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Fountain Wind Project Responses to Biological Resources Data Requests

Data Request Identifier	Request Source	Topic	Reviewer	Siting Regulations	Information	Opt-In Page Number And Section Number	Adequate	Information Required To Make OPT Conform With Regulations	Response Date	Response	Status	Disposition
BIO-001	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (1)	...provide a discussion of the existing site conditions, the expected direct, indirect and cumulative impacts due to the construction, operation and maintenance of the project, the measures proposed to mitigate adverse environmental impacts of the project, the effectiveness of the proposed measures, and any monitoring plans proposed to verify the effectiveness of the mitigation.	DEIR Biological Resources TN # 248288-6 Pages 3.4-9 to 3.4-14 (Table 3.4-3) Pages 3.4-38 to 3.4-39 Pages 3.4-59-3.4-59 Pages 3.4-45-3.4-48 (California Spotted Owl) TN # 24318 (Fountain Site Characteristic Study) Pages 15-21, 29-31, 38-39, 42-45, 48-50, and 55-59.	No	<p>Topic: Table 3.4-3 (Special-Status Wildlife Species with Potential to Occur Within the Project Site and supporting text must include a discussion of all sensitive gastropods, which may be subject to direct and/or indirect effects. Some of these species include canary duskysnail (<i>Colligyrus convexus</i>), nugget pebblesnail (<i>Fluminicola seminalis</i>), western ridged mussel (<i>Gonidea angulata</i>), Oregon shoulderband (<i>Helminthoglypta hertleini</i>), scalloped juga (<i>Juga occata</i>), kneecap lanx (<i>Lanx patelloides</i>), western pearlshell (<i>Margaritifera falcata</i>), Klamath sideband (<i>Monadenia churchi</i>), Wintu sideband (<i>Monadenia troglodytes wintu</i>), Shasta chaparral (<i>Trilobopsis roperi</i>).</p> <p>In addition, the DEIR must minimally include sensitive species as identified during CEC staff's independent nine-quad topographic quadrangle search (a standard CNDDDB search criterion). This query yielded 2 amphibian species, 11 bird species (2 of the 9 were mentioned in text), 10 fish species, (5 of 10 mentioned in text), 16 invertebrate species, and 3 mammal species (mentioned in text but not listed in Table 3.4-3). While staff concurs that some of these species would not occur because of their proximity to the project, they should be addressed and dismissed from analysis if appropriate. See table below for a summary of some of the species which must be addressed.</p> <p>INSERT SPECIES LIST 1</p> <p>These species have state designations that range from S1- Critically Imperiled to S2 – Imperiled and should be evaluated in the CEQA process. In addition, please provide a discussion of direct, indirect, and operational impacts to the above- mentioned species, as well as provide any necessary mitigation measures to reduce project- related impacts and discuss anticipated effectiveness of the measures.</p> <p>Request for Information: Please provide any reports or background data regarding the potential for above-mentioned special-status species to occur and identify any protective measures that would be proposed.</p>	1-May-23	<p>See BIO-001 species table (TN# 249926) for the potential occurrence for these species listed in Species List 1. Of the additional 40 species provided by the CEC reviewer, only five are likely to occur within the Project site: oak titmouse, great blue heron, evening grosbeak, osprey, and Sierra marten. None of these species are state- or federally listed or a CDFW Species of Special Concern. Of the remaining 35 species, 12 species have a moderate likelihood to occur due to the presence of suitable habitat onsite or presence of recent occurrence records. Nine species have a low potential to occur because of lack of suitable habitat or presence of recent occurrence records. The Project site is outside the known geographic or elevational range or does not contain habitat or recent occurrence records for the remaining 13 species, which area classified as having no potential to occur.</p> <p>Protective measures that would be implemented to reduce impacts to special status species include the following (DEIR Section 3.4):</p> <ul style="list-style-type: none"> * gastropods, invertebrates, fish, and amphibians -- MM 3.4-12: Water Quality Best Management Practices * birds -- MM 3.4-3a: Avoid and minimize operational impacts on avian and bat species; California Spotted Owl Conservation Measure; Sandhill Crane Conservation Measures; Conservation Measure for Nesting Songbirds; Conservation Measure for Willow Flycatcher and Yellow Warbler; * mammals -- Terrestrial Species Conservation Measure 	submitted	
BIO-002	Deficiency Letter Matrix	Biological Resources	Not specified	Not specified	...provide a discussion of the existing site conditions, the expected direct, indirect and cumulative impacts due to the construction, operation and maintenance of the project, the measures proposed to mitigate adverse environmental impacts of the project, the effectiveness of the proposed measures, and any monitoring plans proposed to verify the effectiveness of the mitigation.	Not specified	No	<p>Topic: Table 3.4-3 (Special-Status Wildlife Species with Potential to Occur Within the Project Site) lists the Northern Spotted Owl (<i>Strix occidentalis caurina</i>) as having no potential to occur in the project area despite numerous positive location data on the species as verified via staff's independent data searches (CNNDDB, etc). See Appendix B (g) (13) (A) (v) below for additional information on Northern spotted owl. In addition, the EIR does not include any direct, indirect, or operational impacts to this species, nor provide mitigation measures to reduce project related impacts. Measures should include preconstruction surveys. Further, Designated Critical Habitat for Northern Spotted Owl is located approximately 1.3 miles north of the project area and was not evaluated in the DEIR or FEIR.</p> <p>Request for Information: Please provide any reports or background data regarding the potential for these species to occur and identify any protective measures that would be proposed. Please provide maps that show Critical Habitat for this species.</p>	1-May-23	Hutchinson and Chatfield 2020 California Spotted Owl Risk Assessment as well as the spotted owl response memo (TN# 249927) provides background related to NSO in relation to the project site and explains the current management delineation between Northern Spotted Owl (NSO) and California Spotted Owl (CSO; TN# 248307-5). CEC staff's independent data searches indicating presence of NSO may refer to data that precedes the delineation of the range between CSO/NSO (2005). Critical Habitat for NSO is more than 4 miles from the current Project Boundary; CEC staff's reference to 1.3 mi appears to be from the older project area boundary that extended north of Hwy 299. The Project will have no impacts to NSO designated critical habitat. For the purposes of Spotted Owl management, the CAL FIRE recognizes the Pit River as the dividing line between NSO and CSO. Per state/federal guidance, habitat protections for NSO apply within 1.3 mi of Activity Centers. Given the Project is >4 miles outside the range of NSO and NSO Critical Habitat, NSO surveys are not required. Furthermore, if conducted, individuals found	submitted	

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										<p>within the project boundaries would be assumed to be CSO, not NSO. The Project is within the range of CSO, for which surveys (using NSO protocols) were conducted and reported. Nonetheless, preconstruction surveys for Spotted Owl are proposed to be conducted, and if found, the Project will avoid direct impacts within 500' of any documented activity center during the breeding season. For further detail and a map of critical habitat please see the spotted owl response memo.</p>		
BIO-003	Deficiency Letter Matrix	Biological Resources	Not specified	Not specified		Not specified	No	<p>Topic: Table 3.4-3 (Special-Status Wildlife Species with Potential to Occur Within the Project Site) does not include ringtail (<i>Bassariscus astutus</i>) as occurring in the project area. However, this species is known from the region, suitable habitat is present, and it is known from the Shasta Trinity National Forest. In addition, the EIR does not include any direct, indirect, or operational impacts to this species nor does it provide mitigation measures to reduce project related impacts.</p> <p>Request for Information: Please provide any reports or background data regarding the potential for these species to occur and identify any protective measures that would be proposed.</p>	1-May-23	<p>Ringtail is found in desert scrub, riparian, deciduous and coniferous forests and meadows most commonly in areas with rocky outcrops or rock faces and within 1 km of a permanent water source. It occurs between 0 and 3000 meters in elevation. See representative site photos (TN# 249929) for typical habitat conditions onsite. The Project site generally lacks the rocky areas (rock piles, stone fences, canyon walls, talus slopes) that ringtail prefers. However, the presence of this species on the Project site cannot be ruled out.</p> <p>Ringtail is not tracked by California Natural Diversity Database (CNDDB) and most studies on its distribution are more than forty years old, so data about recent occurrences are not readily available. If present within the Project vicinity during site preparation and construction, impacts to ringtail would be similar to those experienced by other special status terrestrial mammals, and would be subject to the same conservation measure, specifically:</p> <p>Proposed Terrestrial Species Conservation Measure: Avoid and minimize impacts to terrestrial special-status species. The Applicant will implement the following measures to minimize and monitor impacts during both construction and decommissioning phases:</p> <p>a. Applicant will design and implement a plan for workers encountering injured or dead special-status terrestrial species during construction, to include a stop-work order within 50 feet, notification of a qualified biologist, and notification of CDFW and/or USFWS as appropriate.</p> <p>b. All personnel on-site (i.e., employees, contractors, inspectors, and visitors) will check for presence of wildlife under or in equipment before operating. Wildlife found underneath or within vehicles or equipment will be allowed to leave voluntarily or removed by a biological monitor if it is safe to do so. State or federally listed</p>	submitted	

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										<p>species will not be handled and USFWS and/or CDFW will be contacted.</p> <p>c. All excavations will be backfilled, sloped at a 3:1 ratio, covered completely to prevent wildlife access, or fully enclosed with exclusion fencing at the end of each workday. If an animal is found entrapped, construction will be delayed until it has left the excavation or been removed by a qualified biological monitor if it is safe to do so.</p> <p>d. Natural water sources will remain unfenced in order to provide access for terrestrial and semi-aquatic wildlife.</p> <p>e. All food-related trash will be contained in secured, wildlife-proof containers to prevent attracting wildlife to work areas.</p> <p>f. Vehicle speeds will not exceed 15 miles per hour during all phases of the Project; speed limit signs will be posted at all entry points and throughout the Project Site.</p> <p>g. High-intensity lighting will be minimized to the level needed for worker safety.</p> <p>h. Nighttime vehicle traffic will be minimized.</p>		

