

DOCKETED	
Docket Number:	23-OPT-01
Project Title:	Fountain Wind Project
TN #:	253026
Document Title:	Tribal Consultation Letters
Description:	letters inviting tribes to consult, mailed out November 3, 2023.
Filer:	Lon Payne
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	11/7/2023 1:30:36 PM
Docketed Date:	11/7/2023



**CALIFORNIA
ENERGY COMMISSION**



November 3, 2023

Honorable Kyle Self, Chairperson
Greenville Rancheria of Maidu Indians
P.O. Box 279
Greenville, CA 95947

Dear Honorable Kyle Self, Chairperson,

The California Energy Commission (CEC) is responsible for preparing an environmental impact report and other findings for the Fountain Wind Project and invites Greenville Rancheria of Maidu Indians to consult regarding this project. The CEC will conduct tribal consultation in accordance with the Public Resources Code, sections 21080.3.1 and 25545.7.4., as well as California Code of Regulations, Title 20, section 1878.5. This consultation would focus on environmental impact and mitigation issues and is an opportunity to have your input inform the staff analysis of the proposed project. CEC staff received the results of a Sacred Lands File search from the California Native American Heritage Commission on February 7, 2023. The search yielded negative findings. CEC staff would like to consult with you to better understand Native American concerns regarding this project.

Background

In a series of document filings from January 3 through September 28, 2023, Fountain Wind LLC (applicant) filed an application with the California Energy Commission (CEC) seeking certification from the CEC through the Opt-in Certification process for the Fountain Wind Project (Docket No. 23-OPT-01). The Fountain Wind Project is a wind energy generation facility proposed on approximately 2,855 acres of private, leased land in unincorporated Shasta County, California. The property is located approximately 1 mile west of the existing Hatchet Ridge Wind Project, 6 miles west of Burney, 35 miles northeast of Redding, immediately south of California State Route 299, and near the private recreational facility of Moose Camp and other private inholdings. The proposed project is within 2.5 miles of the Montgomery Creek Indian Reservation (Madesi Band of the Pit River Tribe).

Project Summary

The Fountain Wind Project would have a total nameplate generating capacity of up to 205 megawatts (MW). The applicant proposes to construct up to 48 turbines, each with a generating capacity of up to 7.2 MW. Associated infrastructure and facilities would



include a 34.5-kilovolt overhead and underground electrical collector system to connect turbines together and to an on-site collector substation; overhead and underground fiber-optic communication lines and/or a microwave relay station; an on-site switching station to connect the project to the existing regional grid operated by the Pacific Gas and Electric Company; a temporary construction and equipment laydown area; up to nine temporary laydown areas distributed throughout the project site to temporarily store and stage materials and equipment; an operation and maintenance facility with employee parking; up to three permanent meteorological evaluation towers (METs); temporary, episodic deployment of mobile Sonic Detection and Ranging or Light Detection and Ranging systems within identified disturbance areas (e.g., at MET locations); two storage sheds; and three temporary concrete batch plants. Up to 19 miles of new access roads would be constructed within the project site, and up to 19 miles of existing roads would be improved. No new transmission lines are proposed.

Additional information about the proposed project is available at the locations provided in the following list.

1. **Project Description and Figures.** The applicant prepared a revised project description, which replaces all previous descriptions of the proposed Fountain Wind Project:
<https://efiling.energy.ca.gov/GetDocument.aspx?tn=251663&DocumentContentId=86566>
2. **Fountain Wind Energy Project: Cultural Resources Phase 1 Inventory of 4,463 Acres, Shasta County, California.** This cultural resources inventory, updated and revised in May 2023, focuses on archaeological resources. The inventory report concludes that the proposed project would not cause impacts to any cultural resources identified by the inventory. The report contains provisions for responding to inadvertent discoveries with and without human remains. This report contains sensitive cultural resources information, so CEC staff will send a copy to tribes by a secure email.
3. **Fountain Wind Energy Project: Historical Resources Evaluation Report.** This cultural resources report documents and evaluates the significance of historic-era linear features in the proposed project area, namely logging roads and State Route 299, under the California Environmental Quality Act (CEQA). This document does not contain sensitive cultural resources information and can be accessed here:
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CEC Jurisdiction and Opt-In Process

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Under this new Opt-in Certification process, the types of facilities that can be certified by the CEC now includes solar photovoltaic and terrestrial wind energy power plants of 50 MW or more, energy storage facilities of 200 megawatt-hours (MWh) or more, the electric transmission lines from these facilities to the first point of interconnection with the existing transmission grid, and facilities that manufacture or assemble clean energy or storage technologies or their components with a capital investment of at least \$250 million. In addition, thermal power plants of 50 MW or more that do not use fossil or nuclear fuels may choose the Opt-in Certification process rather than the CEC’s Application for Certification process.

The CEC is the lead agency under CEQA and is required to prepare an environmental impact report for any facility that elects to opt-in to the CEC’s jurisdiction. With exceptions, the issuance of a certificate by the CEC for an eligible facility is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law. The CEC’s authority under the Opt-in Certification program does not supersede the authorities of the California State Lands Commission, the California Coastal Commission, or the San Francisco Bay Conservation and Development Commission, if applicable, the State Water Resources Control Board or applicable regional water quality control board, or, in the case of manufacturing facilities, the applicable local air quality management district or the Department of Toxic Substances Control.

The CEC is required to prepare an environmental impact report (EIR) and make its decision on the application within 270 days of receiving a complete application. The CEC will also conduct public meetings in the project area, including an informational



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Participation

In addition to the tribal consultation required under CEQA and the Warren-Alquist Act, the CEC welcomes your participation in the Opt-in review process. Pursuant to the Public Resources Code, Section 25545.7.4, we are providing the link to the Fountain Wind Project application, hosted on the CEC website at <https://www.energy.ca.gov/powerplant/wind/fountain-wind-project>. The applicant submitted numerous documents as their application over several months, meaning that there is not one single document that forms the application but many.

