an important resource for California to meet its ambitious clean energy goals. Wind resources are often complementary to solar resources, producing electricity when solar production is declining. CEC staff reviews every project, including wind projects, on their own merits.

Staff's independent technical analysis of the proposed FWP is specific to the project site and project description. In light of the CEQA Guidelines' admonition that "[a]n ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting" (Cal. Code Regs., tit. 14, § 15064(b)(1)), staff accounted for these unique project characteristics in developing the Staff Assessment.

The project site is located within the southern end of the Cascade Range with topography characterized by buttes and peaks separated by small valleys. The Lassen National Forest lies to the southeast, and the Shasta-Trinity National Forest is to the north. Other surrounding lands are privately owned. The private lands are zoned for timber production purposes. Elevations within the project site range from 3,000 to 6,000 feet above sea level. Little Cow Creek and the south fork of Montgomery Creek cross the project site from east to west. Other small tributaries run through the valleys. Northern portions of the project site were affected by the 1992 Fountain Fire as evidenced by burn scars. The Shasta County General Plan designates the project site's use as Timber (T); the zoning designation is Timber Production (TP). The existing land use within the project site consists exclusively of managed timber lands. Logging roads and transmission lines cross the project site. Moose Camp, an approximately 50-cabin, 146-acre private recreational facility, is located approximately 300 feet east of the main project access road. The FWP site and surrounding region is the ancestral home of several Bands of the Pit River Tribe whose various members continue to inhabit and utilize its natural features.

As described in **Section 5.2, Biological Resources**, of the Staff Assessment, staff concludes that the project would result in significant and unavoidable impacts to biological resources by two distinct means. First, there would be significant and unavoidable indirect impacts to biological resources related to the potential for a wildfire, either started on site or coming to the site, to more quickly spread to nearby national forests and other wildlands due to the wind turbines obstructing aerial

firefighting and potentially impacting fire suppression activities. Fire modeling under different scenarios without the use of certain aerial firefighting assets shows increased spread of wildfire. Ember spotting, a behavior common in severe wildfires, has allowed fires to “jump” roadways and fuel breaks in multiple California wildfires. Based on historical wind data in the region, wind speeds in Shasta County can often reach 15 to 35 miles per hour, and sometimes exceed 70 miles per hour. A fire can more rapidly spread because certain aerial firefighting assets would be impacted by the FWP’s turbines, combined with conditions that favor ember spotting leading to wind-borne embers, and risk reaching and destroying habitat in nearby national forests. Specifically, a more rapidly spreading fire can subject individual species on and off site, especially in the national forests, to direct and indirect mortality as well as destroy habitat, remove access to foraging and reduce food sources, remove important sheltering sites, alter water chemistry, and foul waterways with ash and debris.

Second, there would be significant and unavoidable impacts to biological resources related to the expected mortality of monarch butterflies and threatened or endangered species, such as greater sandhill crane and California spotted owl, that are present, or have the potential to occur at, the FWP site due to collisions with the turbines. For example, sandhill cranes are known to migrate over the project area, following established flight corridors, with two known crane-type bird mortalities at the Hatchet Wind Project. During storms or other low-visibility, overcast conditions, sandhill cranes may be pushed lower in altitude, bringing them closer to turbine blades and increasing the potential for collision, injury, or mortality.

As mentioned above, the record of proceedings here shows that the project has been proposed in a particularly hazardous location for this type of project. As described in **Section 5.7, Hazards, Hazardous Materials, and Wildfire**, of the Staff Assessment, the 48 turbines, each up to 610 feet tall, are in ten scattered clusters varying from two to ten turbines 0.4 to 1.3 miles apart rather than long uniformly distributed parallel alignments, which represents aerial hazards and reduces the zones within the project site aircraft can fly to deploy fire retardant. Wildfires are and have been an important natural process throughout California’s history; however, recent changes in wildfire locations and increases in frequency and intensity are posing increasing threats to the population and environment of California, including, particularly, the proposed project’s location. Shasta County experiences extreme fire weather conditions, especially from May through September.

The California Department of Forestry and Fire Protection (CAL FIRE) identifies and maps areas of significant fire hazards based on fire history, existing and potential fuel (natural vegetation), predicted flame length, blowing embers, terrain, typical fire weather for the area, and other relevant factors. The FWP site and surrounding area are entirely located with an area designated as a very high Fire Hazard Severity Zone.

The California Public Utilities Commission (CPUC) prepares Fire-Threat and High Fire-Threat District Maps and identifies, evaluates, and adopts more fire-safety regulations

for the high fire threat districts. The FWP and most of the surrounding area is located within areas mapped as Tier 2 Fire Threat District, with an area of Tier 3 High Fire Threat District mapped to the west and southwest of the proposed project encompassing most of the communities of Round Mountain, Oak Run, and Whitmore. The Tier 2 designation means the FWP project site and surrounding area have higher risk (including likelihood and potential impacts on people and property) from utility related wildfires, and the Tier 3 designation means there is an extreme risk (including likelihood and potential impacts on people and property) from utility related wildfires. Specific characteristics of Shasta County may also lead to high fire danger, including, but not limited to climate, temperature, humidity, precipitation, topography, vegetation, and human influences.

