

DOCKETED

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HAZ2-10	Deficiency Letter Attachment B	Hazards and Hazardous Materials	Not specified	Not specified	BACKGROUND: Blasting (use of explosives) DEIR Section 3.11.1.2 discusses the setting and general requirements related to using explosives for blasting in areas of hard rock. The section refers to a description of potential blasting in Section 2.4.5.1, which indicates that a Blasting Plan would be prepared, County and emergency responders would be notified, and that all blasting activities would be conducted in compliance with applicable federal, state, and local laws, and appropriate safety and environmental protection measures would be implemented,	Not specified	No	25. Provide a map of the possible locations where blasting could occur.	25-May and 10-Jul	A map of potential blasting locations will be provided following the Final Geotechnical Report, which will be submitted prior to construction.	The information submitted is incomplete and not fully responsive. Please provide and estimate of number of locations that may require blasting based on the draft geotechnical reports and draft engineering design and the approximate areas on the Project site blasting may be needed.	It is assumed that for planning purposes, less than 50% of turbine locations would require blasting based on the results of the initial Geotech Report (TN# 248292-1), which states "It is anticipated that excavations within the upper residual soil and decomposed basalt at proposed foundation locations can be accomplished with conventional large earthmoving equipment such as a large excavator possibly equipped with a hammer bucket and/or large dozer equipped with a single ripper tooth. For the sites having competent/strong bedrock, pre-blasting or "popping" prior to ripping may be required in order to permit ripper tooth entry of the dozer." However, blasting could be conducted at any location where a foundation must be poured, i.e., O&M building, overhead collector line poles, or turbines. These locations are shown in the Project master shapefiles submitted June 29, 2023 via Kiteworks (TN# 250835). A Blasting Plan will be developed upon preparation of the Final Geotechnical Report prior to construction.		

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LU-008	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (g) (3) (C)	A discussion of the legal status of the parcel(s) on which the project is proposed. If the proposed site consists of more than one legal parcel, describe the method and timetable for merging or otherwise combining those parcels so that the proposed project, excluding linears	TN 248330: Shasta County Use Permit Application; pdf pages 8 to 16 TN 249296-9: Parcel Owners List	No	Please revise the list of parcels within the project area. The list of parcels within the proposed project area reflects the 2019 proposed project site. The list needs to be	25-May 1-Jun 21-Jun 10-Jul	A table with APNs within the Project Site is included (TN# 250435). See note on 250435 which states: To our knowledge, all of these parcels are recognized as legally created parcels under California law. No parcel mergers are anticipated. No structures, except for linear features such as access roads and collection lines, will straddle parcel boundaries.	The information submitted is incomplete. TN 250289 (LU-008_fwp_response_memo), TN 250435 (LU-008_fwp_parcel_numbers_rev2), and TN 250448 (land_use_fwp_responses) are not adequate responses to the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(C). The specific information still needed is: --Clarification on the list of parcels that include all parcels upon which project activities would occur and that are within the Applicant's defined project site boundary. The list of parcels docketed in TN 250435 (LU-008_fwp_parcel_numbers_rev2) does not match the list of parcels docketed in TN 250289 (LU-008_fwp_response_memo). The more recent docket filing (TN 250435) does not identify any of the changes to the list of APNs or explain why a revised list of APNs was docketed. --A revised discussion of the legal status of the parcels on which the project is proposed. As required by the Warren-Alquist Act Siting Regulation	The original APN list docketed as TN 250289 was over-inclusive. The revised APN list and maps have been docketed as TN 250435 is the correct list. The list in TN 250289 should be disregarded. A discussion of the legal status of the parcels was provided as part of TN 250435-and is repeated here: "To Applicant's knowledge, all of these parcels are recognized as legally created parcels under California law. No parcel mergers are anticipated. No structures, except for linear features such as access roads and collection lines, will straddle parcel boundaries." The data request again requests information about parcel mergers. Parcel mergers are only necessary where non-linear facilities (such as the O&M building or a substation) are proposed to straddle parcel lines. Applicant confirms that no non-linear structures are proposed to straddle parcel lines. Wind energy projects, which commonly comprise thousands of acres, are commonly constructed on multiple legal parcels. It would be impractical (and unnecessary) for a utility-scale wind energy project to be constructed on a single legal parcel. No parcel mergers are proposed or required. Site ownership and control has already been disclosed (TN# 248331) and a lease extension	Thank you for confirming that the corrected list of parcels is provided in TN 250435, and that TN 250289 should be disregarded. The information submitted is incomplete. The specific information still needed is the following: -Please provide documentation of the lease extension for each parcel upon which the Project would be sited as proof of site control. As mentioned in the prior disposition response, "Although parcel	Lease extension provided (TN# 250984).