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Sincerely,

Katrina Leni-Konig
Deputy Public Advisor and Tribal Liaison

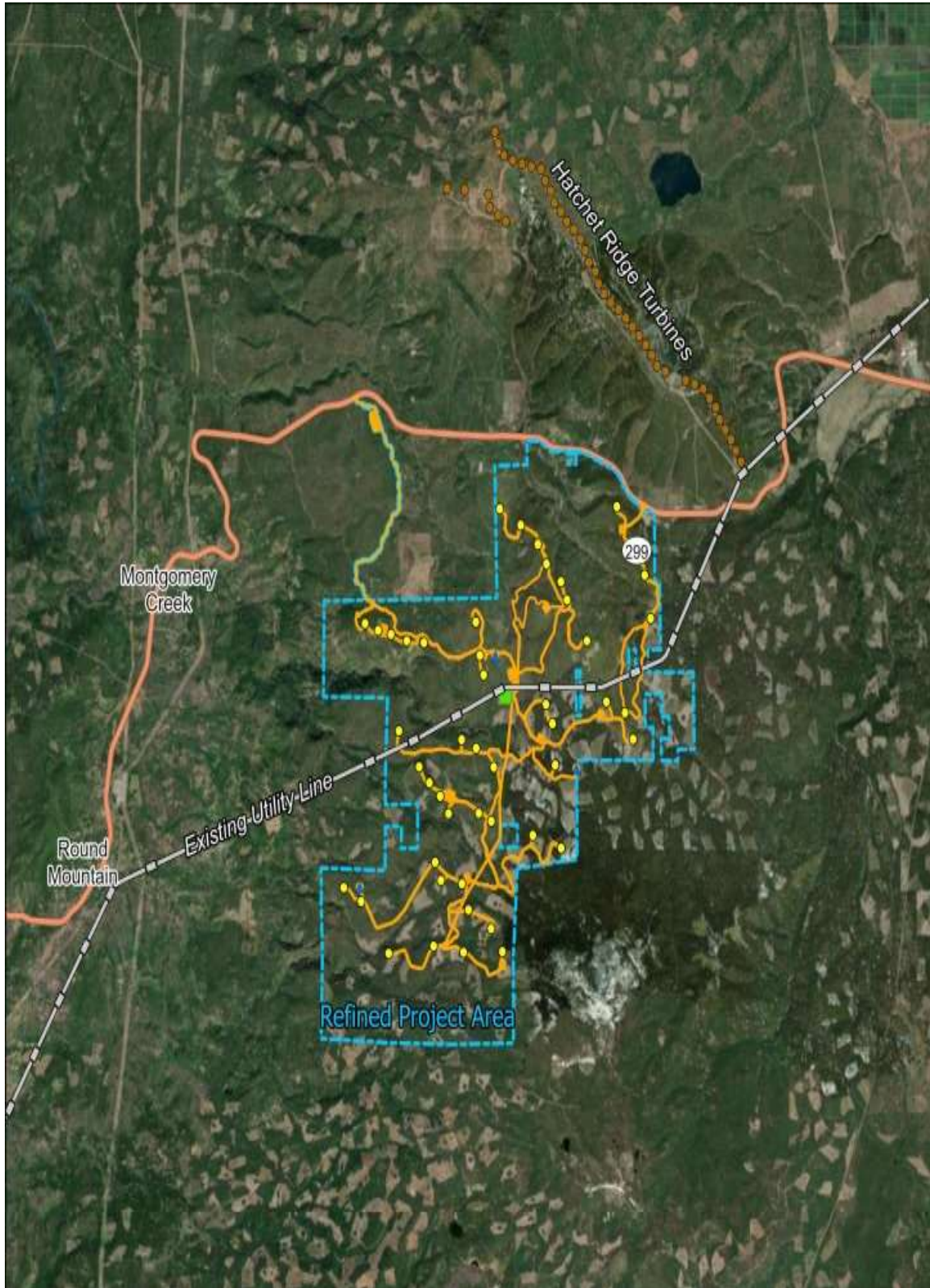


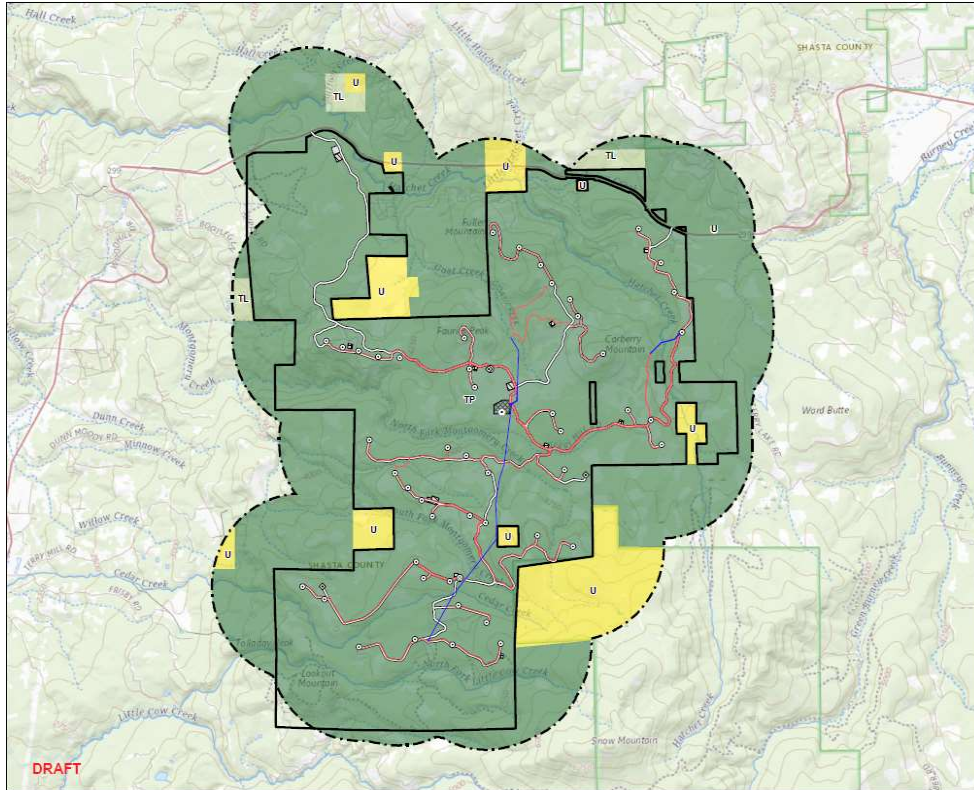
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Attachments:
Overhead View--Project Area, Nearby Communities, and Hatchet Wind Project
Project Facilities and Project Area Land Uses





- Legend
- ⊙ Turbine Location
 - ⊙ Met Tower Location
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Note:
 1. Data Source: System: NAD 1983 StatePlane California / FIPS 5403 Feet
 2. Data Source: Shasta County GIS Database
 3. Background: The USGS National Map



Project Location: Shasta County
 Client: Fountain Wind LLC
 Project: Fountain Wind Project
 Prepared by: C&E on 2022-07-08
 Reviewed by: C&E on 2022-07-08
 Drawn by: C&E on 2022-07-08

Figure No: 3
 Title: Zoning
DRAFT



**CALIFORNIA
ENERGY COMMISSION**



November 3, 2023

Natalie Forrest-Perez THPO
Pit River Tribe of California
36970 Park Ave
Burney, CA 96013