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BIO-004	Deficiency Letter Matrix	Biological Resources	Not specified	Not specified	<p>...provide a discussion of the existing site conditions, the expected direct, indirect and cumulative impacts due to the construction, operation and maintenance of the project, the measures proposed to mitigate adverse environmental impacts of the project, the effectiveness of the proposed measures, and any monitoring plans proposed to verify the effectiveness of the mitigation.</p>	Not specified	No	<p>Topic: 3.4.3.2 Direct and Indirect Effects of the Project, Impact 3.4-1 Construction of the Project could, unless mitigated, cause a significant impact to special-status plant species. The document does not adequately evaluate several sensitive plant species that have the potential to occur in the project area (See Appendix B (g) (13) (A) (v) below for additional details). A review of existing databases including iNaturalist identified 33 plants not addressed in the DEIR. These include:</p> <p>INSERT SPECIES LIST 2</p> <p>Additionally, there is a likelihood that the first species listed, Shasta maidenhair fern (<i>Adiantum shastense</i>), may occur in the project area, as it has been detected in close proximity to the project. Table 3 of the Fountain Site Characteristic Study (TN # 24318) included additional plants and wildlife not fully evaluated in the DEIR.</p> <p>In addition, the EIR does not include any direct, indirect, or operational impacts to these species nor does it provide adequate mitigation measures to reduce project related impacts. Measures should include pre-construction surveys.</p> <p>Request for Information: An updated rare plant survey of the entire project area should be completed, and the results of this survey shall be provided in an updated rare plant survey report. The surveys should not be deferred to preconstruction surveys alone for areas not surveyed within five years.</p>	1-May-23	<p>During the multiple surveys for rare plants at the site, surveyors kept a record of all plants encountered, regardless of whether they were initially listed in the preliminary SCS or identified later in the EIR after the project scope had been better defined. The lists may differ because the Site Characterization Study (SCS) is an early phase desktop assessment largely used to summarize publicly available data and to aid in defining site-specific field studies necessary to fill data gaps. The SCS covered a much larger area than what was evaluated in the Shasta County DEIR, so many of the species identified in the SCS may not have been present in the Project area as analyzed in the DEIR. The species listed in the DEIR were determined to not likely be present in the final project area based on WEST's subsequent habitat and site-specific and protocol-level rare plant surveys.</p> <p>The single occurrence of Shasta maidenhair fern in the CNPS database is presumed to be extant in areas North of Hwy 299, outside of the current Project boundaries.</p> <p>The CEC reviewer requests that another round of rare plants should be done pre-project approval. However, the applicant's biologists believe the rare plant surveys already conducted establish an adequate baseline on which the CEC can conclude, based on substantial evidence, that the project can be constructed and operated in a way to avoid significant impacts to rare plant species. Pre-construction surveys, with well-crafted measures to address unexpected discoveries to avoid, protect or provide compensatory mitigation for impacts to rare plants are anticipated to be required as mitigation by the CEC's EIR.</p> <p>A CDFW guidance document (2018) indicates that "In habitats dominated by long-lived perennial plants, such as forests, surveys that were not conducted within the previous five years may not adequately represent the current baseline conditions and should be re-conducted." The reference in this voluntary guidance to five years is a recommendation in some cases but is not a bright line rule. The use of the term "may" indicates that it is recognized that surveys that were conducted more than five years in the past may, in fact, provide an adequate baseline. Here, the surveys already conducted were comprehensive, based on established protocols and covered the entire project area. No rare plant populations were found within the survey area during any survey. The project landscape is managed timberland that is highly disturbed, including the use of herbicides by the timber operators which would not be conducive to expansion of rare plant populations. The likelihood of expansion/establishment of populations into this managed landscape is low. Additionally, following a fire within the project footprint this area was heavily disturbed by post-fire management to salvage logs and replant</p>	submitted	

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										<p>timber, which is also expected to constrain the potential for sensitive plant population expansion. With little potential for rare plant populations to become established since 2021, an additional round of pre-approval rare plant surveys is not warranted. That said, pre-construction surveys can be required to verify this conclusion and require avoidance, minimization or compensatory action if rare plants in the path of disturbance are in fact identified.</p>		

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BIO-005	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	<p>...provide a discussion of the existing site conditions, the expected direct, indirect and cumulative impacts due to the construction, operation and maintenance of the project, the measures proposed to mitigate adverse environmental impacts of the project, the effectiveness of the proposed measures, and any monitoring plans proposed to verify the effectiveness of the mitigation.</p>	<p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 1, 2) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 2, Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1 site characterization study (2017), Figure 5) TN #: 248306-4 (2018 northern goshawk surveys, pg. 1 and 2) TN #: 248307-5 (spotted owl risk assessment [2020], pg. 4 and 6) TN #: 248309-4 (2021 spotted owl memo) TN # 248289-1 (FEIR Page 1-5 to 1-6) TN # 248306-1 (Willow Flycatcher Surveys)</p>	No	<p>Topic: Impact 3.4-5: Construction, operation and decommissioning of the Project could result in adverse impacts to California spotted owls. The DEIR does not adequately assess potential impacts to this species nor does the proposed mitigation measure provide adequate protection during proposed construction activities. The DEIR states "Areas of the Project Site containing moderate to high suitability for nesting habitat are present only within the southeastern third of the Project Site, with approximately 945 acres classified as having moderate suitability for the species and 50 acres classified as having high suitability. These areas of predicted high suitability for nesting and roosting, are present in small, isolated patches in the Project Site which may limit the potential for these areas to support California spotted owl roosts or nests." Considering the loss of any suitable habitat for this and other species in the region that has occurred from recent landscape level wildfires, the DEIR should not discount use of the site nor its importance to this species in the region. In addition, the current mitigation measure indicates that one survey for this species would be conducted or presence would be assumed. Conducting one surveys season would not likely ensure that impacts to this species are assessed or reduced to less than significant levels.</p> <p>Required Information: Please provide updated information on occurrences of spotted owl within and near the Project site.</p>	1-May-23	<p>Please see response to BIO-002 above. The survey data already provided as part of the application package is sufficient for the CEC as CEQA lead agency to reach informed conclusions for CEQA purposes about the likely impact of the Project on California Spotted Owl -- a species being considered for federal but not state listing-- and devise suitable mitigation measures to reduce impacts to CSO as a species to a level of less than significant under CEQA.</p> <p>Although the CEC is acting under its opt-in authority as the permitting agency under the California Endangered Species Act in the place of CDFW, CSO is not a state-listed species or being considered for state listing. Further, case law establishes that protocol-level surveys (i.e., those of a level of effort necessary to determine "take") are not required under CEQA. Specifically, "CEQA neither requires a lead agency to reach a legal conclusion regarding 'take' of an endangered species nor compels an agency to demand an applicant to obtain an incidental take permit from another agency." Association of Irrigated Residents v. County of Madera (2003) 107 Cal. App. 4th 1383. Instead, CEQA requires a lead agency to determine whether a project is likely to have a significant impact on a species at a population level. (See CEQA Guidelines section 15065 requiring a finding of a significant impact if a project would "substantially reduce the habitat of a fish or wildlife species," cause a fish or wildlife population to drop below self-sustaining levels; threaten a plant or animal community; substantially reduce the number ... of an endangered, rare or threatened species"). Here, the existing survey data on CSO establishes that there is a small amount of suitable CSO habitat present on site and that CSO could be present on or near the site. This existing survey data, plus a requirement for pre-construction surveys to establish buffers and exclusion zones if necessary, allows the CEC to meet its CEQA obligations to (1) conclude that CSO may be present on the project, (2) devise mitigation measures to address potential impacts on CSO, (3) conclude that, with mitigation, including pre-construction surveys and the implementation of minimization and avoidance measures such as nest avoidance and exclusion zones, the Project is not likely to have a significant adverse impact on CSO as a species. It should also be noted that USFWS has determined that large-scale high-severity wildfire is the biggest threat to California spotted owl. The Service worked with timber operators and the U.S. Forest Service to develop coordinated, multi-party fire risk reduction efforts that include the removal of brush and select trees that fuel fires in owl habitat. Most of the land inhabited by California spotted owls is managed by the Forest Service and timber operators. Implementation of their fire risk reduction plans could help improve California spotted owl habitat in the coming years. Renewable energy generation is also anticipated to reduce wildfire risk in the</p>	submitted	

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										<p>coming decades.</p> <p>To be prepared for the potential federal listing, the Applicant is proposing to undertake an additional two years of CSO surveys according to the NSO protocol developed by USFWS as a result of listing under ESA, in 2023 and 2024. However, these surveys are not required to determine the significance of impacts under CEQA. GIS files submitted May 1, 2023 via Kiteworks show CSO occurrences within 10 miles of the Project.</p>		

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BIO-006	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	Not specified	No	<p>Topic: Impact 3.4-12: Site preparation and construction, operations, and maintenance, and decommissioning and site restoration of the Project could result in habitat loss and water quality impacts on Pit roach, special-status amphibians and western pond turtle. The EIR does not include specific measures with clear methods to identify and protect areas supporting these species. The document does not discuss potential barriers to upstream passage from culverts or crossings, overwintering sites, egg deposition areas, or provide an analysis of potential impacts to these resources. It is also unclear which areas were specifically surveyed for amphibians. Was only modeled habitat searched, moderate and High, or all potential habitat?</p> <p>Request for Information: Please provide any reports or background data regarding the potential for these species to occur and identify any protective measures that would be proposed.</p>	1-May-23	<p>The potential for Pit roach, western pond turtle, and special status amphibians to occur on the Project site is discussed in Table 3.4-3 in the Shasta County DEIR. Pit roach has a low potential to occur because of limited suitable habitat presence; western pond turtle has a moderate potential to occur because of limited suitable habitat presence but with one known recorded observation within the Project site. Table 3.4-3 outlines the potential occurrence of six special status amphibians.</p> <p>Additional information on the presence of suitable habitat for special status amphibians can be found in the 2018-2019 foothill yellow-legged frog survey report (TN# 248305-2), 2018 foothill yellow-legged frog and cascades frog survey report (TN# 248305-4), and eDNA foothill yellow-legged frog survey report (TN#248308-2). eDNA surveys for foothill yellow-legged frog covered the best habitat (which itself was marginal) and no frogs were found. It was therefore logically concluded that if the best habitat yielded nothing that more marginal habitat would also not be occupied. Surveys for these frog species covered habitat suitable for Pit roach, western pond turtle, and other special status amphibians.</p> <p>In Impact 3.4-12, the DEIR states that site preparation and construction, operations and maintenance, and decommissioning and site restoration of the Project (which could include creation of "potential barriers to upstream passage from culverts or crossings") could result in habitat loss and water quality impacts on Pit roach, special-status amphibians and western pond turtle through permanent loss of aquatic habitat, discussed in detail under Impact 3.4-16, and temporary, indirect, adverse effects to water quality during construction. It should be noted that many of the access roads proposed for the Project are associated with existing, maintained timber roads, thereby reducing the Implementation of Mitigation Measure 3.12-1 (Water Quality Best Management Practices during Activities in and near Water) and Mitigation Measure 3.4-16b (Avoid or Minimize Impacts to Wetlands and Other Waters) would reduce the potential water quality impacts of the Project on wildlife by partial avoidance of and compensation for the removal of wetland and other waters habitat. The mitigation measures would also minimize adverse impacts from erosion or other pollution on water quality of Project Site surface waters to less than significant. In addition, implementation of Mitigation Measure 3.16a, which would require the implementation of best management practices to minimize damage to waterways during construction, and Mitigation Measure 3.4-16b and 3.4-16c would reduce or compensate for impacts from loss and damage to wetlands and other waters (which may serve as potential habitat for special status amphibians, Pit roach, and western pond turtle) to less than significant. Impacts to habitat for these species is limited to 2.22 acres of wetlands and 1.2 acres of other</p>	submitted	

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										waters and would not contribute to a population-level decline for any of these species. Thus, impacts are not anticipated to be significant.		