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											<p>Appendix B (g)(3)(C), "If the proposed site consists of more than one legal parcel, describe the method and timetable for merging or otherwise combining those parcels so that the proposed project, excluding linears and temporary laydown or staging area, will be located on a single legal parcel." The proposed project includes non-linear and permanent infrastructure such as turbines, meteorological and microwave towers, O&M Facilities, Substation/Switchyard sites that would be sited on multiple parcels. Per the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(C), the Applicant must provide the method and timetable for merging or otherwise combining those parcels so that they are located on a single legal parcel. Although parcel mergers are not at the crux of this issue, parcel legality and site control are important. The legal status of each parcel upon which the Project would be sited is important and the Applicant needs to disclose parcel ownership</p>	<p>has been finalized. An updated memorandum of lease will be provided as soon as it is available. Appendix B does not require the Applicant to provide an analysis of encumbrances or deed restrictions on each parcel. Nonetheless, the Applicant confirms that no encumbrances or deed restrictions preclude construction or operation of the proposed project.</p>	<p>mergers are not at the crux of this issue, parcel legality and site control are important. The legal status of each parcel upon which the Project would be sited is important and the Applicant needs to disclose parcel ownership status, if the parcels will be purchased or leased, and if there are any encumbrances or deed restrictions associated with each parcel upon which the project would be sited."</p>	

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											status, if the parcels will be purchased or leased, and if there are any encumbrances or deed restrictions associated with each parcel upon which the project would be sited.			

