

DOCKETED

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To: Leonidas Payne
California Energy Commission

From: Caitlin Barns
Stantec Consulting Services, Inc.

File: Fountain Wind Project (23-OPT-01)

Date: August 2, 2023

Re: Memorandum addressing sufficiency of responses for ALT-01, LU-002, LU-003, LU-006, LU-010, LU-012, LU2-01, LU2-02, LU2-04, LU2-05, MOR-029, MOR-030, SOC-001, SOC-004, SOC-006, SOC-007, SOC-008, SOC-013, SOC-021, SOC2-007, SOC2-008, SOC2-009, and SOC2-014

DATA REQUEST ALT-01

CEC Disposition 3: As noted in CEC Disposition No.1 for Data Request Identifier PO-018, there are multiple inconsistencies in the LGIA and associated documents provided. The Applicant still needs to provide clarification for why the proposed site was selected as it relates to generation need within the proposed area of the transmission system.

Applicant Response: The current site was selected chiefly because of the available and commercially adequate wind resource, and because of available capacity on the transmission line into which the Project would connect. See the Project Description and Executive Summary (TN# 248322) and alternatives response memo (TN# 250551) for a summary of site selection. The Applicant has provided all the information it has to respond to this data request.

Project sites for renewable energy are not selected due to “generation need within the proposed area of the transmission system.” Electricity, such as would be generated from this project, can be used throughout the state and not just within this area of the transmission system. A state-wide need for emissions-free energy is demonstrated by the fact that the state has set ambitious goals for generation of clean energy that have not yet been met.

DATA REQUEST ALT-03

CEC Disposition 1: Please include the No Project Alternative in the Comparative Analysis of Alternatives. CEQA Guidelines Section 15126.6(e)(2) explains that the No Project Alternative must discuss two scenarios: (1) the existing conditions at the time that the NOP is published, and (2) what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. Note that since the application was recently filed with the Energy Commission and a new CEQA environmental review process will be conducted for the proposed project, the previous date of NOP publication cannot be used for baseline conditions (for example, there are new site development restrictions by County ordinance). Therefore, the updated baseline condition of the proposed project site must be considered in the development of the No Project alternative scenarios. The 2020 DEIR Section 4.2 does not provide a full analysis of the No Project Alternative. It is inadequate to state that there are no impacts because there is no project without providing a resource specific discussion of the activities that would occur in the foreseeable future. The Comparison of Alternatives analysis should include the No Project Alternative in its analysis of each alternative for each resource area.

Applicant Response: The CEC’s Disposition No. 1 makes observations about the way in which Shasta County analyzed the No Project Alternative in its EIR. The request does not request data. CEC may decide to analyze the No Project Alternative differently than Shasta County did in the EIR it prepared.

By providing the alternatives analysis prepared by Shasta County, the Applicant has met its obligations under Appendix B and has no further information to provide.

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Reference: Memorandum addressing sufficiency of responses for ALT-01, LU-002, LU-003, LU-006, LU-010, LU-012, LU2-01, LU2-02, LU2-04, LU2-05, MOR-029, MOR-030, SOC-001, SOC-004, SOC-006, SOC-007, SOC-008, SOC-013, SOC-021, SOC2-007, SOC2-008, SOC2-009, and SOC2-014

DATA REQUEST ALT2-01

CEC Data Request: 1. Please provide a feasible alternative site for the development of a large wind energy system (outside of unincorporated Shasta County) that meets the basic project objectives, and include the following information:

- a. A map illustrating the alternative site location;
- b. Number of wind turbines and approximate size of the turbines that could be constructed;
- c. Details on project components including access roads, substation/ switching station, transmission line details (voltage, route, number of towers, etc.);
- d. How the site meets the project objectives; and
- e. Any other additional infrastructure and facilities that would be needed to support the development of a large wind energy system and its connection to the energy grid.

Applicant Response: Appendix B does not require the Applicant to provide a discussion of an alternative location for the project. Appendix B asks for “a range of reasonable alternatives to the project or to the location of the project.” (Emphasis added.) Nor does CEQA require the CEC to analyze an off-site alternative. Similar to Appendix B, CEQA Guidelines section 15126.6 requires a CEQA lead agency to describe a “range of reasonable alternatives to the project or to the location of the project.” (Emphasis added.) The Applicant has provided an alternatives analysis that satisfies the Appendix B requirement. In an effort to assist the CEC should it choose to include an off-site alternative location in its EIR, the Applicant nonetheless voluntarily provides the following information above and beyond the requirements of Appendix B for the CEC’s consideration:

Alternative Site¹ – 13,125 acres of private land in Tehama County – 48 turbines, 205 MW; a map is attached as Exhibit 1; 4.25 mile gen-tie line; connecting to existing 230 kV PG&E transmission system via a tap of one of the four parallel lines listed below.