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BIO-007	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	Not specified	No	<p>Topic: Impact 3.4-13: Operation and maintenance of the Project could result in direct mortality and injury to bats, including special-status species. The DEIR does not evaluate construction impacts to bats, their roosts or potential hibernaculum. There is no mitigation measures that specifically address construction related impacts to bats.</p> <p>Request for Information: Please provide information on the number and type of cavities, and other habitat features that occur in the Project area that could be used by bats.</p>	1-May-23	<p>Due to the recurrent disturbance and frequent harvesting and replanting resulting from ongoing timber operations on the Project site, the Project site generally lacks large/old or downed trees with cavities or peeling bark. It also does not contain many rocky areas, cliffs, caves, or talus slopes that could contain crevices or caves for bats. See representative site photos (TN# 249929) for typical habitats onsite. However, acoustic surveys have shown that bats are present onsite. As such, it would be appropriate to require pre-construction surveys as follows: A preconstruction habitat assessment for special-status bats shall be conducted by a qualified biologist in advance of tree removal within the Project site to characterize potential bat habitat and identify potentially active roost sites. Should the preconstruction survey find no bat habitat or potential bat roosting sites then no further action is required. Should potential roosting habitat or active bat roosts be found in trees to be removed, the Applicant shall implement avoidance and minimization measures. Specifically:</p> <p>a) To avoid impacts to tree roosting bats, trees and snags should be removed between October 1 and March 31, which is outside of the maternity roosting season, when female bats aggregate to give birth and raise their young.</p> <p>b) If tree removal must occur between April 1 and September 30, and the bat roost habitat assessment identified suitable or potentially occupied roosts within the Project Area, a preconstruction bat survey should be performed by a qualified bat biologist no more than 14 days prior to tree removal to determine if potential roost structures are occupied. Surveys may include acoustic monitoring to identify species within suspected roost sites. If special-status bat species or maternity roosts are detected during these surveys, appropriate species and roost specific avoidance and protection measures will be developed in consultation with CDFW. Such measures may include postponing the removal of trees or snags until the end of the maternity roosting season, implementing exclusionary work buffers, or other compensatory mitigation.</p> <p>The Shasta County DEIR concluded that operation and maintenance of the Project could result in direct mortality and injury to bats, including special-status species, and concludes that these impacts would be significant and unavoidable even with the implementation of mitigation measures.</p>	submitted	

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BIO-008	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)		Not specified	No	<p>Topic: Impact 3.4-14: Site Preparation and Construction and Decommissioning and Site Restoration of the Project could result in temporary adverse impacts to special-status mammals. The DEIR concludes that impacts to special status mammals would be less than significant because of current land management practices. However, it is likely that some of these and other mammals could be directly impacted by construction of the project. Staff considers these impacts significant absent mitigation. In addition, the current mitigation measure if adopted does not provide the specific actions required to ensure the protection of Fisher and other sensitive mammals.</p> <p>Request for Information: Please provide information on the number and the type of cavities, and other habitat features (brush or rock piles, downed logs, etc.) that occur in the Project area that could be used by fishers.</p>	1-May-23	<p>Fishers generally avoid areas with little forest cover or significant human disturbance, such as that caused by timber operations, and conversely prefer large areas of contiguous interior forest (see USFWS 2004). However, the Shasta County DEIR states that the potential for fishers to occur onsite is high because of "known occurrences in vicinity; suitable habitat is present on Project Site." See representative site photos (TN# 249929) for habitats which could potentially support fishers onsite.</p> <p>The DEIR states that Site preparation and construction may result in temporary adverse impacts to special-status mammals including the Oregon snowshoe hare and the Pacific fisher and that the Project would increase the level of activity during construction. The DEIR concludes that the Project is not likely to result in an adverse effect on special-status mammal populations given the abundance of similar habitat available in the region and Project vicinity, and concludes that the impact on special-status terrestrial mammals would be less than significant. Nevertheless, the DEIR suggests additional conservation measures to reduce Project-related impacts to terrestrial mammals, such as:</p> <p>Terrestrial Species Conservation Measure: Avoid and minimize impacts to terrestrial special-status species. The Applicant will implement the following measures to minimize and monitor impacts during both construction and decommissioning phases:</p> <ol style="list-style-type: none"> Applicant will design and implement a plan for workers encountering injured or dead special-status terrestrial species during construction, to include a stop-work order within 50 feet, notification of a qualified biologist, and notification of CDFW and/or USFWS as appropriate. All personnel on-site (i.e., employees, contractors, inspectors, and visitors) will check for presence of wildlife under or in equipment before operating. Wildlife found underneath or within vehicles or equipment will be allowed to leave voluntarily or removed by a biological monitor if it is safe to do so. State or federally listed species will not be handled and USFWS and/or CDFW will be contacted. All excavations will be backfilled, sloped at a 3:1 ratio, covered completely to prevent wildlife access, or fully enclosed with exclusion fencing at the end of each workday. If an animal is found entrapped, construction will be delayed until it has left the excavation or been removed by a qualified biological monitor if it is safe to do so. Natural water sources will remain unfenced in order to provide access for terrestrial and semi-aquatic wildlife. All food-related trash will be contained in secured, wildlife-proof containers to prevent attracting wildlife to work areas. Vehicle speeds will not exceed 15 miles per hour during all phases of the Project; speed limit signs will be posted 	submitted	

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										<p>at all entry points and throughout the Project Site.</p> <p>g. High-intensity lighting will be minimized to the level needed for worker safety.</p> <p>h. Nighttime vehicle traffic will be minimized.</p> <p>Furthermore, retention of snags, cavities and downed large wood will also be addressed during the THP process which will govern the timber harvest and direct impacts to habitat associated with the Project.</p> <p>The DEIR concluded that Project-related impacts to special status terrestrial mammals was less than significant. However, with implementation of this conservation measure, potential impacts to fisher would be further reduced. We believe the CEC can validly reach the same conclusions based on the existing information.</p>		

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BIO-009	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	A regional overview and discussion of terrestrial and aquatic biological resources, with particular attention to sensitive biological resources within 10 miles of the project. Include a map at a scale of 1:100,000 (or other suitable scale) showing sensitive biological resource location(s) in relation to the project site and related facilities and any boundaries of a local Habitat Conservation Plan or similar open space land use plan or designation. Sensitive biological resources include:	Not specified	No	<p>Topic: Impact Analysis General Overview. The document does not appear to contain impact analysis to wildlife from the spread of noxious or invasive weeds, project related wildfires, blasting, use of herbicides, disturbance to denning or natal sites, use of brush piles and other features periodically occupied by Fishers, introduction of invasive wildlife species (mussels and gastropods), and general exposure to hazardous materials. Although there is limited language regarding weeds and invasive species identified within the riparian and waters impact sections. In addition, the FEIR does not include specific language on a Nesting Bird Management Plan, Invasive Species Management, Bird and Bat Conservation Strategies), avoidance of wetland areas, etc.</p> <p>Request for Information: Please provide information on the number and type of snags, cavities, and other habitat features that occur in the Project area and a 500-foot buffer. Please provide an analysis of impacts to all species that have the potential to occur in the proposed project area. Please clarify impacts from what types of invasive species and their distribution on the region. If herbicides would be used, the document should contain a specific section describing the direct, indirect, and operational impacts to these species.</p>	1-May-23	<p>See representative site photos (TN# 249929) for typical habitats onsite. See responses to BIO-001, BIO-003, BIO-004, BIO-008, and BIO-014 for an analysis of additional species with potential to occur in the Project Area.</p> <p>A discussion of the potential impacts of invasive species and their distribution in the Project site is included in the Shasta County DEIR on p. 3.4-8. Surveys for non-native invasive plant species were conducted concurrently with rare plant surveys conducted in 2018 and 2019 and results reports were included as appendices (C3 and C5) to the DEIR. A total of fifteen species of noxious weeds were documented on the Project Site, and distributions of each are included in these reports.</p> <p>The results of 2018 and 2019 invasive plant surveys are not unexpected given the primary land use (i.e., commercial timber production), which results in recurring disturbance throughout the area and relatively high traffic volumes resulting from timber harvest activities. Many of the invasive species are actively managed by the landowners to minimize competition with conifer seedlings and enhance timber growth. Many disturbances related to Project construction will be similar to those which occur in the Project evaluation area already (e.g., harvest of trees, road construction and widening, seasonal/ temporary increases in vehicle traffic) and are unlikely to contribute to any significant changes in invasive species distributions within the evaluation area. While Project construction will create some additional disturbance to the landscape, once construction is complete, the Project will have minimal influence on the future distribution of invasive species relative to the influence of ongoing commercial timber operations.</p> <p>Rocky Mountain Maple Riparian Scrub is the sole sensitive natural community identified within the Project site and the DEIR proposed weed control within mitigation areas for this community (MM 3.4-15b). Herbicides could be used to control invasive weeds as a remedial measure to protect the revegetation of this sensitive natural community. Limited herbicide use is not anticipated to be greater than on-going background conditions during existing timber operations.</p>	submitted	
BIO-010	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (i)	species listed under state or federal Endangered Species Acts;	Not specified	N/A	Please reference Appendix B (g) (1) and Appendix B (g) (13) (A) (v) for a discussion listed species information that is deficient or missing.	1-May-23	Not applicable.	submitted	

