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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	Applicant Response No. 1	CEC Disposition No. 1	Applicant Response No. 2	Status
BIO-004	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><b>Topic:</b> 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><b>Request for Information:</b> 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 2-Jun	<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</p>	<p>The information submitted is incomplete. The specific information still needed is updated botanical surveys of proposed disturbance areas.</p>	<p>The Applicant will conduct additional spot-check surveys based on discussion with CEC staff and consultants on May 23, 2023. Results will be provided to CEC when available.</p>	submitted

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										<p>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.</p>			

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										<p>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 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)	...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.	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	<b>Topic:</b> 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. <b>Required Information:</b> Please provide updated information on occurrences of spotted owl within and near the Project site.	1-May 2-Jun	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.  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 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	The information submitted is incomplete. The specific information still needed is updated surveys for CSO. In light of their potential listing and the timing of construction staff considers the data to be required to evaluate impacts under CEQA.	The Applicant will conduct a CSO survey in 2023. Results will be provided to CEC when available.	submitted

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										<p>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</p>			

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										<p>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 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-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	<b>Required Information:</b> 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 2-Jun	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	The information submitted is incomplete. The specific information still needed is updated botanical surveys of proposed disturbance areas.	The Applicant will conduct additional spot-check surveys based on discussion with CEC staff and consultants on May 23, 2023. Results will be provided to CEC when available.	submitted



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										<p>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)."</p> <p>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.</p> <p>Shapefiles showing the survey boundaries of the jurisdictional delineation and rare plant surveys have been provided via Kiteworks on May 1, 2023.</p> <p>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</p>			

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										<p>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.</p>			

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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	<p><b>Topic:</b> 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."</p> <p><b>Required Information:</b> 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.</p>	1-May 2-Jun	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.	The information submitted is incomplete. The specific information still needed is updated botanical surveys of proposed disturbance areas.	The Applicant will conduct additional spot-check surveys based on discussion with CEC staff and consultants on May 23, 2023. Results will be provided to CEC when available.	submitted

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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	<p><b>Topic:</b> 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.</p> <p><b>Required Information:</b> 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.</p>	1-May 2-Jun	<p>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.</p> <p>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.</p>	The information submitted is incomplete. The specific information still needed is vegetation mapping data	Per discussion with CEC biological resources contractor Chris Huntley on May 23, 2023, the CEC is in receipt of vegetation mapping GIS data that adequately addresses this data request.	submitted

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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 (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	<b>Topic:</b> 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 ( <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83977&amp;inline">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83977&amp;inline</a> ) 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." <b>Required Information:</b> 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 2-Jun	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.	The information submitted is incomplete. The specific information still needed is updated surveys for CSO. In light of their potential listing and the timing of construction staff considers the data to be required to evaluate impacts under CEQA.	The Applicant will conduct a CSO survey in 2023. Results will be provided to CEC when available.	submitted
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	Not specified	No	Please provide said table or indicate appropriate TN# and page.	1-May	Updated LORS Consistency Matrix (TN# 249636) and General Plan Consistency Matrix (TN# 249635) were provided on April 12, 2023.	Response is Insufficient. TN 249636 does not list the agency that promulgates the Z'berg-Nejedly Forest Practice Act of 1973; TN 249635 makes no mention of an		follow-up response ongoing

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					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.						agency jurisdictional table per Appendix B (i)(1)(B). There is no mention of local agencies as mentioned in the DEIR (Section 3.4.1.3.as having oversight (TN 248288-6).		