- Cottonwood to Cortina 230 kV
- Logan Creek to Cottonwood 230 kV
- Cottonwood to Vaca Dixon 230 kV
- Cottonwood to Glenn 230 kV

Transmission upgrades required, at a minimum, would include a new interconnection switchyard as well as other Network Upgrades as identified by the Grid Operator (CAISO) through an interconnection request and associated study work. A similar number of new access roads and ground disturbance would be required for this off-site alternative as the proposed project. A project at

¹ The Alternative Site is identified for representational purposes and is intended to reflect a potentially suitable location to develop, construct, and operate an approximately 205 MW wind generation project based on a desktop review of wind resource, existing land use, and vicinity to transmission. The Applicant makes no representations as to landowner interest, preliminary design or construction feasibility, environmental constraints, or other development factors that require extensive study and coordination.

Reference: Memorandum addressing sufficiency of responses for ALT-01, LU-002, LU-003, LU-006, LU-010, LU-012, LU2-01, LU2-02, LU2-04, LU2-05, MOR-029, MOR-030, SOC-001, SOC-004, SOC-006, SOC-007, SOC-008, SOC-013, SOC-021, SOC2-007, SOC2-008, SOC2-009, and SOC2-014

the alternative site would meet most of the project objectives but would not be as desirable because development at the alternative site would likely require additional accommodation of environmental constraints compared to the proposed site.

DATA REQUEST ALT2-02

CEC Data Request: Please provide an alternative that considers the development of multiple small wind energy systems in Shasta County, consistent with Shasta County’s Ordinance No. SCC 2022-04. This alternative should describe the additional infrastructure and facilities that would be needed to support the development of small wind energy systems in Shasta County that achieves the basic project objectives in lieu of one large wind energy project.

Applicant Response: The Applicant disagrees that the development of multiple small wind energy systems on the site would be a feasible alternative for the project. By definition under the County’s code, small wind energy systems may only supply electricity for *on-site* demand. See excerpt of Laws, Ordinances, Regulations, and Statutes Table (TN# 250751) submitted June 27, 2023, explaining with citations to Shasta County Code that small wind energy systems are defined as those that supply energy for on-site consumption only. One of the project’s basic objectives is to generate electricity for delivery to the California grid for off-site consumption.

The Applicant is unaware of any current or reasonably foreseeable on-site uses that would generate demand for 205 MW of energy and has no additional information to share with the CEC on this topic.

Zoning Code Section	Consistency Determination	Project Consistency
Section 17.88.035.A (Small wind energy systems, definitions)	Not Applicable	Section 17.88.035 applies to “small wind energy systems,” defined under Section 17.88.035.A as “wind energy conversion system[s] consisting of a wind turbine(s), a tower(s), and associated control or conversion electronics which will be used to reduce on-site consumption of utility electricity obtained via the electric grid or to enable on-site generation of electricity in lieu of connecting to the electric grid. ” This section does not apply to the Project, a utility-scale wind project designed to deliver renewable wind energy to the larger grid.
Section 17.88.035.B (Small wind energy systems, authorization)	Not Applicable	Section 17.88.035.B provides that one small wind turbine may be permitted with an administrative permit, and two or more small wind turbines may be permitted with a use permit. This section applies to small wind energy systems and, therefore, does not apply to the Project. The Project proposes up to 48 utility-scale turbines on an approximately 4,464-acre project site.
Section 17.88.035.C (Small wind energy systems, tower height)	Not Applicable	Section 17.88.035.C allows small wind tower heights of not more than 65 feet on parcels between one and five acres, and tower heights of not more than 80 feet on parcels greater than five acres, provided the proposed height does not exceed the height

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Zoning Code Section	Consistency Determination	Project Consistency
		recommended by the manufacturer or distributor of the system. Section 17.88.035.C allows tower heights in excess of these standards with a use permit. This section applies to small wind energy systems and, therefore, does not apply to the Project. The Project proposes utility-scale wind turbines with hub heights up to 328 feet and blade tip heights up to 610 feet. The turbines would be constructed and operated in compliance with manufacturer specifications.
Section 17.88.035.D (Small wind energy systems, setbacks)	Not Applicable	Section 17.88.035.D requires small wind turbine setbacks from the property line of no less than the height of the system, provided it also complies with any applicable fire setback requirements including, but not limited to, Section 4290 of the Public Resources Code as it may be amended from time to time. This section applies to small wind energy systems and, therefore, does not apply to the Project. The Project proposes setbacks of 1.5 times the turbine height from publicly maintained roads and three times the turbine height from adjacent parcels containing a residence. The Project also would comply with applicable firebreak, power line, and vegetation clearance requirements.
Section 17.88.035.E (Small wind energy systems, noise)	Not Applicable	Section 17.88.035.E requires that decibel levels from small wind energy systems shall not exceed noise standards established in the Noise Element of the General Plan, except during short-term events such as utility outages and severe wind storms. This section applies to small wind energy systems and, therefore, does not apply to the Project. Regardless, please see TN 249641, at pp. 6-7, demonstrating the Project's compliance with General Plan noise standards.
Section 17.88.035.F (Small wind energy systems, FAA compliance)	Not Applicable	Section 17.88.035.F requires small wind turbines to comply with applicable FAA and State Aeronautics Act requirements. This section applies to small wind energy systems and, therefore, does not apply to the Project. Regardless, the Project received FAA Determinations of No Hazard on July 1, 2021 and an extension on January 17, 2023. The FAA determined that the turbines would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Additionally, the nearest airport to the Project site is located approximately 20 miles northeast of the Project Site, and the Project is not located within an airport land use plan. Thus, the Project would have no impact related to airport operations.