The record in this proceeding indicates that this project would also have particularly significant impacts to tribal and cultural resources. As described in **Section 5.4, Cultural and Tribal Cultural Resources**, of the Staff Assessment, important tribal cultural landscapes coalesce in the drainages of Hatchet and Montgomery creeks where the applicant proposes to build the project. At least twenty discrete tribal cultural resources, according to the Pit River Tribe and CEC staff's research, are in the proposed FWP site or within its viewshed. According to members of the Pit River Tribe and the tribal government, the tribal cultural landscape includes resources (biological, cultural, and topographical) that are significant to the tribe, such as trails, creeks, fish, medicinal plants, wildlife corridors, hunting grounds, ancestral cemeteries, power places, resting places, settlements, and mountain peaks. Tribal members expressed concern that the construction, operation, and maintenance of the project would infringe on the freedom of religion and the cultural practices of the Pit River Tribe and other California Native American tribes in the region and that the project would adversely affect sacred sites, traditional plants, and the viewshed of mountains held sacred by the Tribe.

During consultation, tribal representatives added to the CEQA-focused discussions that the proposed FWP represents the continuing dispossession and genocide of the Pit River Tribe. The Tribe and other local residents are united in the desire to preserve the natural beauty and cultural heritage of this area. The Tribe notes that natural and cultural resources are indistinguishable from the Pit River peoples and are a central element of the spirituality, traditional ceremonial practices, religious expressions, history, and identity of the Tribe and tribal members.

While nearly any large-scale project may cause some visual impacts, the evidence in this record of proceedings show that the project as designed would have particularly severe impacts in this location. As described in **Section 5.15, Visual Resources**, of the Staff Assessment, the proposed wind turbines would be visually intrusive and cannot be camouflaged or screened given their size, color, and motion in comparison to the existing landscape. Further, the turbines would be located in an area recognized for its scenic qualities. The Shasta County General Plan scenic highways map designates the summit of Hatchet Ridge (4,368 feet elevation) on SR-299, a "Gateway." A Gateway is a location which marks the entrance to a community or geographic area. SR-299 from

Bella Vista to the summit of Hatchet Ridge is shown as a "Corridor In Which Natural Environment Is Dominant." A portion of the FWP site is in the "Corridor In Which Natural Environment Is Dominant." The color, form, texture, scale, motion, and new artificial light, and reflectance by the project in the existing physical environment would have a significant effect on the environment to a particularly scenic vista. In addition, the new artificial light traversing offsite from a Federal Aviation Administration (FAA) air navigation and obstruction lighting system that would need to be installed for the FWP would not be contained on the project site in the existing physical environment. The United States National Park Service expressed concerns regarding the impact from the new artificial light to the existing night sky darkness at the nearby national forest lands and national recreation area where popular dark sky viewing activities (stargazing) are conducted. The light trespass given the existing physical environment would also have a significant effect on the environment.

As described in **Section 5.8, Land Use and Agriculture**, of the Staff Assessment, under CEQA, a project that is inconsistent with established zoning laws may be considered to have a significant impact on land use and planning, if the conflict results in significant environmental effects that the zoning laws were intended to avoid or mitigate. The construction and operation of the proposed FWP would not conform with the Shasta County Municipal Code. A large wind energy system is specifically prohibited in all zone districts due to Shasta County's concerns regarding impacts to aesthetics, potential increased fire danger; impediments to firefighting efforts; damage to wildlife; damage to natural resources; and damage to cultural and tribal resources. Given that the FWP site is within an unincorporated area of Shasta County, construction and operation of the FWP would not be consistent with the Shasta County's municipal code expressly prohibiting the siting of large wind energy systems in all zone districts of Shasta County's unincorporated areas. The FWP would also conflict with the site's zoning regulations and standards for a Timber Production Zone (TPZ). Permitted land uses within a TPZ must promote the growing and harvesting of timber, consistent with the County's Municipal Code requirements. In 2021, Shasta County determined that large wind energy systems have the potential to damage natural resources and are not compatible with TPZs.

"[F]orest resources and timberlands of the state are among the most valuable of the natural resources of the state" and such resources "furnish high-quality timber, recreational opportunities, and aesthetic enjoyment while providing watershed protection and maintaining fisheries and wildlife." (Public Resources Code, § 4512(a)-(b).) As described in **Section 5.17, Forestry Resources**, of the Staff Assessment, the project area is zoned as a timber harvest district limiting the project site for timber harvesting and related activities. The FWP would result in the permanent conversion of 518 acres of forest land to non-forest use. Forests within the project site have high to intermediate productivity potential based on site class (primarily Site Class I, with some Site Class II). The FWP site is zoned in the TP zone district by Shasta County to preserve lands devoted to, and used for, the growing and harvesting of timber that

meet the requirements of the California Timberland Productivity Act of 1982. Given that Shasta County is located in an area of California with the greatest rate of timberland conversion (i.e., 49 percent of conversions were found to occur in northern California), this permanent conversion would result in a cumulatively considerable impact associated with timberland conversion in the State of California. The proposed project's contribution to the overall cumulative effect on forest resources is considered significant and unavoidable.