Dear Natalie Forrest-Perez THPO,

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Sincerely,

Katrina Leni-Konig
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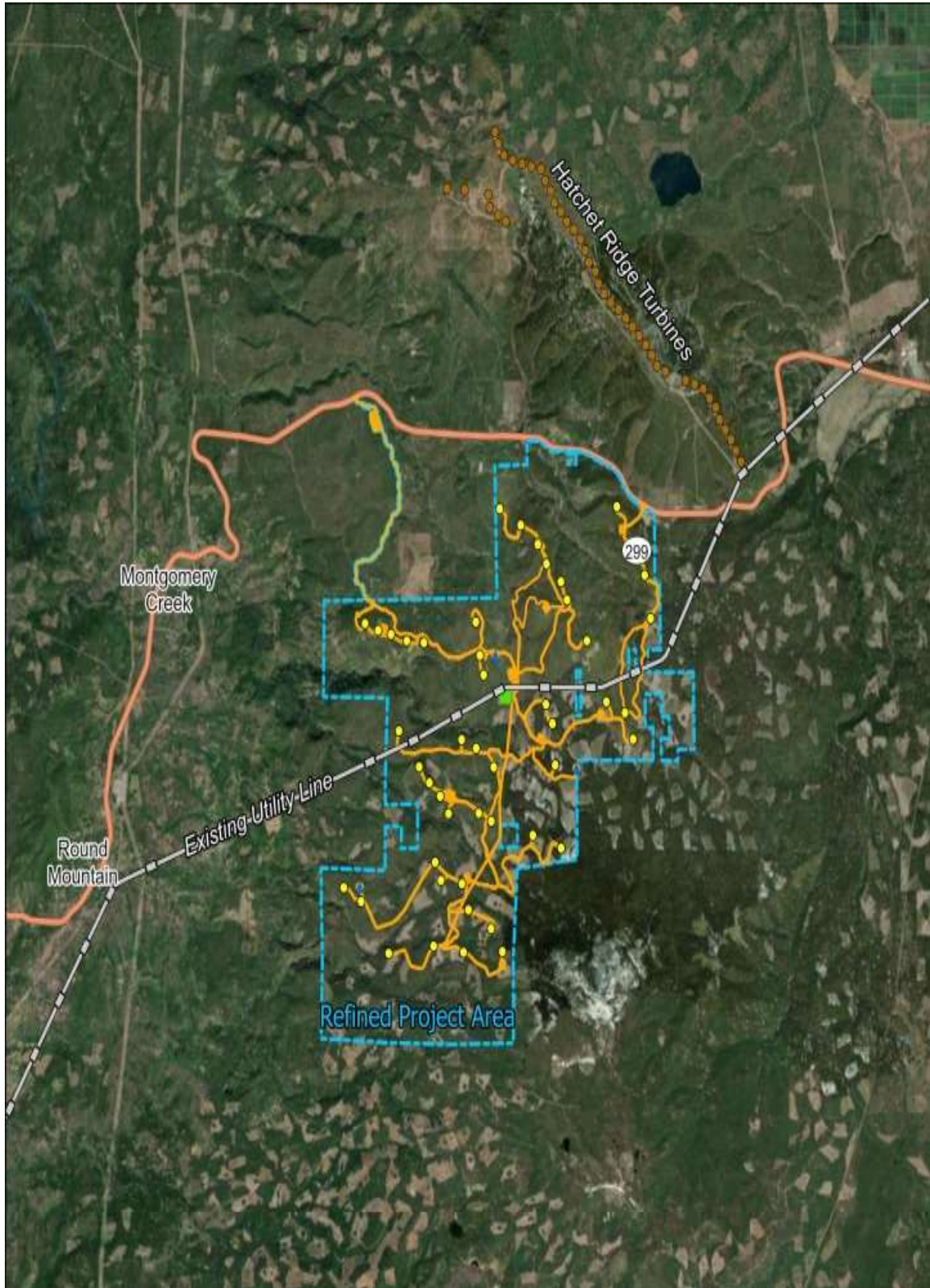


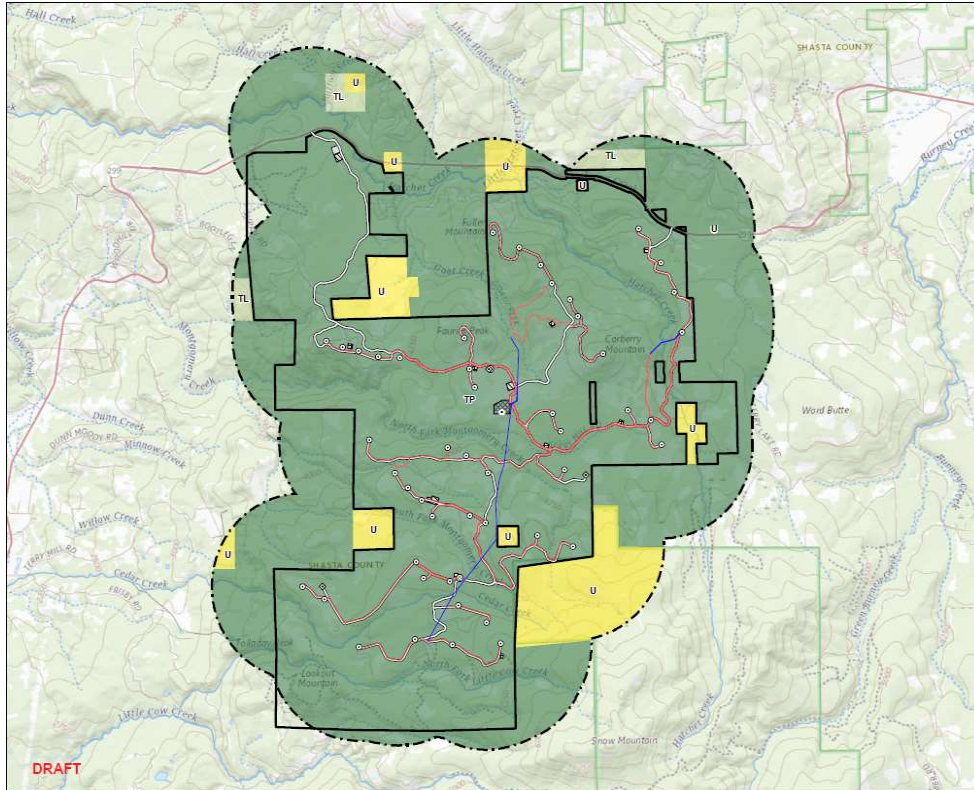
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Project Location: Shasta County, California
 Prepared by: GSI on 2022-07-08
 Reviewed by: GSI on 2022-07-08
 Drawn by: GSI on 2022-07-08