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Zoning Code Section	Consistency Determination	Project Consistency
Section 17.88.035.G (Small wind energy systems, electricity consumption)	Not Applicable	<p>Section 17.88.035.G requires applicants to demonstrate that the small wind energy system will be used for on-site electricity consumption. This section applies to small wind energy systems and, therefore, does not apply to the Project. The Project is a utility-scale wind project designed to deliver renewable wind energy to the larger grid.</p>
Section 17.88.035.H (Small wind energy systems, location requirements)	Not Applicable	<p>Section 17.88.035.H provides that small wind energy systems are not allowed where otherwise prohibited by any of the following:</p> <ol style="list-style-type: none"> 1. An airport land use plan 2. The Alquist-Priolo Earthquake Fault Zoning Act 3. Scenic highway protections 4. The terms of an open space conservation easement 5. The terms of an agricultural conservation easement 6. The terms of a Williamson Act contract 7. The listing of the site in the National Register of Historic Places or the California Register of Historical Resources <p>This section applies to small wind energy systems and, therefore, does not apply to the Project. Regardless:</p> <ol style="list-style-type: none"> 1. The Project is not located within an airport land use plan 2. No active faults are present within the Project site 3. The Project would not reduce the visual quality of views from designated or eligible scenic highways (see TN 249635, at p. 1, and TN 249636, at p. 1, regarding views from scenic highways) 4. The Project site is not subject to open space conservation easements 5. The Project site is not subject to agricultural conservation easements 6. The Project site is not subject to Williamson Act contracts 7. Based on the results of the previous analysis, the Project site contains one cultural resource that qualifies for listing in the California Register. The Project would avoid the resource, and otherwise mitigate any impacts to unknown resources discovered during construction in accordance with state law. Otherwise, the Project site is not listed in the National Register of Historic Places or the California Register of Historical Resources
Section 17.88.035.I (Small wind energy systems, agricultural land)	Not Applicable	<p>Section 17.88.035.I includes requirements for small wind energy systems on agricultural land that may have aircraft operating at low altitudes. This section applies to small wind energy systems and, therefore, does not apply to the Project. Regardless, the Project is</p>

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Zoning Code Section	Consistency Determination	Project Consistency
		not located on agricultural lands that may have aircraft operating at low altitudes.
Section 17.88.335.B and C (Large wind energy systems, definition and prohibition)	Inconsistent	<p>Section 17.88.335.B defines “large wind energy systems” as wind energy conversion systems that are not identified as “small wind energy systems” (defined above). Section 17.88.335.C prohibits large wind energy systems in all County zoning districts.</p> <p>The Project qualifies as a large wind energy system as is not allowed by the County in any zoning district.</p>
Section 17.88.335.A (Large wind energy systems, legislative findings)	Inconsistent	<p>In 2022, the County prohibited utility-scale wind projects in all County zoning districts through the adoption of Zoning Code section 17.88.335. In April, 2023, the County again amended Zoning Code section 17.88.335 (Ordinance No. SCC 2023-01) to add various “legislative findings” regarding large wind energy projects in response to the Legislature’s adoption of the opt-in program under AB 205. The legislative findings declare that the construction or operation of large wind energy systems “will not have an overall net positive economic benefit to the County.” The County’s legislative findings are not supported by technical reports or studies, referring instead to public comment letters received in opposition to the Fountain Wind Project.</p> <p>The CEC may take the County’s opinion into account in deciding whether to authorize a renewable energy project under the opt-in program; however, once an application is filed, the CEC is vested with the exclusive power to certify the facility in accordance with Public Resources Code section 25545.1. Further, the CEC must independently determine, based on substantial evidence in the record, whether the Project will have an overall net positive economic benefit to the local government that would have had permitting authority over the site. Under Public Resources Code section 25545.9, the definition of “overall net positive economic benefit” includes, but is not limited to:</p> <ul style="list-style-type: none"> (a) Employment growth. (b) Housing development. (c) Infrastructure and environmental improvements. (d) Assistance to public schools and education. (e) Assistance to public safety agencies and departments. (f) Property taxes and sales and use tax revenues. <p>The Applicant has submitted detailed studies demonstrating that the Project would provide substantial benefits to the County, including</p>

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Zoning Code Section	Consistency Determination	Project Consistency
		<p>well-paying jobs, substantial tax revenues and other direct, indirect, and induced economic benefits. Overall, Project construction is estimated to generate 450 job years, approximately \$27 million in employee compensation, and approximately \$60 million in total economic output/sales in the County, and over the 35-year operational period the Project will provide 1,456 job years, \$90.4 million in employee compensation, and \$210.3 million in economic output/sales activity in the County. (See TN 250344). The Applicant also has prepared a community benefits program, which consists of approximately \$2,000,000 in proposed funding to local programs supporting education, public safety, fire protection, and workforce development and was developed based on direct feedback from members of the community. (See TN 248296-2). The Project will result in additional benefits to the County and State of California, including offsetting GHG emissions generated by fossil-fuel power plants. Indeed, the Project is expected to provide a potential net offset of 227,917 MT CO₂e per year if the electricity generated by the Project were to be used in place of electricity generated by fossil-fuel sources. The applicant believes the record firmly establishes that the project would result in an overall net positive economic benefit to Shasta County.</p>

The Applicant has provided all the information it has to respond to this data request.