The project's location and its removal of over 500 acres of high productive forest implicate state efforts under the Timberland Productivity Act of 1982 and AB 1757 to conserve forest and to practice active forestry operations in a manner that enhances carbon sequestration and ameliorates effects of climate change wrought by burning fossil fuels. The objectives and goals of California's natural and working lands program and the other related policies described in **Section 11, Override Findings and Recommendations**, of the Staff Assessment, demonstrate recognized benefits to retaining the current forested condition of the project site.

To approve a project with significant and unavoidable environmental impacts, the CEC must make findings under CEQA that the project's benefits outweigh its significant and unavoidable environmental impacts. The record of this proceeding demonstrates that this project would provide some benefits. While acknowledging those benefits, however, the question here is whether those project benefits outweigh its potential impacts.

Wind energy is an important part of California's electricity portfolio because it adds resource and technology diversity, generates power during times when solar output is low, and supports peak and seasonal electricity demand, thereby also contributing to long-term grid reliability. Further, wind energy plays a valuable role in supporting California's climate and clean energy targets. California has set binding targets to reduce greenhouse gas emissions by 40 percent below 1990 levels by 2030, as required by California SB 32 (Chapter 249, Statutes of 2016), and to achieve carbon neutrality no later than 2045 pursuant to California Assembly Bill 1279 (Chapter 337, Statutes of 2022), which also mandates an 85 percent reduction in greenhouse gas emissions by 2045. In addition, California SB 100 (Chapter 321, Statutes of 2018) requires renewable and zero-carbon resources to supply 100 percent of electric retail sales by 2045.

With this in mind, staff analyzed the contribution of FWP towards grid reliability and the state's energy goals. Because FWP was awarded full capacity deliverability<sup>2</sup> status by

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2 Deliverability means the ability of a resource to reliably deliver power to the grid during peak system conditions without being constrained by transmission limits, as determined by California ISO's deliverability assessment. Projects with "on-peak" Full Capacity Deliverability Status (FCDS) can count toward Resource Adequacy (RA) requirements. Projects with "off-peak" FCDS cannot provide RA capacity credits towards RA requirements.

the California ISO, it can be contracted for the Resource Adequacy program<sup>3</sup> by electricity providers, like Pacific Gas and Electric Company (PG&E), which helps ensure the reliability of electric system in California, potentially contributing 35-100 megawatts (MW) during peak demand. The CPUC has begun evaluating the need for additional procurement in 2028-2030. The FWP would likely be eligible to compete for additional procurement needs, but whether it would be contracted would be dependent on its competitiveness with other resources. The FWP is required to participate in a curtailment program to prevent line overloads during peak demand, which may cause the FWP to halt all power output during peak hours. Additionally, the California ISO determined that the FWP is not situated in a local reliability area, which is a transmission-constrained area without enough local generation, and therefore is not needed to support local reliability.<sup>4</sup>

While any contribution to California's clean energy portfolio and grid reliability is beneficial, staff is required to compare the FWP's contributions to the numerous significant and unavoidable environmental impacts. The contribution of the FWP's 205 MW toward the SB 100 goals and grid reliability, plus the economic benefits to the community such as jobs, do not outweigh the adverse impacts to public safety, general welfare and environmental purpose of Shasta County Code sections 17.88.335, 17.08.010 and the Shasta County General Plan, Scenic Highways Element, the unmitigable significant impacts to the environment in the areas of biological resources, wildfire, cultural and tribal cultural resources, visual resources, land use, and forestry resources, the financial costs to Shasta County, and the potential loss of some natural working lands to sequester carbon. Thus, staff recommends the CEC deny FWP.

Staff's recommendation is based on substantial evidence and comes after an independent analysis of project information contained in the record, consultation with experts in the field, and independent research as described in each of the technical sections. Staff's recommendations are based entirely on facts unique to FWP and are not applicable to other wind, solar, or any other energy project. The particular facts surrounding this project, acute impacts from locating turbines in a very high fire hazard zone with considerable biological resources and tribal significance, balanced against the benefits of contributing to grid reliability and a broader energy transition, favors a finding that the project's benefits do not outweigh the significant and unavoidable impacts.

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3 Resource Adequacy (RA) is a mandatory planning and procurement process to ensure adequate resources to serve all customers in real time. <https://www.caiso.com/library/resource-adequacy-initiative>. See also California Public Utilities Commission homepage on Resource Adequacy: <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/electric-power-procurement/resource-adequacy-homepage>

4 As defined in California ISO's local reliability technical study. California ISO. April 2024. 2025 Local Capacity Technical Study – Final Report and Study Results. Available at <https://stakeholdercenter.caiso.com/InitiativeDocuments/Final2025LocalCapacityTechnicalReport.pdf>

CEC staff does not base its recommendation to deny this project on any one of the factors described above in isolation. Rather, staff's recommendation is based on the significant unmitigable impacts taken together, and then balanced against the environmental, economic, and grid reliability benefits that the FWP would provide.