Client/Project: Fountain Wind LLC
 Fountain Wind Project
 Figure No.: 3
 The **DRAFT**
 Zoning



**CALIFORNIA
ENERGY COMMISSION**



November 3, 2023

Charles White Tribal Administrator
Pit River Tribe of California
36970 Park Ave
Burney, CA 96013

Dear Charles White Tribal Administrator,

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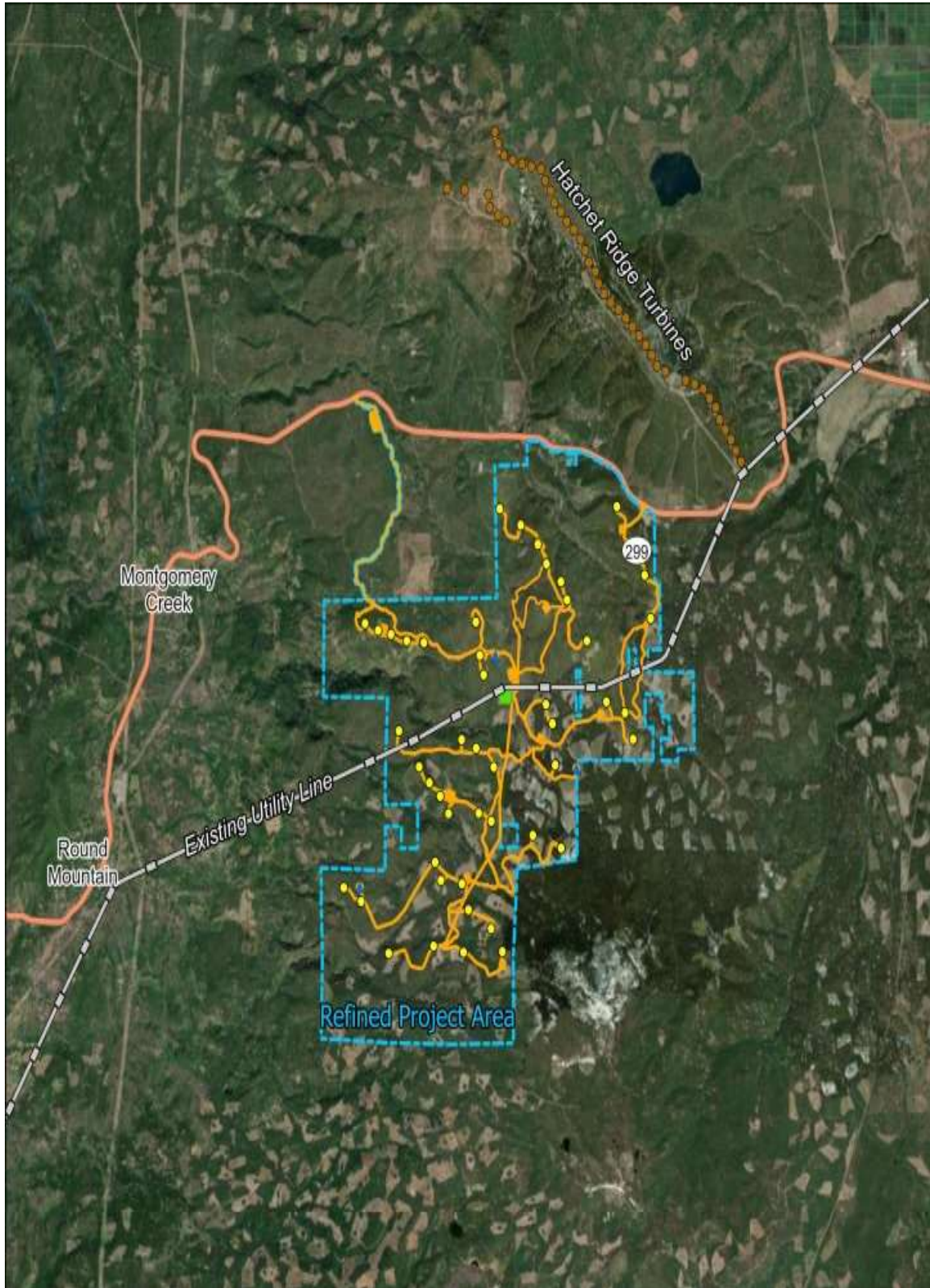


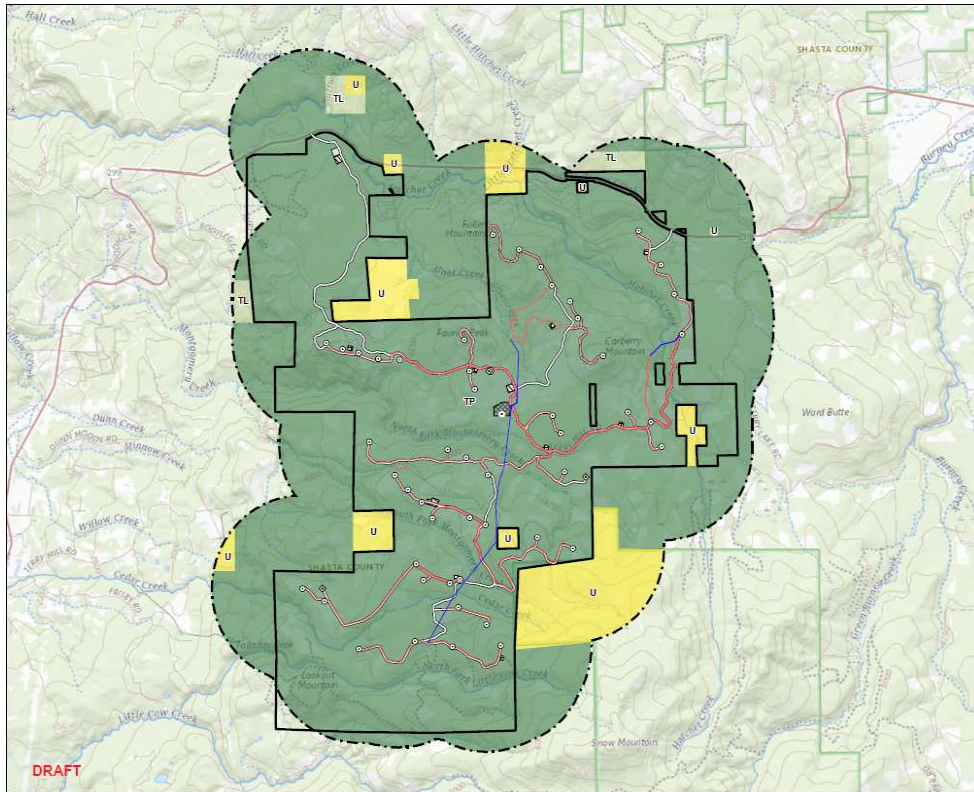
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include a 34.5-kilovolt overhead and underground electrical collector system to connect turbines together and to an on-site collector substation; overhead and underground fiber-optic communication lines and/or a microwave relay station; an on-site switching station to connect the project to the existing regional grid operated by the Pacific Gas and Electric Company; a temporary construction and equipment laydown area; up to nine temporary laydown areas distributed throughout the project site to temporarily store and stage materials and equipment; an operation and maintenance facility with employee parking; up to three permanent meteorological evaluation towers (METs); temporary, episodic deployment of mobile Sonic Detection and Ranging or Light Detection and Ranging systems within identified disturbance areas (e.g., at MET locations); two storage sheds; and three temporary concrete batch plants. Up to 19 miles of new access roads would be constructed within the project site, and up to 19 miles of existing roads would be improved. No new transmission lines are proposed.