DATA REQUEST ALT2-03

CEC Data Request: Please provide the following for the No Project Alternative scenarios:

- a. An updated discussion of existing conditions that addresses County Ordinance No. SCC 2022-04 which prohibits large-scale wind generation development (e.g., the proposed project) and seeks to site small-scale wind generation (e.g., potential future projects);
- b. Existing activities or future anticipated activities in Shasta County to provide utility scale or small-scale renewable energy generation. For example, Hatchet Ridge Wind is an existing utility scale wind project that currently operates approximately one mile east of the proposed project and should be factored into the discussion of the No Project Alternative scenario to describe the area's existing conditions with respect to current renewable energy generation; and
- c. Reasonably foreseeable proposed projects or activities that will assist California in meeting the SB 100 renewable energy generation targets.

Applicant Response: The Applicant has provided an adequate description of existing conditions and has no additional information about future anticipated activities on site. The Applicant has explained why small wind energy generation is not a feasible alternative to the project in the response to ALT2-002 and has also explained why it does not believe that development of small wind energy facilities is likely in the future at this

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site because of the absence of users on site that would require or seek on-site generation of wind energy. See Applicant Response to ALT2-02 for a discussion of County Ordinance No. SCC 2022-04 which prohibits large-scale wind generation development (e.g., the proposed project) and explains why, in its view, small-scale wind generation is not likely nor is it a feasible alternative. With respect to whether a project like Hatchet Ridge could be included under a No Project scenario, the Applicant points out that the County has now prohibited large scale wind energy in the County and thus, absent a project obtaining certification from the CEC like Fountain Wind is seeking, a new large scale wind energy development is not likely under a No Project alternative. Other than its proposed project, the Applicant has no information about other projects or activities that might assist the state in meeting its SB 100 renewable energy targets.

The Applicant has provided all the information it has to respond to this data request.

DATA REQUEST LU-002, LU-003, LU-006, LU2-02, LU2-04, AND LU2-05

CEC Disposition No. 4: Excision of project impact areas to accommodate buffers or project areas that encroach onto non-participating parcels or adjustments to the rights-of-way during field work do not take away the potential for actual impacts that could occur to such land uses and the need to disclose such impacts in the CEQA document. At this point, since the Applicant has not provided specificity or clarification of these items, in order for Staff to be able to conduct our analysis, please provide information on how the required 1-mile buffer would be accommodated or, at a minimum, provide worst-case scenario assumptions for each of the requested site description items detailed throughout LU-002, LU-003, LU-006, LU2-02, and LU2-04.

Applicant Response: Per discussion on 7/27, the proposed project infrastructure on parcel 029210019000 is the improvement of an existing road. The existing road is 107 feet from the edge of the non-participating parcel line (029210010000, Lassen National Forest), according to results of the Applicant's topographical survey. Proposed infrastructure, and the associated permanent and temporary disturbance areas will not encroach on 029210010000. The other two parcels on which encroachment is alleged (parcels 029210011000 and 027160022000) also will not in fact be encroached on. The project features near these parcels also include improvements to an existing road and an electric collection line, and they will be 42 feet and 20 feet from adjacent parcel boundaries. In none of these locations will Project infrastructure, or permanent or temporary disturbance, cross into, encroach upon, or otherwise directly affect the adjacent parcels. Indirect effects on resources to these adjacent parcels are either negligible or can be reduced to less than significant through minimization and mitigation measures. Best management practices and mitigation measures to ensure no impacts will include the application of various measures:

- Dust control – The Applicant will implement dust control measures during construction including the use of dust palliatives, as needed.
- Erosion control – The Applicant will implement erosion and sediment control measures as defined by the Stormwater Pollution Prevention Plan.
- Construction Staking and Fencing – The boundaries of all non-disturbance areas shall be flagged or fenced to be clearly identifiable to equipment operators. The flags or markings shall be spaced a maximum of 50 feet apart, with each marker clearly visible from the immediately adjacent markers. Flagging or fencing shall be installed prior to commencement of construction and maintained until reclamation is completed.

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The Applicant has provided all the information it has to respond to this data request.

DATA REQUEST LU-008

CEC Disposition No. 4: Note that these portions of the lease have been redacted in the Applicant's docketed TN #250984. Therefore, Staff cannot review these portions referenced in the docketed file to confirm this information. Please enter the requested information into the docket in some format so that Staff can reference it in our analyses and for the public to be able to review this information.

Applicant Response: The Applicant entered into the original Option to Lease in 2012, which option was amended in 2016. A redacted copy of the Amended Option is docketed as TN #251202. Included as Exhibit B to this Amended Option is a Renewable Energy Lease Agreement, which lease will become effective upon exercise of the option. Paragraph 1.5 of the Lease Agreement calls for a term until May 1, 2047, a term of 35 years from the date of the original option agreement. (p. 30 of the pdf indicates the lease termination date of 2047.) The ability to exercise the option has been extended to 2029. See TN# 250984. The Applicant expects the landowner will extend the lease term to allow a full 35 years of operations once the CEC approves the project.