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SOC-013	Deficiency Letter Matrix	Socioeconomics	Allen Kaufman Kerr	Appendix B (g) (7) (B) (v)	The potential impacts, including additional costs, on utilities (gas, water, and waste) and public services, including fire, law enforcement, emergency response, medical facilities, other assessment districts, and school districts. Include response times to hospitals and for police, and emergency services. For projects outside metropolitan areas with a population of 500,000 or more, information on schools shall include project-related enrollment changes by grade level groupings and associated facility and staffing impacts by school district during the construction and operating phases;	TN 248288-3: DEIR Intro Environmental Analysis; pages 22-26 TN 248322: Executive Summary and Project Description ; page 15 TN 248288-17: DEIR Utilities and Service Systems; pages 3.15-2, 3.15-9	No	Please provide current response times to hospitals and for police and emergency services. Please provide a discussion with level of detail similar to that provided for utilities for the response times for fire protection, law enforcement, and medical facilities. Please include a discussion of the potential impacts.	6/2/2023 and 29-Jun and 3-Jul and 5-Jul and 10-Jul	Shasta County Fire and Sheriff did not respond to a request for response times when they were contacted in May 17, 2023. Response times for Fire/EMS was approximately 30 minutes in outlying areas of the county (https://www.shastacounty.gov/sites/default/files/fileattachments/shasta_county_fire/page/4339/2021_annual_report.pdf)	The response is insufficient for my analysis purposes. The link provided is not an adequate response to the Warren-Alquist Act Siting Regulation Appendix B (g)(7)(A)(v). The link provided to the 2021 Annual Report states that ambulance response time is approximately 30 minutes in outlying areas of the county. The specific information still needed includes the following data for public safety analyses: -Current response times for police/sheriff services. -Current response times for fire services. -Clarification on whether the 2021 Annual Report for Fire/EMS is the most recent document. If a 2022 Annual Report is now available, please provide it. -If there are Annual Reports for medical/hospital services in Shasta County, and from the Shasta County Sheriff's Offices, please provide the most recent documents.	On June 19, 2023, the Applicant searched for publicly available information on the County's website, including respective websites for the Fire Department and Sheriff's Office, regarding response times for fire, police, and emergency services. Neither the County nor the Fire and Police Departments provide public documents discussing response times. The Fire Department provides a link to its 2021 Annual Report; however, more recent versions are not available. The 2021 Annual Report describes department facilities and incidents, but it does not provide average response times or response time goals. CALFIRE's 2022 Shasta Trinity Unit Strategic Fire Plan also does not provide average response times for fire services. According to the Fire Department's website, the Fire Department is responsible for all medical aid incidents outside of incorporated cities and districts in Shasta County. In 2021, approximately one-third of the emergency calls required a response to outlying areas of the County; ambulance response time in these areas was approximately 30 minutes. More recent information regarding emergency service response times is not available.	The response is insufficient for my analysis purposes. The information provided is not an adequate response to the Warren-Alquist Act Siting Regulation Appendix B (g)(7)(A)(v). Applicant Response No. 2 states "to the extent it is provided, response time information was received from the respective service by email correspondence" for other environmental documents. However, neither Applicant Responses 1 nor 2 provide this information from other	The email responses referenced in the Applicant's Response No. 2 were not specific to this Project but rather the "Other County environmental documents for pending or past projects". The Applicant contacted the Burney Fire Protection District, Shasta County Forestry Fire Station, Burney Fire Department, Shasta County Sheriff - Burney Station, California Highway Patrol Shasta County office, and Mayers Memorial Hospital on May 17, 2023 via phone and again on July 5, 2023 to inquire about incident response time statistics. The Applicant left messages on a voicemail or with a staff member requesting follow-up. To date, no response time statistics have been received as a result of these

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												<p>The Sheriff's Office does not provide an annual report or other similar publications discussing response times.</p> <p>The County itself did not describe specific response times for the local fire agencies serving the area in its EIR for the Project. Other County environmental documents for pending or past projects similarly do not provide general response times for fire, police, or emergency services. Rather, to the extent it is provided, response time information was received from the respective service by email correspondence. On May 17, 2023, the Applicant contacted the Fire Department and Sheriff's Office for relevant information but has not received a response. Should CEC staff want additional confirmation from Shasta County, the Applicant has also provided CEC staff with contact information for the County planning staff (including emails and telephone numbers) for purposes of CEC coordination.</p>	<p>County environmental documents that was obtained through email correspondence. Please provide the email responses referenced in Applicant Response No. 2. If needed, please follow up with the appropriate public service agencies by phone call to obtain this information. The specific information still needed includes the following:</p> <ul style="list-style-type: none"> - Information contained in the above-referenced emails. -Current response times for police/sheriff services. -Current response 	<p>attempts.</p> <p>Update 10-Jul: response times were obtained for Burney Fire Protection District (average 5 minutes); Shasta County Forestry Fire Station (ranges from 2 minutes to 2 hours depending on fire location); and Burney Fire Department (average 5 minutes, range 3-6 minutes). No response from Shasta County Sheriff Burney Station, California Highway Patrol, or Mayers Memorial Hospital (ambulance service).</p>

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													times for fire services. -If there are Annual Reports for medical/hospital services in Shasta County, and from the Shasta County Sheriff's Offices, please provide the most recent documents.	