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BIO-011	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (ii)	resources defined in the California Code of Regulations, title 20, sections 1201(d) and (u);	Not specified	N/A	Please reference Appendix B (g) (1) and Appendix B (g) (13) (A) (v) for a discussion of resources defined in the California Code of Regulations, title 20, sections 1201(d) and (u) that is deficient or missing.	1-May-23	Not applicable.	submitted	
BIO-012	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (iii)	species identified as state Fully Protected;	Not specified	N/A	Please reference Appendix B (g) (1) and Appendix B (g) (13) (A) (v) for a discussion of fully protected species information that is deficient or missing.	1-May-23	Not applicable.	submitted	
BIO-013	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (iv)	species covered by Migratory Bird Treaty Act;	Not specified	N/A	Please reference Appendix B (g) (1) and Appendix B (g) (13) (A) (v) for a discussion of resources defined in the California Code of Regulations, title 20, sections 1201(d) and (u) that is deficient or missing.	1-May-23	Not applicable.	submitted	
BIO-014	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	Plants: TN 248308-7, Appendices A, C, and D TN 248308-8, Appendices A and C TN 248308-1, Appendices A and C TN 248329-4, Table C-1 TN 248308-7, Page 2 TN 248308-8, Pages 2-3 TN 248308-1, Page 5 Wildlife: TN #: 248306-2 (2019 nest surveys, pg 1-2.) TN #: 248309-5 (2018 avian use study, Figure 5, pg. ii, 11- 12,) TN#: 248318 (Site characterization study (2017), Methods, pg. 8) TN#: 248318 (Site characterization study (2017))	No	Required Information: An updated rare plant survey of the entire project area should be completed, and the results of this survey shall be provided in an updated rare plant survey report. Specially this revised report should address the following: • A discussion of Carex comosa, Sidalcea gigantea, Cardamine bellidifolia var. pachyphylla, and Meesia uliginosa. • The results of focused non-vascular plant surveys by a qualified botanist. • A discussion of all CRPR 4 species identified in the literature search and observed on the site. All species in the species list with a potential to be special status shall be identified to the appropriate taxonomic level. The updated rare plant survey and rare plant survey report should be completed according to the CDFW protocol and should cover all impact areas and an indirect impact buffer area. * Any exceptions to the CDFW protocol should be clearly stated and explained. A comprehensive species list should be provided in the updated rare plant survey report and should discuss any discrepancies between the previous rare plant reports and other technical reports for the project (i.e., jurisdictional delineation).	1-May-23	The entire Project site was surveyed for rare plants in 2018, 2019, and 2021 (TN# 248308-7, 248308-8, and 248308-1) according to methods outlined in CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. No rare plants were observed during any of these surveys and, as outlined in BIO-004, the potential for rare plants (vascular or non-vascular) to occur onsite is low given ongoing timber production. Rare plant lists included in the SCS, DEIR, jurisdictional delineation, and rare plant survey reports used different source databases and search boundaries, and were assembled at different times and for different purposes, resulting in lists that understandably differ. California Native Plant Society (CNPS) guidance notes that CRPR Ranks 1-3 species meet the definition of "rare or endangered species" and, as a result, must be analyzed in a CEQA document under CEQA Guidelines §15125(c) and/or §15380. However, CNPS' Considerations for Including CRPR 4 Plant Taxa in CEQA Biological Resource Impact Analysis (CNPS 2020) note that though "CRPR 4 taxa do not clearly meet CEQA standards and thresholds for impact considerations...some level of CEQA review is justified..[for] taxa that can be shown to meet the criteria for endangered, rare, or threatened status under CEQA Section 15380(d)." Consequently, the nine CRPR 4 plants which were observed during 2021 surveys and which were included in the species list in Appendix A of the survey report (TN# 248308-1) can be included in CEC's species list for the EIR analysis if desired. Shapefiles showing the survey boundaries of the jurisdictional delineation and rare plant surveys have been provided via Kiteworks on May 1, 2023.	submitted	

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										CDFW rare plant survey guidelines do not require reference sites to be visited nor voucher specimens to be collected, as evidenced by the "if visited" and "if collected" in the methods describing each, respectively, in CDFW's Protocols. The CEC's request notes that "all species in the species list with a potential to be special status shall be identified to the appropriate taxonomic level." To clarify, as part of the botanical survey effort, all specimens with a potential to be special status species were identified to the taxonomic level at which their conservation status could be verified. In other words, though some plants were identified only to genus in the species list included in the report, the botanists were able to confirm at this taxonomic level that these specimens were not of special status. Despite the fact that no rare plants were observed during three years of surveys, the DEIR included a mitigation measure to reduce impacts to special status plants during construction (MM 3.4-1), requiring preconstruction surveys and avoidance of or compensation for impacts to rare plants.		
BIO-015	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	Not specified	No	Topic: In the 2019 Raptor Nest Survey Report, the introduction states, "In 2018, due to concerns raised by CDFW regarding the need for an Memorandum of Understanding (MOU) to conduct aerial surveys for eagles, WEST conducted eagle nest surveys from the Ground (WEST 2018b)" and "In 2019, following receipt of an interim MOU from CDFW, WEST conducted a third year of aerial surveys for eagles and other raptors.....The following memorandum provides a summary of the methods and results of the 2019 survey effort, as well as a summary of nest status from 2017 and 2018 surveys." Required Information: Please provide a copy of the MOU from CDFW.	1-May-23	Copy of the MOUs (interim and official) provided (TN# 249937)	submitted	

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BIO-016	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	Not specified	No	Topic: The Hatchet Ridge Avian Mortality Memo discusses avian mortality at the Hatchet Ridge Wind Energy Facility. More recent and comprehensive data would be useful in analyzing potential impacts to birds and bat species. Required Information: Please provide updated mortality data from the Hatchet Ridge Wind Farm.	1-May-23	Hatchet Ridge Project completed three years of post-construction mortality monitoring as required by its Shasta County-approved Use Permit. No additional post-construction monitoring was required by the County and we are not aware of any additional publicly-available mortality reporting from this project. The existing mortality reporting is referenced in Shasta County's Fountain Wind EIR.	submitted	
BIO-017	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	Not specified	No	Topic: The memo states, "Environmental resources within the Project Area and surrounding Evaluation Area were examined through a search of existing publicly available data and an initial reconnaissance-level site visit. The initial site visit occurred October 19–21, 2016 and entailed a preliminary examination of the area from accessible public and private roads. Biological features and potential wildlife habitat surveyed during the site visit included plant communities, topographic and geological features, potential raptor nesting habitat, habitat for prey populations, and potential bat roosting and foraging habitat. However, due to the relatively late seasonal timing of the site visit, little information was gathered on plant communities." Required Information: Please provide information on whether additional surveys were conducted to characterize vegetation communities within the Project area, if information on specific habitat features was gathered, and clarify if the applicable species habitat assessments and field surveys addressed that information.	1-May-23	The 2016 survey was a reconnaissance-level survey performed as part of early site evaluation and diligence. The applicant conducted three years of protocol-level rare plant surveys in 2018, 2019, and 2021 to characterize vegetation communities. More detailed information on vegetation communities are provided in the rare plant reports (TN# 248308-7, 248308-8, and 248308-1) and GIS data were provided for all mapped vegetation communities.	submitted	
BIO-018	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	Not specified	No	Topic: Figure 5. Land Cover in the Site Characterization Study is blurry and difficult to interpret. Given the size of the Project area, multiple maps zoomed into various parts of the project would have been easier to understand. The land cover types were determined by NLCD, and do not correspond with vegetation communities described elsewhere in the document. For instance, the study states that, "the dominant vegetation community within the Project is Sierran mixed conifer forest"; the legend has "mixed forest", "evergreen forest," and "deciduous forest." No descriptions of the land cover types were provided to understand the difference in structures between these forest cover types, or how they correspond to Sierran mixed conifer forest. "Herbaceous" is misspelled in the legend. Required Information: Please provide information on whether additional surveys were conducted to characterize vegetation communities within the Project area, if information on specific habitat features was gathered, and clarify if the applicable species habitat assessments and field surveys addressed that information.	1-May-23	See Response to BIO-017. The Site Characterization Study ("SCS") is a preliminary desktop review and used general National Land Cover Data intended for generalization of landcover types and not ideal for a detailed analysis. However, given the diverse suite of species with potential occurrence, the entire project area was surveyed during subsequent rare plant surveys as if it were suitable habitat for all rare plant species with potential to occur. Where key elements of rare plant habitat were encountered, these areas were searched more intensively. Surveys found no presence of rare plant species. In addition to the high-level evaluation in 2016, the applicant conducted three additional rare plant surveys in 2018, 2019, and 2021 to characterize vegetation communities. More detailed information on vegetation communities are provided in the rare plant reports (TN# 248308-7, 248308-8, and 248308-1) and GIS data have been provided to CEC (via Kiteworks) for all mapped vegetation communities. GIS can be used to recreate relevant maps.	submitted	

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BIO-019	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	<p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 1, 2)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 2, Figure 1)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1 site characterization study (2017), Figure 5)</p> <p>TN #: 248306-4 (2018 northern goshawk surveys, pg. 1 and 2)</p> <p>TN #: 248307-5 (spotted owl risk assessment [2020], pg. 4 and 6)</p> <p>TN #: 248309-4 (2021 spotted owl memo)</p> <p>TN # 248289-1 (FEIR Page 1-5 to 1-6)</p> <p>TN # 248306-1 (Willow Flycatcher Surveys)</p>	No	<p>Topic: 2018 great gray owl habitat assessment. The memo states that no confirmed detections of great gray owl have been recorded within Shasta County. While it is true that CNDDDB has no confirmed records in Shasta County, the CDFW BIOS 'Great Gray Owl' layer shows two points in Shasta County – one on the Siskiyou County border, and one in Lassen Volcanic National Park. Though these records are considered historical occurrences, they should be discussed in the report. eBird has sensitive locations shown between Redding and Shasta Lake; and at Lassen Volcanic National Park that are within the past 10 years.</p> <p>Required Information: Please provide updated and expanded great gray owl record searches.</p>	1-May-23	<p>As of 2023, no CNDDDB records exist for Great Gray Owl in Shasta County, but two records occur within neighboring Lassen and Siskiyou Counties, both of which are >80 mi from the Project (see CNDDDB data [TN# 249930 and 249928]). BIOS does depict additional records that are not included in CNDDDB, however the data associated with the additional locations is limited. The four closest BIOS records are located between 27 and 40 miles from the Project (see map of occurrences). eBird data for sensitive species is restricted, hence detailed location data is not readily accessible. However, review of current eBird data only shows range info/occurrence data for great gray owl associated with Lassen NP and to the west of Redding, both 25 mi or more from the Project. The LNP e-Bird location appears to be in the same location as one of the BIOS locations. Updated data does not support an inference that Great Gray Owl is present on the project site. See also Response to BIO-020.</p>	submitted	