The Applicant has provided all the information it has to respond to this data request.

DATA REQUEST LU-010 AND LU-012

CEC Disposition No. 4: Please note again that the site observations referenced in TN 250705 (i.e., the Rare Plant Surveys from 2018, 2019, and 2021) do not include the 110-acre area of Prime Farmland within their survey areas. None of the survey reports provide any description or site observations of the 110-acre area, and there is no discussion of irrigation, cultivation practices, or use of the Farmland for hay production that was described in TN 250705. Even if the parcel is "not" part of the project, it does not mean it will not be impacted.

Applicant Response: The 110-acre area of Prime Farmland is located outside of the Project Area. The Applicant has no access to the in holding parcel, and no surveys were performed or are required to be performed on the parcel. The Prime Farmland within the in-holding parcel is more than 0.5 miles from the closest Project infrastructure. No evidence exists or has been presented that the project construction or operation will have any direct or indirect impact on the status of this area as Prime Farmland or on its existing or future use for agricultural purposes.

The Applicant has provided all the information it has to respond to this data request.

DATA REQUEST LU2-01

CEC Disposition No., 4: Again, Staff needs confirmation as to whether or not the Applicant will implement the Community Benefits Program as part of the Project. Please provide confirmation as to whether, or not, the Program will be undertaken as part of the Project. If so, it will need to be analyzed in the CEC's CEQA analysis.

Applicant Response: The Applicant will comply with its obligation to provide evidence of funding for community benefits in compliance with Public Resources Code section 25545.10. However, activities carried out by third parties will not be carried out by the Applicant and are not part of the Project. Because these activities are not part of the Project, there is no need to analyze them in the CEC's CEQA analysis.

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Furthermore, the scope of such third-party activities is not known at this time. The “Community Benefits Program” described as part of the project’s presentation to Shasta County is illustrative of the kind of activities the Applicant was and is willing to fund. The final recipients of funding and scope of such activities is not yet determined.

The Applicant has provided all the information it has to respond to this data request.

DATA REQUEST SOC-004

CEC Disposition 2: The response partially addresses the request but remains insufficient for my analysis purposes. Applicant response did not provide information on the Pit River Trust Lands, which was an area identified in the map in TN248320-2 (Figure – Disadvantaged Communities). The specific information still needed includes the following: Total population, percent of population below poverty level, and percent minority population for the Pit River Trust Lands. The CEC staff needs this specific information for Socioeconomic analyses, and for determining whether or not there are disadvantaged communities in the region surrounding the project site, with the potential for environmental justice impacts.

Applicant Response: The Applicant consulted the US Census Bureau’s My Tribal Area data portal (available at: <https://www.census.gov/tribal/?aianihh=2835>). For “Pit River Trust Land, CA”, the query returned no data. The Applicant has provided all the information it has to respond to this data request.

DATA REQUEST SOC-006, SOC-007, SOC-008, SOC2-009

CEC Disposition 2: The response partially addresses the request but remains insufficient for my analysis purposes. There are no tables in the economics memo that provide the availability of skilled worker by craft in the geographic region(s) that the expected labor force is anticipated to come from. Additionally, the socioeconomic memo that was docketed on 7/3/2023 (TN250915) has an identical memo date and subject as the socioeconomic memo that was docketed on 5/25/2023 (TN250344). Both memos are dated April 28, 2023 with the following subject: “Fountain Wind Project Economic and Public Revenue Impact Study; EPS #201094.”

The specific information still needed includes the following:

- Availability of skilled workers in the geographic regions that the expected labor force is anticipated to come from, if not local (e.g., Butte and/or Siskiyou Counties). This data is needed for an analysis of the project’s potential labor impact on regions beyond Shasta County.
- Clarification on whether the TN250915 memorandum was prepared by EPS as a revised version of the TN 250344 memorandum, and the date that EPS prepared the revised memorandum.
- Clarification on what data has been revised in the TN250915 memorandum and the source of these data revisions.
- Response addressing request for permanent housing information.

Applicant Response: The memo docketed July 3, 2023 (TN# 250915) is an updated version prepared specifically in response to CEC’s Disposition 1 despite the April 28th date, which was a holdover from the previous version. Table 5 of Appendix B of the Revised Economic Impact Assessment (TN# 250915) (PDF p. 29) outlines skilled workers by craft required for construction for each month of the Project’s two-year timeline.

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Table 6 presents ACS 2017-2021 5-Year Estimates for Shasta County's existing construction industry labor force. According to the California Employment Development Department, the most recent data for Shasta County (March 2023) indicates the county unemployment rate is 5.9 percent. It is therefore estimated that 5.9 percent of the labor force or about 278 construction workers out of the total 4,715 construction workers are available.

The Applicant has provided all the information it has to respond to this data request.