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TRAF-001	Deficiency Letter Matrix	Traffic and Transportation	Robinson Islam Kerr	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.	TN 248288-16: DEIR Transportation; Section 3.14.3.2, Pages 3.14-10 – 3.14-16 TN 248288-14: DEIR Greenhouse Gas Emissions; Section 3.10.3.2, Pages 3.10-17 – 3.14-19 NOT DOCKETED: Fountain Wind Project Draft EIR Appendix H (Transportation), Westwood Traffic Study, Fountain Wind Power, Shasta County, California, February 11, 2020, Page 17 File was obtained from the following site on 1/30/2023: https://www.shastacounty.gov/sites/default/files/attachments/	No	Please expand the analysis of Impact 3.14-2 of Section 3.14.3 (Direct and Indirect Effects) presents the analysis of the project relative to CEQA Guidelines Section 15064.3(b), which relates to the evaluation of a project's transportation impacts. Specifically, analysis using vehicle miles of travel (VMT) is identified as the most appropriate measure for the analysis of transportation impacts. The analysis of Impact 3.14-2 relies on GHG analysis in Section 3.10, GHG Emissions, since the intent of SB 743 is to encourage land use and transportation planning decisions and investments that reduce VMT, thereby reducing	6/16/2023 and 10-Jul	See Section 8.1 of the revised Traffic Study (TN# 250644) for a discussion of carpooling as a means to reduce construction-related VMT.	Thank you for discussing potential measures for reducing commute VMT during construction. The acknowledgement that carpooling is a viable TDM strategy is helpful. However, quantification of the potential reduction in VMT through implementation of carpooling should be provided. A table to summarize the VMT calculation provided in Section 8.1 (Page 15) of the revised report (TN# 250644) should be provided to show how the VMT was calculated. Including information like workdays, vehicles, trips, and trip length will eliminate the need for readers to have to "back into" the calculation. Similarly, the calculation of VMT per capita in the 4th paragraph Section 8.1 (Page 15) of the revised report (TN# 250644) should identify the assumed vehicle occupancy.	See Exhibit 4 of the updated Traffic Impact Analysis (TN# 250985).		

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						planning/page/361/appendix_h_transportation.pdf		GHG emissions. As explained in Section 3.14-2, absent an adopted VMT threshold, the County decided to rely on an established environmental standard that is protective of resources of legislative concern. The less-than-significant impact finding is in part a result of a potential net offset of annual CO2e emissions with implementation (i.e., due to ongoing power generation). The VMT analysis demonstrates that the project will result in a short-term increase in VMT during construction. However, no discussion or analysis is presented of potential TDM strategies (carpooling, ridesharing, etc) or other measures that could be							

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								implemented to reduce VMT during construction, although identified in Appendix H, Page 17.						

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TRAF-004	Deficiency Letter Matrix	Traffic and Transportation	Robinson Islam Kerr	Appendix B (g) (5) (C) (i)	Road classification and design capacity;	TN 248288-16: DEIR Transportation; Section 3.14.1.2 (Environmental Setting), Page 3.14-4 (Table 3.14-2) NOT DOCKETED: Fountain Wind Project Draft EIR Appendix H (Transportation), Westwood Traffic Study, Fountain Wind Power, Shasta County, California, February 11, 2020, Page 2-3. File was obtained from the following site on 1/30/2023: https://www.shastacounty.gov/sites/default/files/attachments/planning/page/361/appendix_h_transportation.pdf	No	Please update the capacities documented in Table 3.14-2. The hourly capacities presented are base capacity values, representative of ideal conditions. Base capacities do not account for the impacts of heavy vehicles, grades or other sources of friction that will lower the capacity of a freeway or highway lane.	6/16/2023 and 10-Jul	The capacities have been updated in Table 1.1 of the revised Traffic Study (TN# 250644) as requested.	Thank you for updating the capacity analysis. The information submitted in Table 1.1 of the revised report (TN# 250644) and the technical calculation provided in Appendix D was responsive to the request. A description of the methodology applied and the software used to complete the capacity analysis is missing.	See updated Traffic Impact Analysis (TN# 250985). Roadway capacity analysis was performed with HCS Software for the pre-construction, construction, and post-construction scenarios. Traffic data collected by Caltrans in 2020 and roadway characteristics observed from desktop review (i.e., speed limit, number and width of lanes, etc.) were used to calculate roadway capacity. Project access Level of Service (LOS) methodology is described in Section 8.2.		