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BIO-020	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	<p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 1, 2)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 2, Figure 1)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1 site characterization study (2017), Figure 5)</p> <p>TN #: 248306-4 (2018 northern goshawk surveys, pg. 1 and 2)</p> <p>TN #: 248307-5 (spotted owl risk assessment [2020], pg. 4 and 6)</p> <p>TN #: 248309-4 (2021 spotted owl memo)</p> <p>TN # 248289-1 (FEIR Page 1-5 to 1-6)</p> <p>TN # 248306-1 (Willow Flycatcher Surveys)</p>	No	<p>Topic: 2018 great gray owl habitat assessment. The memo states, "Geographic Information System (GIS) data from the CNDDDB and examination of aerial imagery were used to conduct a desktop review of potential great gray owl nesting and foraging habitat within the Project area using the CDFW Model (CNDDDB 2011; Figure 1)." The memo further states, "Once identified during the desktop assessment, a WEST biologist visited the Project to evaluate areas of modeled great gray owl habitat and to identify areas of potential habitat not predicted by the model." The memo goes on to provide an evaluation of the modeled habitat within the Project Area but does not go into any detail regarding potential habitat not predicted by the model, or why other areas of the Project site were determined to not provide potential habitat. There was no discussion regarding the presence or absence of nesting habitat features within the project area, such as abandoned stick nests, broken-topped snags, or tree cavities.</p> <p>Required Information: Please provide additional information on whether field surveys were conducted to determine habitat characteristics for this species.</p>	1-May-23	See response to BIO-021. Field surveys were conducted to evaluate habitat conditions for great gray owl ("GGO") in 2018 where models suggested potential habitat could occur (TN# 248308-5). Habitat was assessed based on aerial imagery for stand size and density, with field verification that the habitat condition was consistent with the aerial imagery (i.e., had not been harvested, burned, etc.). Results of field surveys indicated that these areas of modeled "potential" habitat clearly do not meet the needs of GGO and would not be considered suitable GGO habitat. In other portions of the Project area, outside of that modeled as potential GGO habitat, patchy stands of mature forest exist, but the meadow component typically associated with GGO habitat is lacking. This is evidenced in the 2018 Rare Plant Survey and Natural Vegetation Community Mapping report which depicts only a few small (<1 acre) meadows in areas adjacent to mature trees. As such, habitats throughout the Project area are not considered suitable for GGO.	submitted	

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BIO-021	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 1, 2) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 2, Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1 site characterization study (2017), Figure 5) TN #: 248306-4 (2018 northern goshawk surveys, pg. 1 and 2) TN #: 248307-5 (spotted owl risk assessment [2020], pg. 4 and 6) TN #: 248309-4 (2021 spotted owl memo) TN # 248289-1 (FEIR Page 1-5 to 1-6) TN # 248306-1 (Willow Flycatcher Surveys)	No	Topic: Great Gray Owl. The results of the survey state that “no specific measurements of tree size or canopy closure were taken within the area of modeled habitat” and the field assessment was “limited to a view of the modeled nesting habitat from the fence located on the west side of the meadow and an assessment of tree sizes in close proximity.” The location of the fence, the relation of the fence to the modeled habitat, and trees in “close proximity” are not defined. It is also not clear if habitat surrounding the modeled habitat was assessed. The analysis habitat was limited to the size of the modeled habitat area and nearby aerial imagery comparison. The results go on to state that “the desktop review of aerial imagery and habitat classifications determined that the area of modeled nesting habitat within the Project area does not meet the minimum criteria for suitability, which was confirmed during the field assessment.” This statement is unclear given that the site was on “a private inholding” and field assessment was limited to a view from a fence line and aerial imagery comparison. Required Information: Please provide additional information on how the habitat in the private inholding was determined.	1-May-23	Habitat within the private inholding was initially assessed using CDFW’s Great Gray Owl Habitat Model, then field-verified to confirm the habitat condition was consistent with the aerial imagery (i.e., had not been harvested, burned, etc.). The areas of modeled “potential” habitat clearly do not meet the needs of GGO and would not be considered suitable GGO habitat. Further, none of the modeled areas would be directly impacted by the Project as they were well away from development corridors. In other portions of the Project area, outside of that modeled as potential GGO habitat, patchy stands of mature forest exist, but the meadow component typically associated with GGO habitat is lacking. This is evidenced in the 2018 Rare Plant Survey and Natural Vegetation Community Mapping report which depicts only a few small (<1 acre) meadows in areas adjacent to mature trees. As such, habitats throughout the Project area are not considered suitable for GGO.	submitted	

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BIO-022	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 1, 2) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 2, Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1 site characterization study (2017), Figure 5) TN #: 248306-4 (2018 northern goshawk surveys, pg. 1 and 2) TN #: 248307-5 (spotted owl risk assessment [2020], pg. 4 and 6) TN #: 248309-4 (2021 spotted owl memo) TN # 248289-1 (FEIR Page 1-5 to 1-6) TN # 248306-1 (Willow Flycatcher Surveys)	No	Topic: Vegetation in the “private inholding” is described as having a large meadow/pasture surrounded by conifers. In the site characterization report, this same area appears to be identified as cultivated crops, shrub/scrub and evergreen forest. Required Information: The data on the habitat descriptions of the project are not consistent throughout the memos. Please provide specific information on the vegetation communities on the project and whether they provide habitat for species with potential to occur in the area.	1-May-23	The 2016 SCS characterized the habitat in the 'private inholding' according to the classification from the National Land Cover Dataset (NLCD 2016). Based on the field surveys conducted in 2018, 2019, and 2021, what was categorized as crops is, in fact, a meadow which is sometimes harvested for hay. What was classified as shrub/scrub is very early successional forest. Because the SCS is a desktop review and subsequent reports relied upon field-verified data, the latter should be used to inform CEC's impact assessment. The Project will not disturb the private inholding directly or indirectly, as the closest construction activities will take place approximately 1,000 feet away.	submitted	

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BIO-023	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 1, 2) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 2, Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1 site characterization study (2017), Figure 5) TN #: 248306-4 (2018 northern goshawk surveys, pg. 1 and 2) TN #: 248307-5 (spotted owl risk assessment [2020], pg. 4 and 6) TN #: 248309-4 (2021 spotted owl memo) TN # 248289-1 (FEIR Page 1-5 to 1-6) TN # 248306-1 (Willow Flycatcher Surveys)	No	Topic: The Introduction paragraph discusses surveys conducted by timberland owners, and previous surveys in timber harvest plans. Data from these two sources were not discussed in other bird memos and survey results. The memo states that "...surveys for goshawk were conducted in 2018 to provide a more current assessment of potential presence of active nests within the four historical occurrence areas." The memo also states, "Based on reviews of aerial imagery within the Project area, habitat within these historical occurrence areas appear to represent the most suitable nesting stands in close proximity (e.g., within 160 m) to areas of potential disturbance based on the most current Project layout as of the date of this report." Were field surveys conducted elsewhere in the Project area to determine if new territory boundaries had been established? Required Information: Please provide available data for surveys conducted by timberland owners and THPs for all species. Please provide more detailed information on habitat assessments for goshawk in other areas of the project site, outside of known CNDDDB records.	1-May-23	<p>Survey results for THPs in the Project region can be found at the CalTREES website. A search of these THPs resulted in the following that are near the Project site and which have undertaken surveys for goshawk:</p> <p>THP 2-16-077 Cedar Boots THP 2-17-020 Hatchet THP 2-17-017 Little Round Mountain THP 2-17-049 BG THP 2-19-00183 Vista Flat</p> <p>https://caltreesplans.resources.ca.gov/caltrees/</p> <p>Because northern goshawks are considered one of the 11 Sensitive Species defined in the California Forest Practice Rules (FPR), they are assessed for impacts during review of all THPs in the range of the species, including the 5 approved THPs referenced above that are located within or near the Project area. While protocol level surveys are not necessarily required under the FPRs, searches for nest trees are typically conducted by staff during the preparation and on-site layout of THPs. No goshawk nests were observed during the preparation of these THPs. Impacts from timber harvest are managed through avoidance and minimization measures defined the FPRs. Based on the history of timber management on site, including THPs within the Project area, no additional habitat assessments were conducted specific to goshawk. All areas considered potentially suitable for goshawks (i.e., all mature forest stands) were surveyed in 2021, and no evidence of nesting was found, regardless of habitat quality.</p>	submitted	

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Data Request Identifier	Request Source	Topic	Reviewer	Siting Regulations	Information	Opt-In Page Number And Section Number	Adequate	Information Required To Make OPT Conform With Regulations	Response Date	Response	Status	Disposition
BIO-024	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 1, 2) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 2, Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1 site characterization study (2017), Figure 5) TN #: 248306-4 (2018 northern goshawk surveys, pg. 1 and 2) TN #: 248307-5 (spotted owl risk assessment [2020], pg. 4 and 6) TN #: 248309-4 (2021 spotted owl memo) TN # 248289-1 (FEIR Page 1-5 to 1-6) TN # 248306-1 (Willow Flycatcher Surveys)	No	Topic: The project boundary was used as the extent of evaluation of known goshawk territories. CNDDDB shows at least one territory immediately adjacent to the project boundary. Please explain why a two-mile buffer was not used to evaluate northern goshawk, similar to the 2-mile buffer used in the raptor nest surveys. The memo states that, "According to the CFPR, a minimum buffer of five to 20 acres should be maintained around active goshawk nests," which would indicate that a buffer around the project area should have been included in the analysis. The memo does state that surveys were focused on historical goshawk occurrence areas, and therefore the results are not broadly applicable across the Project area. Additional surveys were conducted in 2021 in accordance with the Shasta County EIR. Required Information: Please expand the analysis of known goshawk territories to an appropriate buffer around the project area.	1-May-23	Survey areas and the establishment of a quarter-mile buffer (~400 meters) for NOGO were based upon the boundaries of actual disturbance. Per the California Forest Practice Rules (CAL FIRE 2023) the Buffer Zone for the northern goshawk shall be a minimum of 5 acres, though the Director may increase the size of the Buffer to 20 acres to protect nesting birds. These two buffer sizes equate to radii of approximately 80-160 meters around active northern goshawk nests. The quarter-mile (400 meter) buffer used for the northern goshawk surveys was more than adequate to document possible northern goshawk nests within what the Forest Practice Rules designate as a potential disturbance zone (i.e., <80-160 m from disturbance activities). The 2-mile raptor nest survey buffer is more specifically based on eagles (which have a larger territory requirement than goshawks) and survey guidance related to eagle permitting, in particular with regards to impacts on eagle nests within 2 miles of potential disturbance (USFWS Eagle Conservation Plan Guidance 2013).	submitted	