DATA REQUEST SOC-001, SOC-013, SOC2-014, MOR-029, AND MOR-030

CEC Disposition No. 4: The response is insufficient for my analysis purposes. Public safety services and the related staff (e.g., fire and police personnel), are often needed for responses to events such as fires and other emergencies. Even without a direct, significant impact on a specific topic (i.e., public services, recreation, housing), there may be a cumulative impact. If cumulative impacts are to occur from feasible current or future activities in combination with this project, there may be a need for a new facility to accommodate the county's needs (e.g., a new fire station and/or new sheriff station).

To make such a determination, Staff needs to understand the baseline settings and other current or expected projects in the area that may have an effect when considered cumulatively. We have not received an adequate response with a discussion of the existing site conditions, the expected direct, indirect, and cumulative impacts due to the construction, operation, and maintenance of the project as it pertains to a cumulative scenario beyond economic effects as is required by the siting regulations.

The specific information still needed includes the following: Particularly from the public safety services perspective, please provide a discussion of the existing project site conditions and the expected direct, indirect, and cumulative impacts due to the construction, operation, and maintenance of the project because the Applicant response does not provide an analytical justification of whether or not there are adverse or cumulative effects.

Applicant Response: CEC requests the logic behind the Applicant's conclusion that the project's approximately 200 temporary construction workers will not have a significant impact (cumulative or otherwise) on population and housing, recreation and public safety in Shasta County.

Population and Housing: The logic behind the conclusion that approximately 200 temporary construction workers will not have a substantial or even potentially substantial impact or cumulative impact on Shasta County's population or housing from a physical perspective includes the following:

- CEQA requires an analysis of significant impacts to the environment. Section 15382 of the CEQA Guidelines states that "significant effect on the environment" means "a substantial, or potentially substantial adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment."
- Thus, to be cognizable under CEQA, an impact must be:
 - Substantial, or potentially substantial
 - Adverse

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Reference: Memorandum addressing sufficiency of responses for ALT-01, LU-002, LU-003, LU-006, LU-010, LU-012, LU2-01, LU2-02, LU2-04, LU2-05, MOR-029, MOR-030, SOC-001, SOC-004, SOC-006, SOC-007, SOC-008, SOC-013, SOC-021, SOC2-007, SOC2-008, SOC2-009, and SOC2-014

- Related to physical conditions that affect land, air, water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance.
- An individual project's contribution to a cumulative impact can be determined to be rendered less than cumulatively considerable "if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact." CEQA Guidelines 15130(a). Here, the project either does not create any impact with respect to population/housing, recreation and public services, or it will fund mitigation measures that address its contribution to the cumulative impact, as in the case of fire safety, discussed further below.
- It is reasonably assumed based on EPS's economics analysis that most of the construction workers that would work on the project already live in the County. Workers already living in the County are part the baseline population.
- For those workers temporarily commuting into the County, the Applicant's reasonable assumption is that these workers will stay in hotels or RVs. Shasta County has a sufficient number of hotels and/or campgrounds such that new hotels or campgrounds will not be required to be constructed to accommodate these workers. (The analysis of nearby hotels and campgrounds is found at TN# 250497 and 250498). A temporary increase in the cost of hotels or campgrounds due to a temporary influx of workers is not an environmental impact.
- Even assuming that all of the project's construction workers are temporary commuters, 200 additional temporary workers would temporarily increase Shasta County's population by 0.1105%. According to the US Census, (see Quick Facts about Shasta County at www.census.gov) Shasta County's population was approximately 180,930 in 2022. Since 2020, population in Shasta County has declined from 182,152 in 2020, a loss of 0.7%. A 0.1105% increase is not a substantial or potentially substantial increase in population (and still below the County's 2020 population) and there is no basis to conclude that this temporary increase would result in substantial adverse physical impacts in Shasta County.

In summary, the project could result in a small number of new in-commuting workers to Shasta County, but in numbers that are extremely small in relation to the County's population and which would not restore the 0.7% loss of population that Shasta County has experienced since 2020. These new workers would not require the construction of new permanent or temporary housing accommodations as there are a sufficient number of hotels and campgrounds where the workers could be temporarily housed. As such no adverse physical changes to the environment are anticipated and thus the influx of workers will not contribute to cumulative impacts. See also *Save Our Access—San Gabriel Mountains v Watershed Conserv. Auth.* (2021) 68 CA5th 8, 26 (displacement of visitors who would use wilderness recreation area to other recreational areas due to reduced availability of parking is social impact).

The CEC response also requests that Applicant explain why the current, finalized project description including the project's "site configuration and site boundary" could cause cumulative impacts related to population and housing, recreation and public safety. The Applicant does not understand how the project's site configuration and site boundary are related to population and housing, recreation and public safety. The number of turbines (48) drives the number of construction workers (approximately 200). The site configuration and site boundary do not influence the number of construction workers.