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TRAF-007	Deficiency Letter Matrix	Traffic and Transportation	Robinson Islam Kerr	Appendix B (g) (5) (C) (iii)	Current and projected levels of service before project development, during construction, and during project operation;	TN 248288-16: DEIR Transportation; Section 3.14.1.2 (Environmental Setting), Page 3.14-3 – 3.14-4, (Table 3.14-2) NOT DOCKETED: Fountain Wind Project Draft EIR Appendix H (Transportation), Westwood Traffic Study, Fountain Wind Power, Shasta County, California, February 11, 2020, Page 12-16 File was obtained from the following site on 1/30/2023: https://www.shastacounty.gov/sites/default/files/attachments/planning/page/361/appendix_h_transportation.pdf	No	Please update roadway capacity and intersection operations analysis. As outlined above, the roadway capacity analysis was conducted using base capacity values that do not account for the impacts of heavy vehicles, grades or other sources of friction that will lower the capacity of a freeway or highway lane. In addition, the analysis needs to be updated based on new traffic count data.	6/16/2023 and 10-Jul	The analyses have been revised as requested. Results are presented in Table 1.1 and Appendix D of the revised Traffic Study (TN# 250644).	Please refer to response to TRAF-004.	See updated Traffic Impact Analysis (TN# 250985). Roadway capacity analysis was performed with HCS Software for the pre-construction, construction, and post-construction scenarios. Traffic data collected by Caltrans in 2020 and roadway characteristics observed from desktop review (i.e., speed limit, number and width of lanes, etc.) were used to calculate roadway capacity. Project access Level of Service (LOS) methodology is described in Section 8.2.		

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TRAF-010	Deficiency Letter Matrix	Traffic and Transportation	Robinson Islam Kerr	Appendix B (g) (5) (C) (vi)	An identification of any road features affecting public safety.	TN 248288-16: DEIR Transportation; Section 3.14.1.2 (Environmental Setting), Page 3.14-2 – 3.14-4, Section 3.14.3.2 (Page 3.14-13 – 3.14-15 TN 248320-3-16: Traffic Report, Page 1-2 NOT DOCKETED : Fountain Wind Project Draft EIR Appendix H (Transportation), Westwood Traffic Study, Fountain Wind Power, Shasta County, California, February 11, 2020, Page 2-3 File was obtained from the following site on 1/30/2023: https://www.shastacounty.gov/sites/default/files/ileat	No	Please collect collision records on study roadways. Collect and map the most recent 3-year collision data available for the study corridors to identify locations where road features or characteristics may be affecting public safety. Expand impact discussion Impact 3.14-3 to incorporate relevant findings of collision analysis.	6/16/2023 and 10-Jul	The requested information is included in Table 1.2 of the revised Traffic Study (TN# 250644).	The collision records collected were responsive to the request. An analysis of the collision records is missing. Table 1.2 of the revised report (TN# 250644) includes total number of collisions. However, no information is provided relative to how the collision rates compare to statewide averages for similar facilities or how the characteristics of the roadway that may be affecting public safety or contributing to the reported collisions?	See updated Traffic Impact Analysis (TN# 250985). To facilitate statewide crash averages for 'similar facilities' in California, crash comparisons were initially performed for the most recent year, 2020. However, due to the Covid-19 pandemic, Westwood expanded crash data analysis to include the years 2018, 2019, and 2020, to ensure any pandemic outliers did not skew data analysis. To include the expanded data set, Table 1.2 was updated, and Table 1.3 was added to reflect additional crash analysis within boundaries of the project site commuter and delivery routes, in conjunction with statewide data (see Appendix C). The crash rates along the roadway segments of SR 299 are less than the statewide averages for similar 4-lane divided and 2/3-lane facilities.		