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BIO-025	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 1, 2) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 2, Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1 site characterization study (2017), Figure 5) TN #: 248306-4 (2018 northern goshawk surveys, pg. 1 and 2) TN #: 248307-5 (spotted owl risk assessment [2020], pg. 4 and 6) TN #: 248309-4 (2021 spotted owl memo) TN # 248289-1 (FEIR Page 1-5 to 1-6) TN # 248306-1 (Willow Flycatcher Surveys)	No	Topic: Goshawk. The results section is brief (limited to two sentences) and does not provide the applicable data associated with the conclusions. Required Information: Please provide the data records associated with the acoustical survey stations.	1-May-23	GIS data were provided for the survey stations (via Kiteworks on May 1, 2023).	submitted	

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BIO-026	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	<p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 1, 2)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 2, Figure 1)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1 site characterization study (2017), Figure 5)</p> <p>TN #: 248306-4 (2018 northern goshawk surveys, pg. 1 and 2)</p> <p>TN #: 248307-5 (spotted owl risk assessment [2020], pg. 4 and 6)</p> <p>TN #: 248309-4 (2021 spotted owl memo)</p> <p>TN # 248289-1 (FEIR Page 1-5 to 1-6)</p> <p>TN # 248306-1 (Willow Flycatcher Surveys)</p>	No	<p>Topic: The memo states that, "For purposes of owl management and conservation, the Pitt River in Shasta County is recognized as the dividing line between the CSO range to the south and the state and federally listed northern spotted owl (<i>Strix occidentalis caurina</i>; NSO) to the north (Gutiérrez and Barrowclough 2005). At its closest point, the Pitt River runs approximately 4.7 miles (mi; 7.6 kilometers [km]) north of the Project Site." The USFS PWS publication <i>The California Spotted Owl: Current State of Knowledge</i> (Gutiérrez et al.) 2017 (https://www.fs.usda.gov/psw/publications/documents/psw_gtr254/), Figure 2-1 shows Shasta, Lassen and parts of Modoc Co as the transition zone between Northern and California spotted owl. The PSW states, "Indeed, introgression between northern and California spotted owls occurs and there is a cline of overlap in northeastern California near the Pit River (Barrowclough et al. 2011; fig. 2-1). For purposes of owl management and conservation, the Pit River is recommended as the management dividing line between the northern and the California subspecies (Gutiérrez and Barrowclough 2005). Thus, the Hat Creek Ranger District of the Lassen National Forest is that unit of U.S. Forest Service managed land where the transition of the northern and California subspecies occurs (fig. 2-1)." Though the Pit River is the line for NSO management, there are numerous occurrences of NSO south of Pit River on the CDFW BIOS Spotted Owl Observations Layer. The report itself, in the Risk Assessment section, states that the area is the transition zone between CSO and NSO subspecies ranges. There is final critical habitat for NSO approximately 2 miles north of the project area. Observations of NSO are located north and south of CA-299 E. Required Information: The current data available does not support the conclusion that the site does not provide habitat for federal listed northern spotted owl. Please provide an updated habitat assessment for the northern spotted owl including appropriate information that supports the conclusion that evaluation for federal listed NSO is not appropriate. The results of the memo should indicate whether NSO surveys are warranted, whether the project intends to assume presence, and if presence is assumed or NSO are detected, the process for consultation under the federal endangered species act (FESA).</p>	1-May-23	<p>The Project site is outside the range of NSO. The Pit River is recognized by CAL FIRE (2023) as the dividing line for management recommendations for this species. Therefore, the data supports the conclusion that the site, which is more than four miles south of the Pit River, is not habitat for the NSO. The CSO Species Status Review report prepared by USFWS (2022) notes that the region is an area of introgression (meaning an area where hybridization is occurring), but it also designates the Pit River as the dividing line for management recommendations. In addition, CDFW's comment letter on the Shasta County DEIR only referenced CSO, not NSO. Its also worth noting that during meetings with USFWS, they raised no concern over NSO, nor did they raise any concern over NSO in their comment letter on the DEIR.</p> <p>In addition, the two subspecies of spotted owls are distinguishable only by a genetic test and cannot be differentiated in the field. Because field identification is impossible, a geographic division becomes the only reliable way to identify an owl as belonging to a particular subspecies. Because this division was established recently, CNDDDB may include records of "NSO" south of the Pit River. Based on an updated review of CNDDDB (GIS records provided in support of BIO-5 via Kiteworks on May 1, 2023), all current spotted owl records in the area south of the Pit River are appropriately classified as CSO. Thus, no surveys for NSO are warranted because the Project does not fall within the range of this subspecies. Additional details on the range of CSO and NSO are provided in the Spotted Owl Assessment Memo provide by WEST (TN# 248309-4).</p>	submitted	

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BIO-027	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 1, 2) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 2, Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1 site characterization study (2017), Figure 5) TN #: 248306-4 (2018 northern goshawk surveys, pg. 1 and 2) TN #: 248307-5 (spotted owl risk assessment [2020], pg. 4 and 6) TN #: 248309-4 (2021 spotted owl memo) TN # 248289-1 (FEIR Page 1-5 to 1-6) TN # 248306-1 (Willow Flycatcher Surveys)	No	Topic: The report describes the Historical Occurrence in the Project Site Vicinity, describing the following activity centers: SHA0046, SHA0051, SHA0124, and SHA0063. The report states, "The last known positive detections associated with SHA0046 and SHA0051 were individual birds observed in 1994 and 1990, respectively (CDFW 2020b). The last known active nest at SHA0046 was documented in 1992, when a female CSO was observed with two young.....The most recent positive detection near the Project (SHA0124) was an incidental observation of an adult bird with two young reported by a Sierra Pacific Industries forester in 2008, approximately 1.2 mi (1.9 km) southeast of the Project Site between Ward Butte and Green Mountain (CDFW 2020b; Figure 2)." Upon review of the CDFW BIOS Spotted Owl Observations layer, the last known observation for SHA0046 was 2019 where a CSO was "heard and seen"; 2020 where a CSO was "heard and seen"; and 2021 where a "female believed to be a sub adult" was observed. There are also CSO positive (POS) observations in SHA0124 for 2020 where a CSO was "heard"; an activity center in 2008 where CSO was "heard and seen"; and 2008 where a CSO was discovered while flagging a stream crossing (assumed to be the incidental observation described above). There is another activity center, SHA0068, approximately 2.5-3 miles from the project site, from 2021 where CSO was "heard and saw female...male was heard south of call station." Though some of these occurrences seem to be dated after the date of this report, this recent data does indicate that CSO is likely actively using habitat near the project site. Please also note that these positive identifications occurred in "CWHR Spotted Owl Predicted Habitat" that is defined as Low or Medium. Though it is true that much of the project site north of Hwy 299 is currently considered non-habitat in the CHWR model (likely due to the Fountain Fire as described in the report), there is low and moderate habitat areas within and near the project site. The statement, "Given the Project's proximity to much larger and contiguous areas of high suitability habitat on protected public lands (Lassen National Forest to the southeast and Shasta Trinity National Forest to the north and west; Figure 2), it is unlikely that CSOs would select the less suitable habitats within the heavily managed timberlands present within the Project Site" is not supported by the most recent available data. Required Information: Please provide updated information on occurrences of spotted owl within and near the Project site.	1-May-23	Updated GIS data for CSO within 10 miles of the Project (obtained March 2023) is provided via Kiteworks on May 1, 2023. Occurrence records from 2021 are the most current for the nearby CSO site referenced in the data request, and these data are included in the 2021 Spotted Owl Memo (TN# 248309-4). The most recent (2023) dataset includes occurrence records from 2021 and 2022 for CSO occurrences further from the Project site.	submitted	

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BIO-028	Deficiency Letter Matrix	Biological Resources	Not specified	Not specified	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	Not specified	No	<p>Topic: The memo included data from American Wind Wildlife Institute (AWWI; now Renewable Energy Wildlife Institute), which provides a good overview of broad data across the United States. The memo states, "Based on AWWI's (2019) recent analysis of 193 postconstruction monitoring studies at 130 wind energy facilities in the US between 2002 and 2017, owls compose approximately 1.2% of unadjusted bird fatality incidents..." Though the potential for strikes is low, the potential is present if the area was suitable for NSO, which would require FESA consultation. The 2018 avian use study included data from the nearby Hatchet Ridge Wind Farm. Is there data available from the nearby Hatchet Ridge Wind Farm that could aid in species specific data for bird strikes?</p> <p>Required Information: Please include the most recent available data on owl strikes from the Hatchet Ridge Wind Farm.</p>	1-May-23	See response to BIO-016: Hatchet Ridge Project completed three years of post-construction mortality monitoring and we are not aware of any additional publicly available mortality reporting from this project. The existing mortality reporting is referenced in the Fountain Wind EIR.	submitted	
BIO-029	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	<p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 1, 2)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 2, Figure 1)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1 site characterization study (2017), Figure 5)</p> <p>TN #: 248306-4 (2018 northern goshawk surveys, pg. 1 and 2)</p> <p>TN #: 248307-5 (spotted owl risk assessment [2020], pg. 4 and 6)</p> <p>TN #: 248309-4 (2021 spotted owl memo)</p> <p>TN # 248289-1 (FEIR Page 1-5 to 1-6)</p> <p>TN # 248306-1 (Willow</p>	No	<p>Topic: 2021 spotted owl memo. The memo included data from American Wind Wildlife Institute (AWWI; now Renewable Energy Wildlife Institute), which provides a good overview of broad data across the United States. The memo states, "Based on AWWI's (2019) recent analysis of 193 postconstruction monitoring studies at 130 wind energy facilities in the US between 2002 and 2017, owls compose approximately 1.2% of unadjusted bird fatality incidents..." Though the potential for strikes is low, the potential is present if the area was suitable for NSO, which would require FESA consultation. The 2018 avian use study included data from the nearby Hatchet Ridge Wind Farm. Is there data available from the nearby Hatchet Ridge Wind Farm that could aid in species specific data for bird strikes?</p> <p>Required Information: Please include the most recent available data on owl strikes from the Hatchet Ridge Wind Farm.</p>	1-May-23	Please see response to BIO-016. Hatchet Ridge Project completed three years of post-construction mortality monitoring and we are not aware of any additional publicly available mortality reporting from this project. The existing mortality reporting is referenced in the Fountain Wind EIR.	submitted	