Recreation: The same factors set forth above also logically support the conclusion that the project will not result in a substantial adverse impact on the environment based on the need to build more recreational

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Reference: Memorandum addressing sufficiency of responses for ALT-01, LU-002, LU-003, LU-006, LU-010, LU-012, LU2-01, LU2-02, LU2-04, LU2-05, MOR-029, MOR-030, SOC-001, SOC-004, SOC-006, SOC-007, SOC-008, SOC-013, SOC-021, SOC2-007, SOC2-008, SOC2-009, and SOC2-014

facilities to serve the temporary workers. As such the project will not create cumulative impacts on the need to construct more recreational facilities in the County. See also *Save Our Access–San Gabriel Mountains v Watershed Conserv. Auth.* (2021) 68 CA5th 8, 26 (displacement of visitors who would use wilderness recreation area to other recreational areas due to reduced availability of parking is social impact).

Public Safety Including Fire Response: As noted above, economic and social effects that are not related to physical impacts need not be evaluated in an EIR. 14 Cal Code Regs §15131(a); This point is well established in many published cases including: *City of Hayward v Board of Trustees of Cal. State Univ.* (2015) 242 CA4th 833, 843 (need for additional fire protection services that project would generate is not environmental impact that must be mitigated under CEQA); *Saltonstall v City of Sacramento* (2015) 234 CA4th 549, 585 (allegations that proposed basketball stadium would result in post-event impacts to safety by event crowds raised social issue rather than environmental issue that must be reviewed under CEQA); *Eureka Citizens for Responsible Gov't v City of Eureka* (2007) 147 CA4th 357 (safety issues relating to use of equipment installed on private recreational facility produce social effect, not significant effect on physical environment); *Maintain Our Desert Env't v Town of Apple Valley* (2004) 124 CA4th 430 (large national retailer need not be identified as end user in EIR's project description because social, economic, and business competition concerns are not relevant under CEQA unless it is shown that they bear directly in EIR's analysis of effects on the physical environment). Because many of the project's construction workers would already live in the County, they are part of the baseline population for purposes of public safety services. In addition, the number of temporary construction workers in relation to County population is small. Here, moreover, Shasta County prepared an EIR for the project that concluded that impacts to public safety, including fire response, were less than significant. The County's document reaching this conclusion provides logical support for the CEC to conclude that the project would not contribute to cumulative impacts related to public safety services, including wildfire impacts and fire response because impacts from the project would be less than significant with mitigation. See discussion from Shasta County Draft EIR on pp. 3.16-16 through 3.16-23, TN# 248288-18.

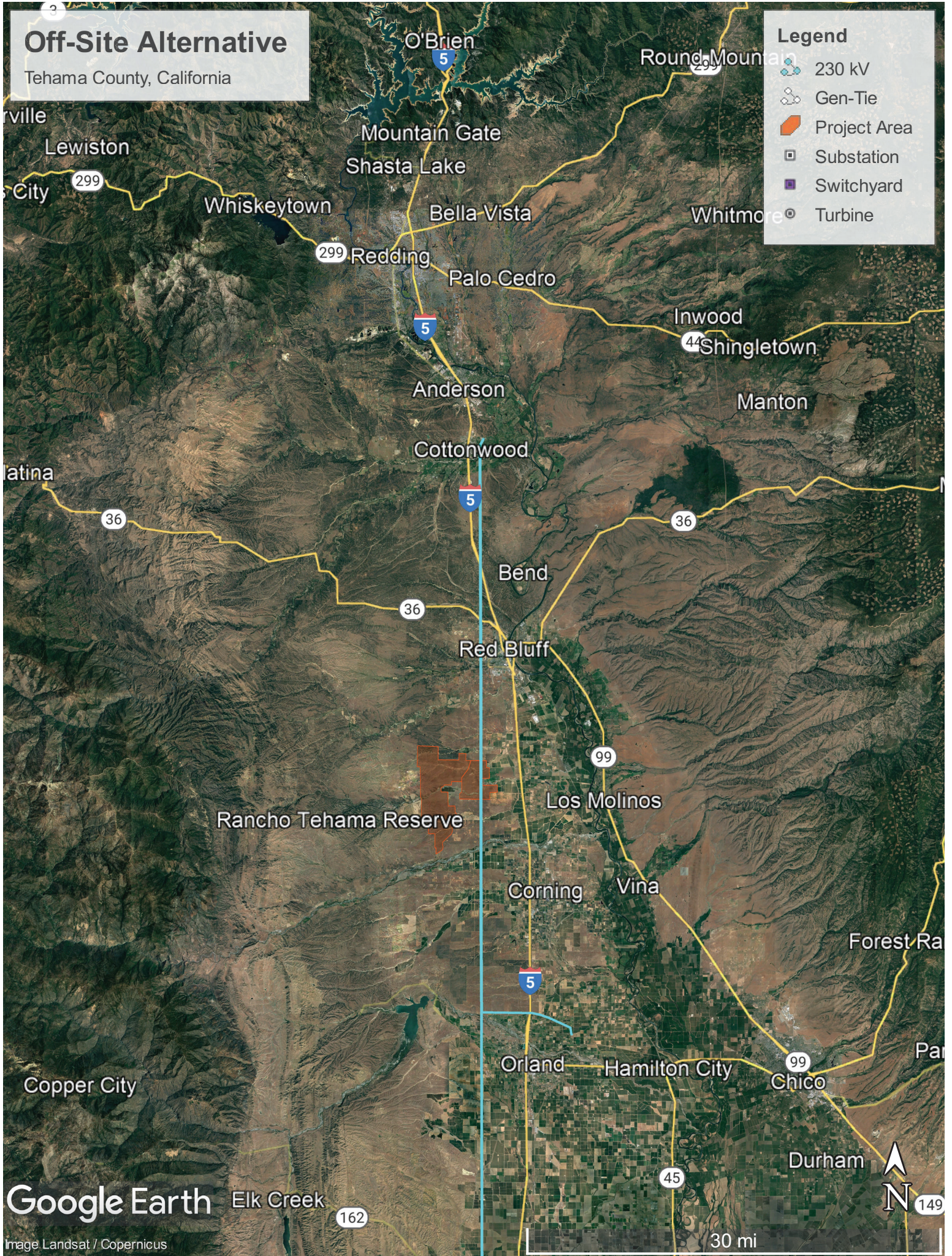
The Applicant has provided all the information it has in response to this data request.