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Under this new Opt-in Certification process, the types of facilities that can be certified by the CEC now includes solar photovoltaic and terrestrial wind energy power plants of 50 MW or more, energy storage facilities of 200 megawatt-hours (MWh) or more, the electric transmission lines from these facilities to the first point of interconnection with the existing transmission grid, and facilities that manufacture or assemble clean energy or storage technologies or their components with a capital investment of at least \$250 million. In addition, thermal power plants of 50 MW or more that do not use fossil or nuclear fuels may choose the Opt-in Certification process rather than the CEC’s Application for Certification process.

The CEC is the lead agency under CEQA and is required to prepare an environmental impact report for any facility that elects to opt-in to the CEC’s jurisdiction. With exceptions, the issuance of a certificate by the CEC for an eligible facility is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law. The CEC’s authority under the Opt-in Certification program does not supersede the authorities of the California State Lands Commission, the California Coastal Commission, or the San Francisco Bay Conservation and Development Commission, if applicable, the State Water Resources Control Board or applicable regional water quality control board, or, in the case of manufacturing facilities, the applicable local air quality management district or the Department of Toxic Substances Control.

The CEC is required to prepare an environmental impact report (EIR) and make its decision on the application within 270 days of receiving a complete application. The CEC will also conduct public meetings in the project area, including an informational



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and public scoping meeting during the development of the EIR, and a public workshop during the 60-day comment period on the Draft EIR, which will be included as part of the CEC's Staff Assessment of the application. After the conclusion of the public comment period, the CEC staff will publish an updated Staff Assessment (which will include a Final EIR), and the CEC's Executive Director's recommendation on whether the CEC should certify the EIR and issue a certificate for construction and operation of the proposed project. The updated Staff Assessment and Executive Director's recommendation will be published at least 30 days before the CEC's consideration at a public meeting.

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Participation

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CEC staff welcomes your comments and questions, which are important to staff's analysis of the proposed project. Please do not hesitate to contact Assistant Tribal Liaison, Gabriel Roark, at (916) 237-2544 or by email at gabriel.roark@energy.ca.gov.

