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Memorandum

To: Chair David Hochschild
Vice Chair Siva Gunda
Commissioner Noemí Gallardo
Commissioner J. Andrew McAllister, Ph.D.
Commissioner Nancy Skinner

Date: November 19, 2025

From: Drew Bohan, Executive Director
California Energy Commission
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Subject: Executive Director's Recommendation on Fountain Wind LLC's Opt-In Application for the Fountain Wind Project (23-OPT-01)

I. Background

Public Resources Code section 25545.6 and California Code of Regulations, title 20, section 1879(c) require the California Energy Commission's (CEC) Executive Director to file a recommendation on whether the CEC should certify the environmental impact report and issue a certificate for the construction and operation of the facility. This memorandum sets forth the Executive Director's recommendation to the CEC for the Fountain Wind Project.

II. Introduction

The CEC is committed to facilitating the development of appropriately sited and designed clean energy projects, including wind energy. Assembly Bill (AB) 205 (Committee on Budget, Chapter 61, Statutes of 2022) was enacted to accelerate bringing clean energy projects online to support the state's transition to clean energy. The bill does so by allowing the CEC to consolidate permitting authority for nearly all state and local approvals, requiring the CEC to act on permit applications within specified timeframes, and fast tracking any litigation brought under the California Environmental Quality Act (CEQA) to challenge such approvals.

The CEC may approve a clean energy project under AB 205 even when locally opposed. Such authority is necessary because: (1) building out a clean energy system is a matter of statewide importance; (2) history has demonstrated that some local opposition has created obstacles to clean energy development; and (3) while clean energy is essential to combatting the effects of climate change and air pollution, such projects may have significant adverse environmental impacts.

When determining whether to approve or deny a project, decision-making agencies are required by CEQA to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the proposed project against any unavoidable environmental risks. This means that the CEC must evaluate each

project on its own merits and evaluate in each instance whether a project's benefits as a whole outweigh its adverse environmental impacts given the totality of the circumstances.

In this instance, having carefully evaluated the Fountain Wind Project's benefits and the environmental impacts that could result from it, staff recommends that the CEC deny this project. Staff's recommendation to deny the Fountain Wind Project is due to project-specific factors, notably (1) the numerous significant and unavoidable environmental impacts specifically associated with the Fountain Wind Project, and (2) findings that the particular circumstances of the Fountain Wind Project do not support a statement of overriding considerations for the environmental impacts. As described more fully in the Staff Assessment and Response to Comments, staff does not believe the project's benefits justify its approval due to the impacts.

Finally, in making this recommendation, staff emphasizes that denial of this project is not a repudiation of clean energy development. On the contrary, the CEC has an extensive track record of working with project developers to create appropriately sited and designed projects.

III. Recommendation

Based on the entire record of this proceeding, including the Opt-In Application, public comments, Staff Assessment, and Response to Comments, I, as Executive Director, recommend the CEC deny the Fountain Wind Project certification to construct and operate the facility.