Off-Site Alternative

Tehama County, California

Legend

- 230 kV
- Gen-Tie
- Project Area
- Substation
- Switchyard
- Turbine

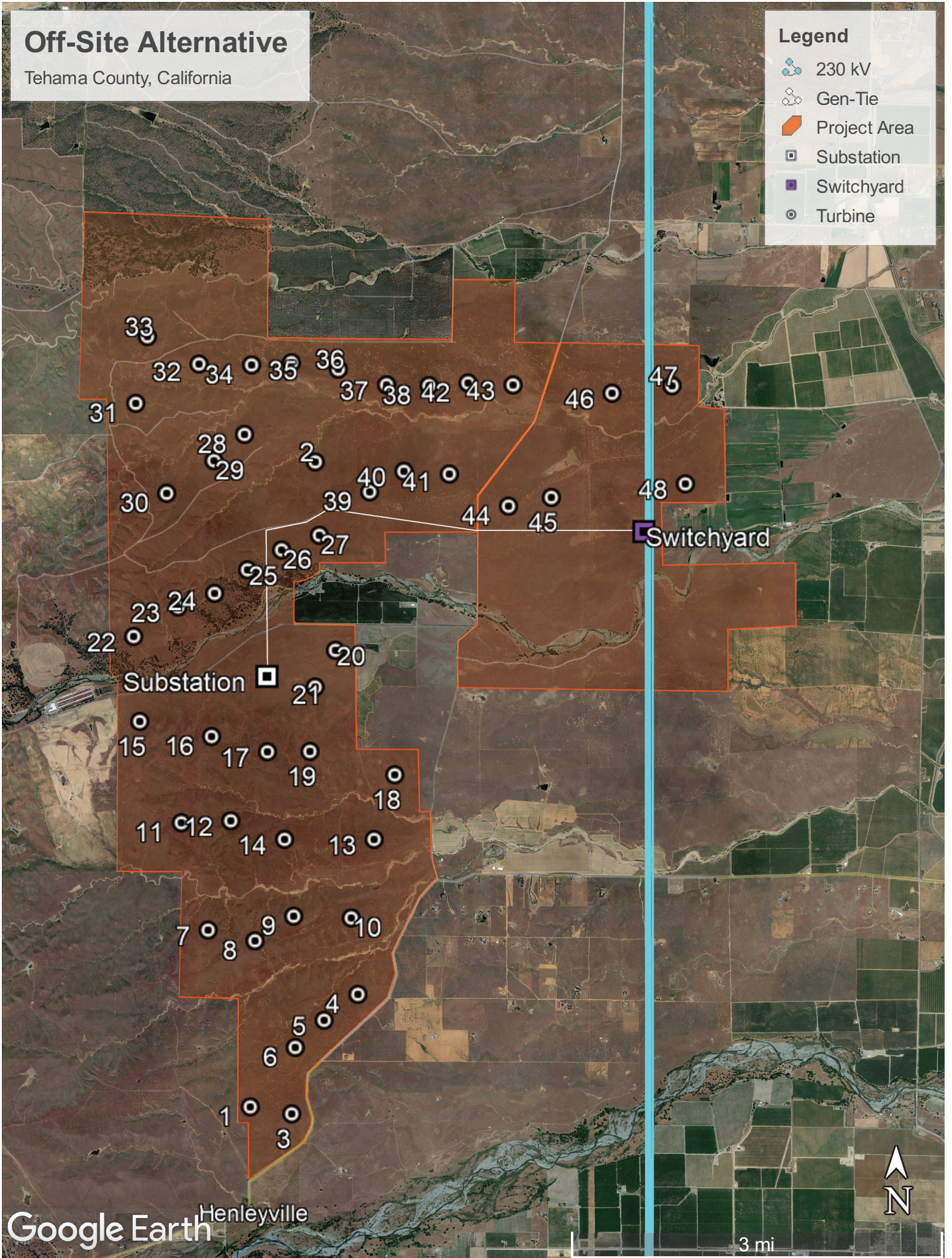


Off-Site Alternative

Tehama County, California

Legend

- 230 kV
- Gen-Tie
- Project Area
- Substation
- Switchyard
- Turbine



Google Earth

Henleyville

3 mi