Sincerely,

Katrina Leni-Konig
Deputy Public Advisor and Tribal Liaison

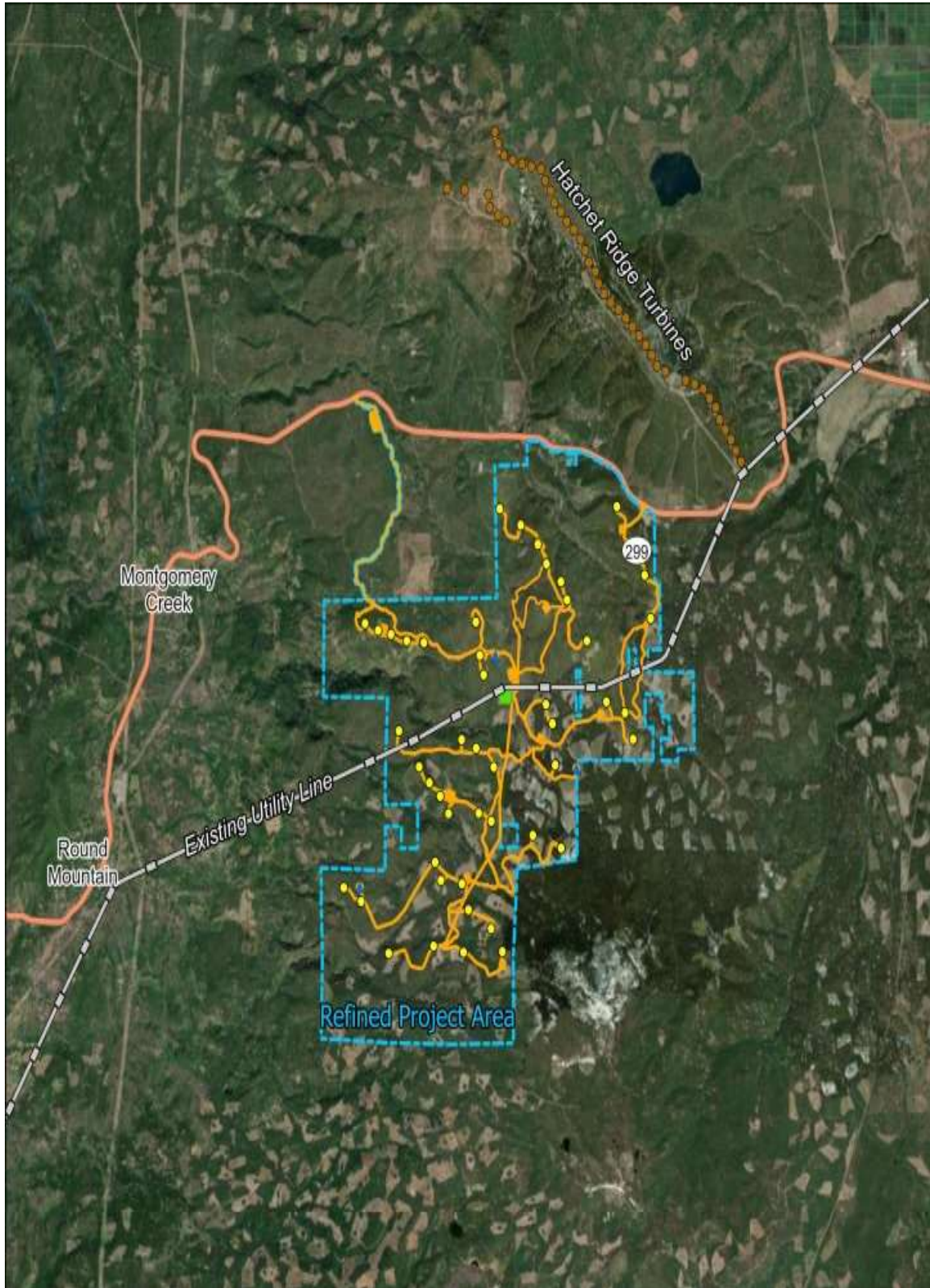


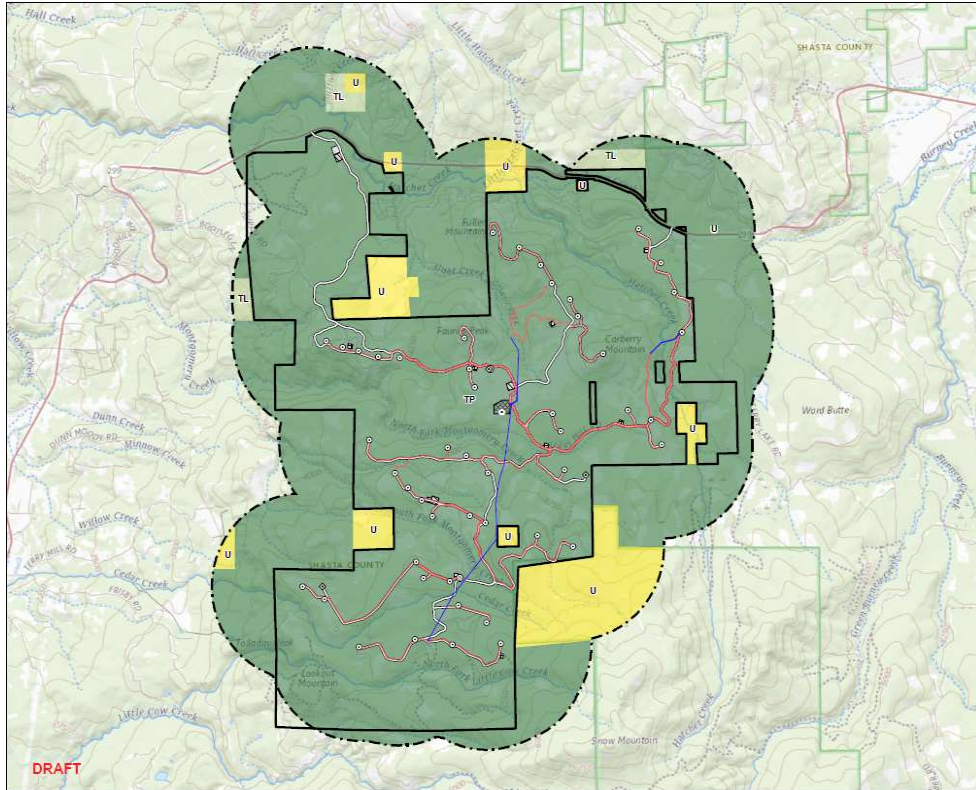
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Attachments:
Overhead View--Project Area, Nearby Communities, and Hatchet Wind Project
Project Facilities and Project Area Land Uses





- Legend
- ⊙ Turbine Location
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 - ⊙ Microwave Tower Location
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Note:
 1. Data Source: System: NAD 1983 StatePlane California / FIPS 5403 Feet
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Project Location: Shasta County
 Date/Project: Fountain Wind LLC
 Fountain Wind Project

Figure No: 3
 The **DRAFT**
 Zoning



**CALIFORNIA
ENERGY COMMISSION**



November 3, 2023

Honorable Harold Bennett Chairperson
Quartz Valley Indian Community
13601 Quartz Valley Road
Fort Jones, CA 96032

Dear Honorable Harold Bennett Chairperson,

The California Energy Commission (CEC) is responsible for preparing an environmental impact report and other findings for the Fountain Wind Project and invites Quartz Valley Indian Community to consult regarding this project. The CEC will conduct tribal consultation in accordance with the Public Resources Code, sections 21080.3.1 and 25545.7.4., as well as California Code of Regulations, Title 20, section 1878.5. This consultation would focus on environmental impact and mitigation issues and is an opportunity to have your input inform the staff analysis of the proposed project. CEC staff received the results of a Sacred Lands File search from the California Native American Heritage Commission on February 7, 2023. The search yielded negative findings. CEC staff would like to consult with you to better understand Native American concerns regarding this project.

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Katrina Leni-Konig
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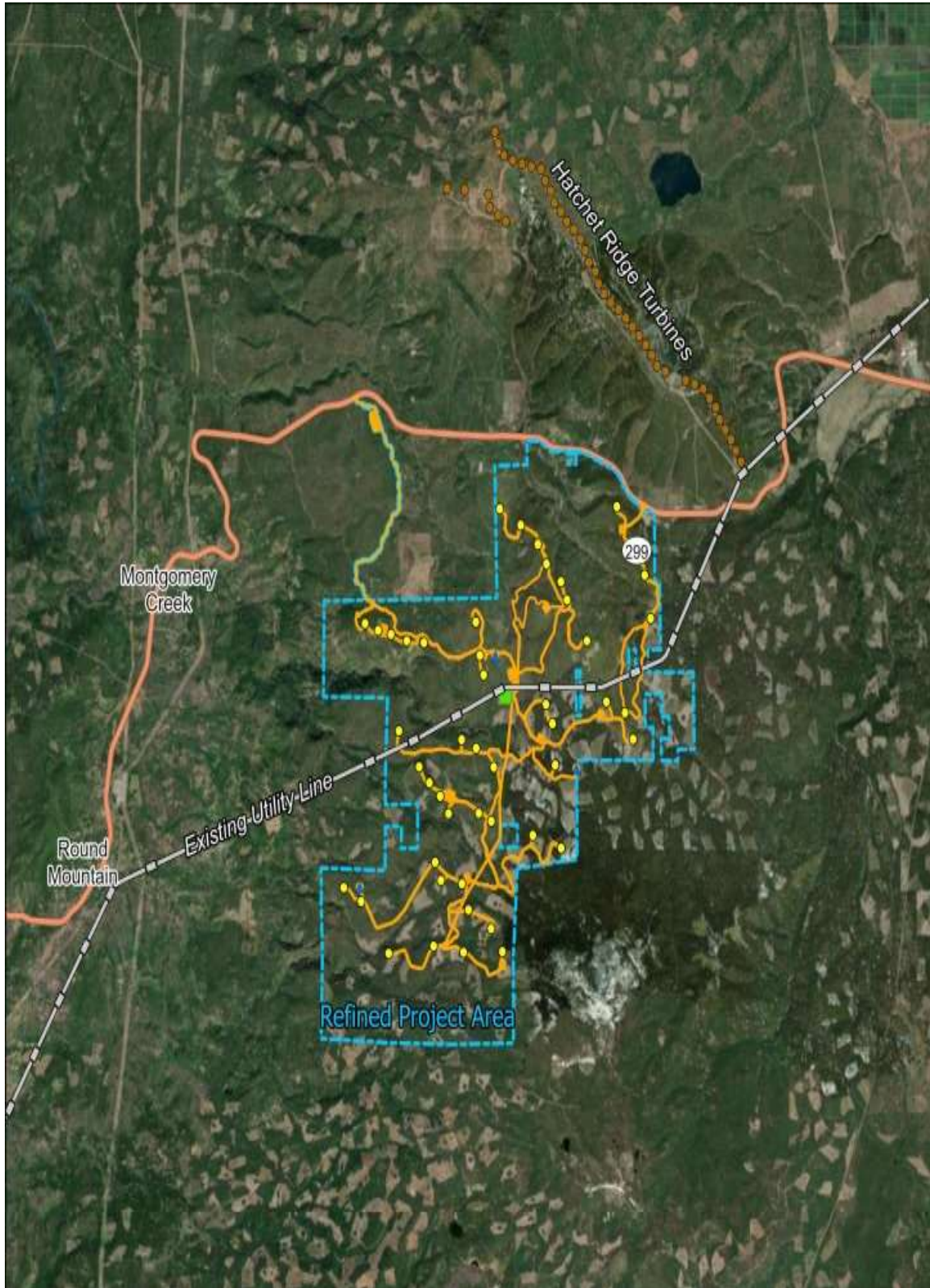