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LU2-05	Attachment B Addendum	Land Use	Not specified	Appendix B (g) (3) (C)	<p>9. Please provide a list of all parcels and their APNs within the current 2023 proposed project site boundary, and a figure that identifies the location of proposed project components relative to each parcel (turbines, ground and overhead collector lines, access roads, temporary construction laydown areas, proposed operations and maintenance facility, proposed meteorological evaluation towers, storage sheds, temporary concrete batch plants, substation and switchyard, and relay microwave tower).</p> <p>10. Provide the terms of the Wind Energy Lease between the Applicant and property owner (Oxbow Timber I, LLC).</p> <p>11. Discuss whether any parcel mergers would occur as part of the proposed project. Provide details on what parcels would be included in the merger, and what project components would be sited or staged on the merged parcels. Describe any communications that have occurred with Shasta County regarding parcel mergers, and any requirements identified by the County to approve a parcel merger.</p> <p>12. Identify any recorded restrictions on the project site that preclude development, and identify which parcels these restrictions apply to.</p>	Not specified	No	Not specified	25-May; resubmitted 1-Jun and 21-Jun and 10-Jul	<p>9. A list of project parcels (TN# 250435) and corresponding maps are provided (TN# 250442, 250443, 250444);</p> <p>10. The memorandum of lease between the Applicant and Oxbow Holdings was provided as part of the original application (TN# 248331). The commercial terms of the lease are confidential.</p> <p>11. No parcel mergers are proposed.</p> <p>12. No recorded restrictions exist on the Project site. The county-wide ban on commercial scale wind projects passed subsequent to Project's denial.</p>	<p>Items 9-10 listed in the Response column are not sufficient responses. Please provide detailed responses to each specific question posed in the detailed Data Requests provided in TN 248759 (Deficiency Letter, Attachment B Addendum). 6/6/23 Disposition: The information submitted is incomplete. TN 250448 (land_use_fwp_responses) is not an adequate response to TN 248759 (Deficiency Letter, Attachment B Addendum: Alternatives, Land Use, and Socioeconomics Data Requests inadvertently left out of deficiency letter for Fountain Wind application).</p> <p>Regarding the Applicant's response to Item No. 10, according to TN 248331 (Lease with Oxbow Holdings), Item G. 2. Option Terms., "The initial term of the amended restated and combined Option Agreement ("Initial Option Term") shall commence on April 4, 2016 and shall continue for five (5) years, unless earlier terminated under the terms of the Option Agreement. Grantee shall have the right,</p>	<p>As noted, the project site is privately owned by a timber management company and will be under long term lease to the Applicant. Site ownership and control has already been disclosed (TN# 248331) and a lease extension has been finalized. An updated memorandum of lease will be provided as soon as it is available. Appendix B does not require the Applicant to provide an analysis of encumbrances or deed restrictions on each parcel. Nonetheless, the Applicant confirms that no encumbrances or deed restrictions preclude construction or operation of the proposed project.</p>	See Disposition 2 for LU-008	Lease extension provided (TN# 250984).

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											<p>but not the obligation, to extend the Initial Term for one option extension period of one (1) year ("Option Extension Period"). The Option Extension Period, if any, shall commence no later than the end of the Initial Term." Based on the terms from the lease, it appears that the term expired in April 2022. Please provide any updates to the terms of the lease. This item is important for ensuring site control by the Applicant.</p> <p>Regarding the Applicant's response to Item No. 12, parcel legality and site control are important issues. The legal status of each private parcel upon which the Project would be sited is important and the Applicant needs to disclose parcel ownership status, if the parcels will be purchased or leased, and if there are any encumbrances or deed restrictions associated with each parcel upon which the Project would be sited.</p>			