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Data Request Identifier	Request Source	Topic	Reviewer	Siting Regulations	Information	Opt-In Page Number And Section Number	Adequate	Information Required To Make OPT Conform With Regulations	Response Date	Response	Status	Disposition
						Flycatcher Surveys)						
BIO-030	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 1, 2) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 2, Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1 site characterization study (2017), Figure 5) TN #: 248306-4 (2018 northern goshawk surveys, pg. 1 and 2) TN #: 248307-5	No	Topic: 2021 Northern Spotted Owl Memo. The memo states that, "Field surveys aligned with the USFWS endorsed Protocol for Surveying Proposed Management Activities that may Impact Northern Spotted Owls – 2012 Revision (USFWS 2012)." The 2012 USFWS Protocol (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83977&inline) requires "two years of six visits per year, including activity center searches, and, if appropriate, spot checks and activity center searches." The memo states that surveys were conducted between May and July of 2021, which only consists of one year of surveys. The survey results indicate that "a spotted owl pair and nest on US Forest Service land approximately 0.4 mi northeast of the nearest proposed turbine" was found; and "The same male spotted owl was again heard on July 19 and its leg band confirmed when the bird was visually observed approximately 0.3 mi from the nearest proposed turbine." Whether the spotted owl detected was an CSO or NSO was not stated in the text but was stated on the legend in the figure. It is unclear if the owl detection was assumed to be a CSO based on previous memos, or was confirmed to be CSO, as no information on species determination was provided. Even though spotted owls were detected nearby, though slightly outside the 0.25-mile buffer, the conclusion states that, "...the likelihood of spotted owls nesting within the Project area or surrounding 0.25-mile buffer appears to be low." Required Information: Please conduct an additional round of surveys for spotted owl in accordance with the USFWS protocol. Please indicate whether the spotted owls observed were identified as CSO in the field or assumed to be CSO based on the Spotted Owl Risk Assessment.	1-May-23	See Responses to BIO-05, BIO- 026, and the 2021 Spotted Owl Assessment Memo (TN# 248309-4). CSO and NSO cannot be distinguished in the field, and all spotted owls detected south of the Pit River are now considered CSO by USFWS and CAL FIRE. This is consistent with the more current records in the state database. If additional surveys were to be conducted, all spotted owls detected in or near the Project site south of the Pit River would be classified as CSO.	submitted	

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						(spotted owl risk assessment [2020], pg. 4 and 6) TN #: 248309-4 (2021 spotted owl memo) TN # 248289-1 (FEIR Page 1-5 to 1-6) TN # 248306-1 (Willow Flycatcher Surveys)						
BIO-031	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	Not specified	No	Topic: Foothill yellow-legged frog and Cascades frog surveys: There appears to be areas where both eDNA and field surveys were conducted (yellow legged frogs) compared to areas where no data was collected if the drainage was located under a conductor or adjacent to the project. For example, the eDNA report indicated that streams located below long spans of overhead collection lines were not surveyed. Staff is concerned that these areas may still be impacted by the proposed project and that surveys for this species and cascades frog are old and do not reflect baseline conditions. Required Information: Staff recommend that supplemental surveys for cascades and foothill yellow legged frogs be conducted in all areas of suitable habitat, not limited to the best or modeled habitat.	1-May-23	Foothill yellow-legged frogs were a candidate for listing at the time of surveys, but they were ultimately not listed. WEST coordinated extensively with CDFW to inform survey methods for foothill yellow-legged frog and Cascades frog and shared preliminary survey results with CDFW following the first round of surveys. Consequently, CDFW concluded that habitat onsite for these species was poor and that a modified survey protocol would be most effective. In response to CDFW recommendations, eDNA surveys were undertaken in the most suitable habitat, which was still considered by CDFW to be of poor quality. Both standard survey methods and eDNA sampling, widely believed to be the gold standard for determining the presence of a species in the field, returned negative results for foothill yellow-legged frog. Because the Project is at the edge of the species' range, provides poor-quality habitat, and multiple survey efforts using a range of methods recommended in coordination with CDFW, no further surveys are warranted.	submitted	

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BIO-032	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (v)	species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission;	<p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 1, 2)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 2, Figure 1)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1)</p> <p>TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1 site characterization study (2017), Figure 5)</p> <p>TN #: 248306-4 (2018 northern goshawk surveys, pg. 1 and 2)</p> <p>TN #: 248307-5 (spotted owl risk assessment [2020], pg. 4 and 6)</p> <p>TN #: 248309-4 (2021 spotted owl memo)</p> <p>TN # 248289-1 (FEIR Page 1-5 to 1-6)</p> <p>TN # 248306-1 (Willow Flycatcher Surveys)</p>	No	<p>Topic: Willow Flycatcher surveys. Methods indicate that the biologists reviewed aerial imagery to eliminate unsuitable habitat. In review of the report, staff noted that no vegetation mapping was included, that the report does not include the time of day, weather, or longitude/latitude data. Confirms no vocal detections but does not mention visual detections or band observations. The report does not include a species list of detected birds, does not provide any data/information regarding brown-headed cowbirds and has no mention of required CDFW survey forms. Based on a review of the jurisdictional delineation report, over 100 acres of various riparian vegetation communities is present on the project site.</p> <p>Required Information: Please provide the survey times, weather conditions, vegetation maps, bird list, recorded during the surveys. Please update the flycatcher surveys, last conducted in 2018 and provide a better description of the methodology used to exclude various riparian areas. Further the CDFW model should be compared to existing vegetation communities and site conditions mapped on the project site.</p>	1-May-23	<p>The focus of the jurisdictional delineation was different than the focus of willow flycatcher surveys, and not all riparian habitat classified as such in the jurisdictional delineation report is considered suitable habitat for willow flycatcher. The 2018 willow flycatcher survey effort included identification of potentially suitable habitat via CDFW's Willow Flycatcher Habitat Model and coordination with CDFW directly on the areas on which to focus the field surveys. Despite a complete lack of occurrences within 20 miles of the Project site, two rounds of protocol-level call-playback surveys were undertaken based on CDFW's recommendations for the most suitable, but still poor-quality, habitat. Two rounds of surveys resulted in negative results. These surveys are adequate to conclude the lack of presence of Southwest willow flycatchers on the Project site and no further surveys are warranted.</p> <p>Surveys were undertaken in two rounds (June 23-24, 2018 and July 6, 2018). Surveys were conducted between one hour before sunrise and 10 am. Weather during the first round of surveys was clear and between 79 and 91 degrees Fahrenheit on June 23 and between 84 and 99 degrees on June 24. Weather on July 6 was clear and between 70 and 84 degrees. Vegetation maps are provided as Figures 2-4 in the 2018 survey report (TN# 248306-1) and Photo 1 in the 2019 willow flycatcher habitat assessment (TN# 248306-3). A list of bird species observed was recorded in a hard-copy field notebook and data forms which are no longer available to WEST.</p> <p>GIS of willow flycatcher survey stations were provided via Kiteworks on May 1, 2023.</p>	submitted	

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BIO-033	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (A) (vi)	and fish and wildlife species that have commercial or recreational value.	TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 1, 2) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 2, Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1) TN #: 248308-5 (2018 great gray owl habitat assessment, pg. 3 and Figure 1 site characterization study (2017), Figure 5) TN #: 248306-4 (2018 northern goshawk surveys, pg. 1 and 2) TN #: 248307-5 (spotted owl risk assessment [2020], pg. 4 and 6) TN #: 248309-4 (2021 spotted owl memo) TN # 248289-1 (FEIR Page 1-5 to 1-6) TN # 248306-1 (Willow Flycatcher Surveys)	Yes	N/A	1-May-23	N/A	N/A	
BIO-034	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (B)	Include a list of the species observed and those with a potential to occur within 1 mile of the project site and 1,000 feet from the outer edge of linear facility corridors. Maps or aerial photographs shall include:	Not specified	N/A	Please reference Appendix B (g) (1) and Appendix B (g) (13) (A) (v) for a discussion of resources defined in the California Code of Regulations, title 20, sections 1201(d) and (u) that is deficient or missing.	1-May-23	Not applicable.	submitted	

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BIO-035	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (B)	Detailed maps at a scale of 1:6,000 or color aerial photographs taken at a recommended scale of 1 inch equals 500 feet (1:6,000) with a 30 percent overlap that show the proposed project site and related facilities, biological resources including, but not limited to, those found during project-related field surveys and in records from the California Natural Diversity Database, and the associated areas where biological surveys were conducted. Label the biological resources and survey areas as well as the project facilities;	Not specified	N/A	Please reference Appendix B (g) (1) and Appendix B (g) (13) (A) (v) for a discussion of resources defined in the California Code of Regulations, title 20, sections 1201(d) and (u) that is deficient or missing.	1-May-23	Not applicable.	submitted	
BIO-036	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (B) (ii)	A depiction of the extent of the thermal plume at the surface of the water if cooling water is proposed to be discharged to a water source. Provide the location for the intake and discharge structures on an aerial photograph(s) or detailed maps. Water sources include, but are not limited to, waterways, lakes, impoundments, oceans, bays, rivers, and estuaries; and	Not specified	N/A	Not specified	1-May-23	Not applicable.	submitted	
BIO-037	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (B) (iii)	An aerial photo or wetlands delineation maps at a scale of (1:2,400) showing any potential jurisdictional and non-jurisdictional wetlands delineated out to 250 feet from the edge of disturbance if wetlands occur within 250 feet of the project site and/or related facilities that would be included with the U.S. Army Corps of Engineers Section 404 Permit application. For projects proposed to be located within the coastal zone, also provide aerial photographs or maps as described above that	TN # 248307-2 (Aquatic Resources Report) Page 14	No	Topic: It was unclear what the limits of the survey area were in the Aquatic Resources Report. The maps of the project area were not included in the Report. It is possible that the maps present in TN # 248329-7 (LSAA Figure 2 Aquatic Impacts) but it does not show Federal waters. Required Information: Please provide the report figures or identify the existing submittal. Please clarify if the boundaries of the delineation were limited to the project footprint or extended outside the project disturbance limits.	1-May-23	Shapefiles of the survey boundary were provided on May 1, 2023 via Kiteworks.	submitted	