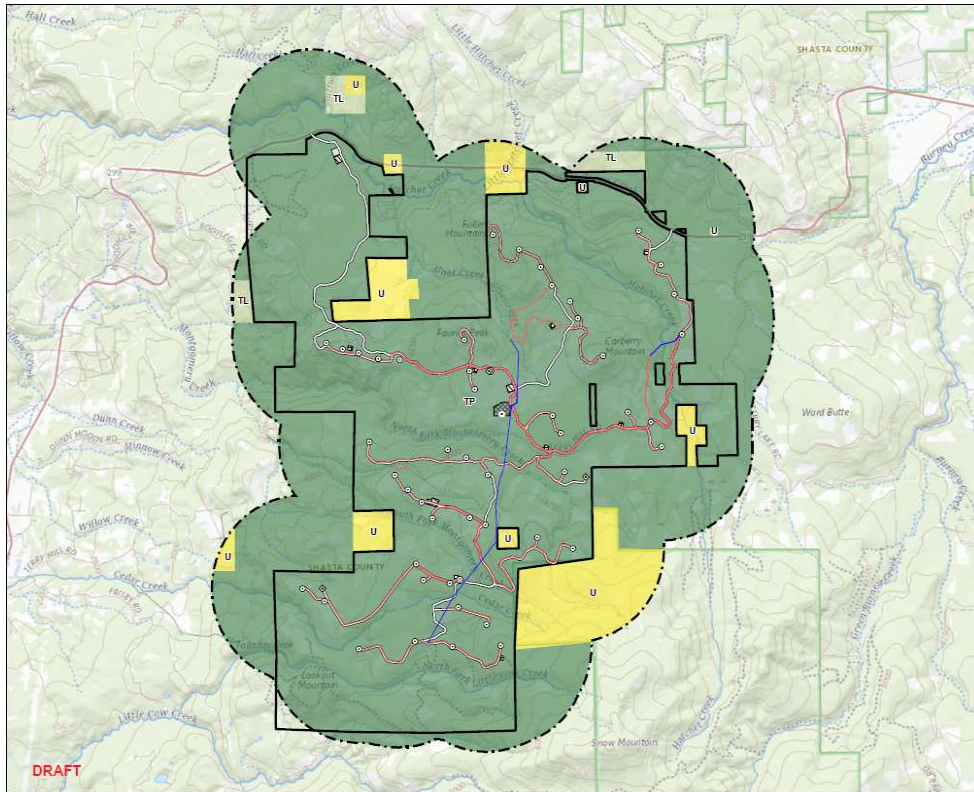
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ENERGY COMMISSION**



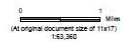
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Attachments:
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Project Facilities and Project Area Land Uses





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Note:
 1. Data Source: System: NAD 1983 StatePlane California / FIPS 5401 Feet
 2. Data Source: Shasta County GIS Database
 3. Background: The USGS National Map



Project Location: Shasta County, California
 Prepared by: 02/20/2016
 Reviewed by: 02/20/2016
 02/20/2016
 02/20/2016

Client/Project: Fountain Wind LLC
 Fountain Wind Project
 Figure No.: 3
 The **DRAFT**
 Zoning



**CALIFORNIA
ENERGY COMMISSION**



November 3, 2023

Honorable Jack Potter Chairperson
Redding Rancheria
2000 Redding Rancheria Road
Redding, CA 96001

Dear Honorable Jack Potter Chairperson,

The California Energy Commission (CEC) is responsible for preparing an environmental impact report and other findings for the Fountain Wind Project and invites Redding Rancheria to consult regarding this project. The CEC will conduct tribal consultation in accordance with the Public Resources Code, sections 21080.3.1 and 25545.7.4., as well as California Code of Regulations, Title 20, section 1878.5. This consultation would focus on environmental impact and mitigation issues and is an opportunity to have your input inform the staff analysis of the proposed project. CEC staff received the results of a Sacred Lands File search from the California Native American Heritage Commission on February 7, 2023. The search yielded negative findings. CEC staff would like to consult with you to better understand Native American concerns regarding this project.