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					identify wetlands as defined by the Coastal Act.							
BIO-038	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (C)	A discussion of the biological resources at the proposed project site and related facilities. Related facilities include, but are not limited to, laydown and parking areas, gas and water supply pipelines, transmission lines, and roads. The discussion shall address the distribution of vegetation community types, denning or nesting sites, population concentrations, migration corridors, breeding habitats, and other appropriate biological resources including the following:	Not specified	N/A	Please reference Appendix B (g) (1) and Appendix B (g) (13) (A) (v) for a discussion of resources defined in the California Code of Regulations, title 20, sections 1201(d) and (u) that is deficient or missing.	1-May-23	N/A	submitted	
BIO-039	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (C) (i)	A list of all the species observed;	Not specified	Yes	N/A	1-May-23	N/A	N/A	
BIO-040	Deficiency Letter Matrix	Biological Resources	Not specified	Not specified	* A list of sensitive species and habitats with a potential to occur (defined in (A) above); and	Not specified	N/A	Please reference Appendix B (g) (1) and Appendix B (g) (13) (A) (v) for a discussion of resources defined in the California Code of Regulations, title 20, sections 1201(d) and (u) that is deficient or missing.	1-May-23	N/A	submitted	

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BIO-041	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (C) (iii)	If cooling water is taken directly from or discharged to a surface water feature source, include a description of the intake structure, screens, water volume, intake velocity hydraulic zone field of influence, and the thermal plume dispersion area as depicted in response to B(ii) above. Describe the thermal plume size and dispersion under high and low tides, and in response to local currents and seasonal changes. Provide a discussion of the aquatic habitats, biological resources, and critical life stages found in these affected waters. For repower projects that anticipate no change in cooling water flow, this information shall be provided in the form of the most recent federal Clean Water Act 316(a) and (b) studies of entrainment and impingement impacts that has been completed within the last 5 years. For new projects or repower projects proposing to use once-through cooling and anticipating an increase in cooling water flow, provide a complete impingement and entrainment analysis per guidance in (D)(ii), below.	Not specified	N/A	Not specified	1-May-23	Not applicable.	submitted	

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BIO-042	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (D)	A description and results of all field studies and seasonal surveys used to provide biological baseline information about the project site and associated facilities. Include copies of the California Natural Diversity Database records and field survey forms completed by the applicant's biologist(s). Identify the date(s) the surveys were completed, methods used to complete the surveys, and the name(s) and qualifications of the biologists conducting the surveys. Include:	Not specified	Yes	N/A	1-May-23	N/A	N/A	
BIO-043	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (D) (i)	Current biological resources surveys conducted using appropriate field survey protocols during the appropriate season(s). State and federal agencies with jurisdiction shall be consulted for field survey protocol guidance prior to surveys if a protocol exists;	Not specified	N/A	Please reference Appendix B (g) (1) and Appendix B (g) (13) (A) (v) for a discussion of resources defined in the California Code of Regulations, title 20, sections 1201(d) and (u) that is deficient or missing.	1-May-23	N/A	submitted	

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BIO-044	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (D) (ii)	If cooling water is proposed to be taken directly from or discharged to a surface water feature source, seasonal aquatic resource studies and surveys shall be conducted. Aquatic resource survey data shall include, but is not limited to, fish trawls, ichthyoplankton and benthic sampling, and related temperature and water quality samples. For new projects or repower projects anticipating a change in cooling water flows, sampling protocols shall be provided to Commission staff for review and concurrence prior to the start of sampling. For repower projects not anticipating a change in cooling water flows, this information shall be provided in the form of the most recent federal Clean Water Act 316(b) impingement and entrainment impact study completed within 5 years of the AFC filing date; and	Not specified	N/A	Not specified	1-May-23	Not applicable.	submitted	
BIO-045	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (D) (iii)	If the project or any related facilities could impact a jurisdictional or non-jurisdictional wetland, provide completed Army Corps of Engineers wetland delineation forms or determination of wetland status pursuant to Coastal Act requirements, name(s) and qualifications of biologist(s) completing the delineation, the results of the delineation and a table showing wetland acreage amounts to be impacted.	Not specified	Yes	N/A	1-May-23	N/A	N/A	

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BIO-046	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (E) (i)	Impacts discussion of: all impacts (direct, indirect, and cumulative) to biological resources from project site preparation, construction activities, plant operation, maintenance, and closure. Discussion shall also address sensitive species habitat impacts from cooling tower drift and air emissions;	Not specified	N/A	Please reference Appendix B (g) (1) and Appendix B (g) (13) (A) (v) for a discussion of resources defined in the California Code of Regulations, title 20, sections 1201(d) and (u) that is deficient or missing.	1-May-23	N/A	submitted	
BIO-047	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (E) (ii)	facilities that propose to take water directly from, and/or discharge water to surface water features, daytime and nighttime impacts from the intake and discharge of water during operation, water velocity at the intake screen, the intake field of influence, impingement, entrainment, and thermal discharge. Provide a discussion of the extent of the thermal plume, effluent chemicals, oxygen saturation, intake pump operations, and the volume and rate of cooling water flow at the intake and discharge location; and	Not specified	N/A	Not specified	1-May-23	Not applicable.	submitted	
BIO-048	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (E) (iii)	Methods to control biofouling and chemical concentrations, and temperatures that are currently being discharged or will be discharged to receiving waters.	Not specified	N/A	Not specified	1-May-23	Not applicable.	submitted	
BIO-049	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (F)	A discussion of all feasible mitigation measures including, but not limited to the following: All measures proposed to avoid and/or reduce adverse impacts to biological resources;	Not specified	N/A	Please reference Appendix B (g) (1) and Appendix B (g) (13) (A) (v) for a discussion of resources defined in the California Code of Regulations, title 20, sections 1201(d) and (u) that is deficient or missing.	1-May-23	N/A	submitted	
BIO-050	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (F) (ii)	All off-site habitat mitigation and habitat improvement or compensation, and an identification of contacts for compensation habitat and management;	DEIR Biological Resources TN # 248288-6	Yes	Mitigation approach described in DEIR.	1-May-23	N/A	N/A	

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BIO-051	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (F) (iii)	Design features to better disperse or eliminate a thermal discharge;	Not specified	N/A	Not specified	1-May-23	Not applicable.	submitted	
BIO-052	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (F) (iv)	All measures proposed to avoid or minimize adverse impacts of cooling water intake. This shall include a Best Technology Available (BTA) discussion. If BTA is not being proposed, the rationale for not selecting BTA must be provided; and	Not specified	N/A	Not specified	1-May-23	Not applicable.	submitted	
BIO-053	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (F) (v)	Educational programs to enhance employee awareness during construction and operation to protect biological resources.	TN 248289-1 Page 1-5 to 1-6	Yes	A WEAP has been added to the FEIR.	1-May-23	N/A	N/A	
BIO-054	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (F)	A discussion of compliance and monitoring programs to ensure the effectiveness of impact avoidance and mitigation measures incorporated into the project.	Not specified	N/A	Please reference Appendix B (g) (1) and Appendix B (g) (13) (A) (v) for a discussion of resources defined in the California Code of Regulations, title 20, sections 1201(d) and (u) that is deficient or missing.	1-May-23	N/A	submitted	
BIO-055	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (g) (13) (H)	Submit copies of any preliminary correspondence between the project applicant and state and federal resource agencies regarding whether federal or state permits from other agencies such as the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, the California Department of Fish and Game, and the Regional Water Quality Control Board will be required for the proposed project.	TN # 248329-2	Yes	An application for a Lake and Streambed Alteration Agreement was submitted to CDFW. However, we cannot determine the adequacy of the application	1-May-23	N/A	N/A	

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BIO-056	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (i) (1) (A)	Tables that identify laws, regulations, ordinances, standards, adopted local, regional, state, and federal land use plans, leases, and permits applicable to the proposed project, and a discussion of the applicability of, and conformance with each. The table or matrix shall explicitly reference pages in the application wherein conformance, with each law or standard during both construction and operation of the facility is discussed; and	DEIR Biological Resources TN # 248288-6 Pages 3.4-31 to 3.4-35	Yes	N/A	12-Apr-23	Updated LORS Consistency Matrix (TN# 249636) and General Plan Consistency Matrix (TN# 249635) were provided on April 12, 2023.	N/A	
BIO-057	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (i) (1) (B)	Tables that identify each agency with jurisdiction to issue applicable permits, leases, and approvals or to enforce identified laws, regulations, standards, and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.	Not specified	No	Please provide said table or indicate appropriate TN# and page.	12-Apr-23	Updated LORS Consistency Matrix (TN# 249636) and General Plan Consistency Matrix (TN# 249635) were provided on April 12, 2023.	submitted	
BIO-058	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (i) (2)	The name, title, phone number, address (required), and email address (if known), of an official who was contacted within each agency, and provide the name of the official who will serve as a contact person for Commission staff.	N/A	Yes	N/A	3-Apr-23	Table of applicable permits, agency contact information, and the schedule to obtain legally binding enforceable agreement(s) with community-based organizations and/or permitting entities was submitted on April 3, 2023 (TN# 249533).	submitted	
BIO-059	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	Appendix B (i) (3)	A schedule indicating when permits outside the authority of the Commission will be obtained and the steps the applicant has taken or plans to take to obtain such permits.	TN 48322 Table 3. List of Potential Permits and Status Page 16-17	Yes	N/A	3-Apr-23	Table of applicable permits, agency contact information, and the schedule to obtain legally binding enforceable agreement(s) with community-based organizations and/or permitting entities was submitted on April 3, 2023 (TN# 249533).	submitted	