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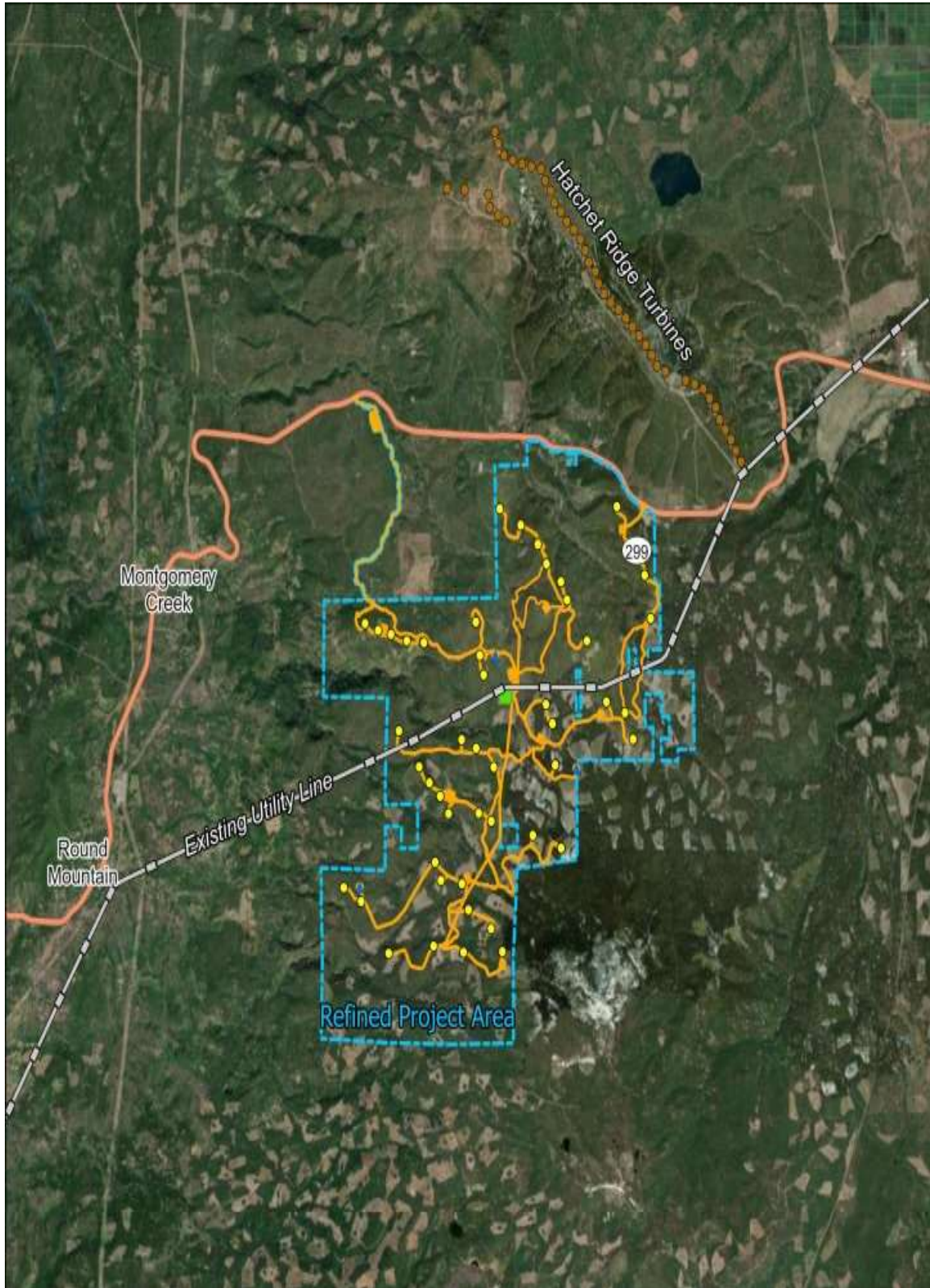


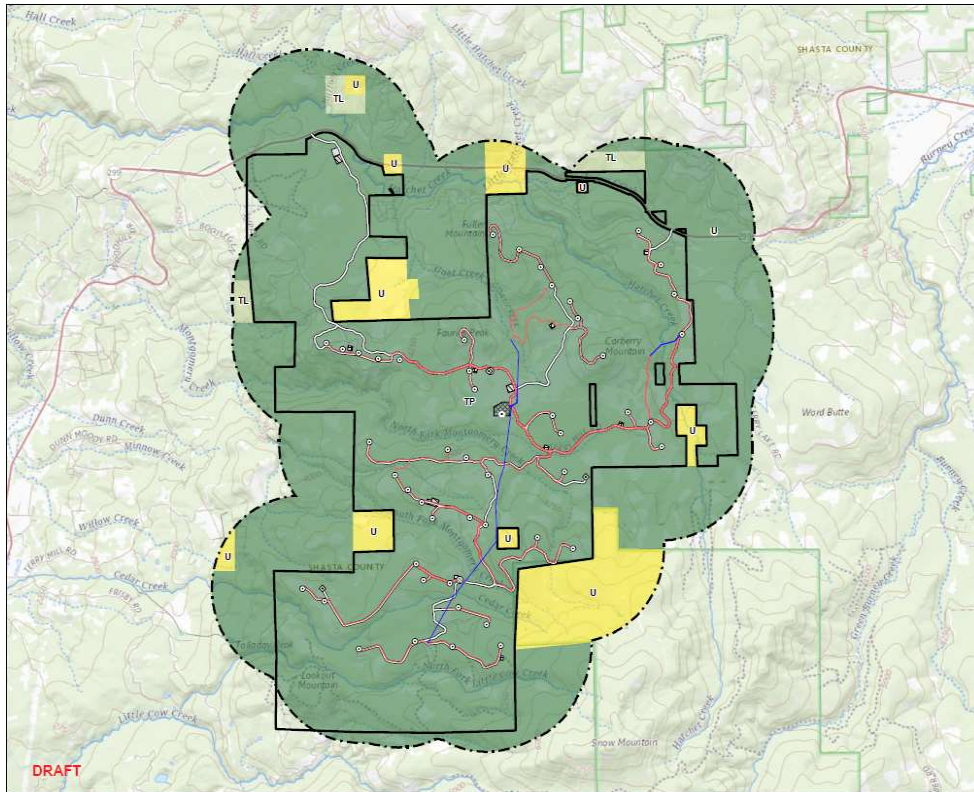
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Project Location: Shasta County, California
 Prepared by: GSI on 2022-07-05
 Reviewed by: GSI on 2022-07-05
 Drawn by: GSI on 2022-07-05

Client/Project: Fountain Wind LLC, Fountain Wind Project
 Figure No.: 3
 Title: Zoning
 Status: **DRAFT**



**CALIFORNIA
ENERGY COMMISSION**



November 3, 2023

Honorable Deana Bovee Chairperson
Susanville Indian Rancheria
745 Joaquin Street
Susanville, CA 96130

Dear Honorable Deana Bovee Chairperson,

The California Energy Commission (CEC) is responsible for preparing an environmental impact report and other findings for the Fountain Wind Project and invites Susanville Indian Rancheria to consult regarding this project. The CEC will conduct tribal consultation in accordance with the Public Resources Code, sections 21080.3.1 and 25545.7.4., as well as California Code of Regulations, Title 20, section 1878.5. This consultation would focus on environmental impact and mitigation issues and is an opportunity to have your input inform the staff analysis of the proposed project. CEC staff received the results of a Sacred Lands File search from the California Native American Heritage Commission on February 7, 2023. The search yielded negative findings. CEC staff would like to consult with you to better understand Native American concerns regarding this project.

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The CEC is required to prepare an environmental impact report (EIR) and make its decision on the application within 270 days of receiving a complete application. The CEC will also conduct public meetings in the project area, including an informational



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Katrina Leni-Konig
Deputy Public Advisor and Tribal Liaison

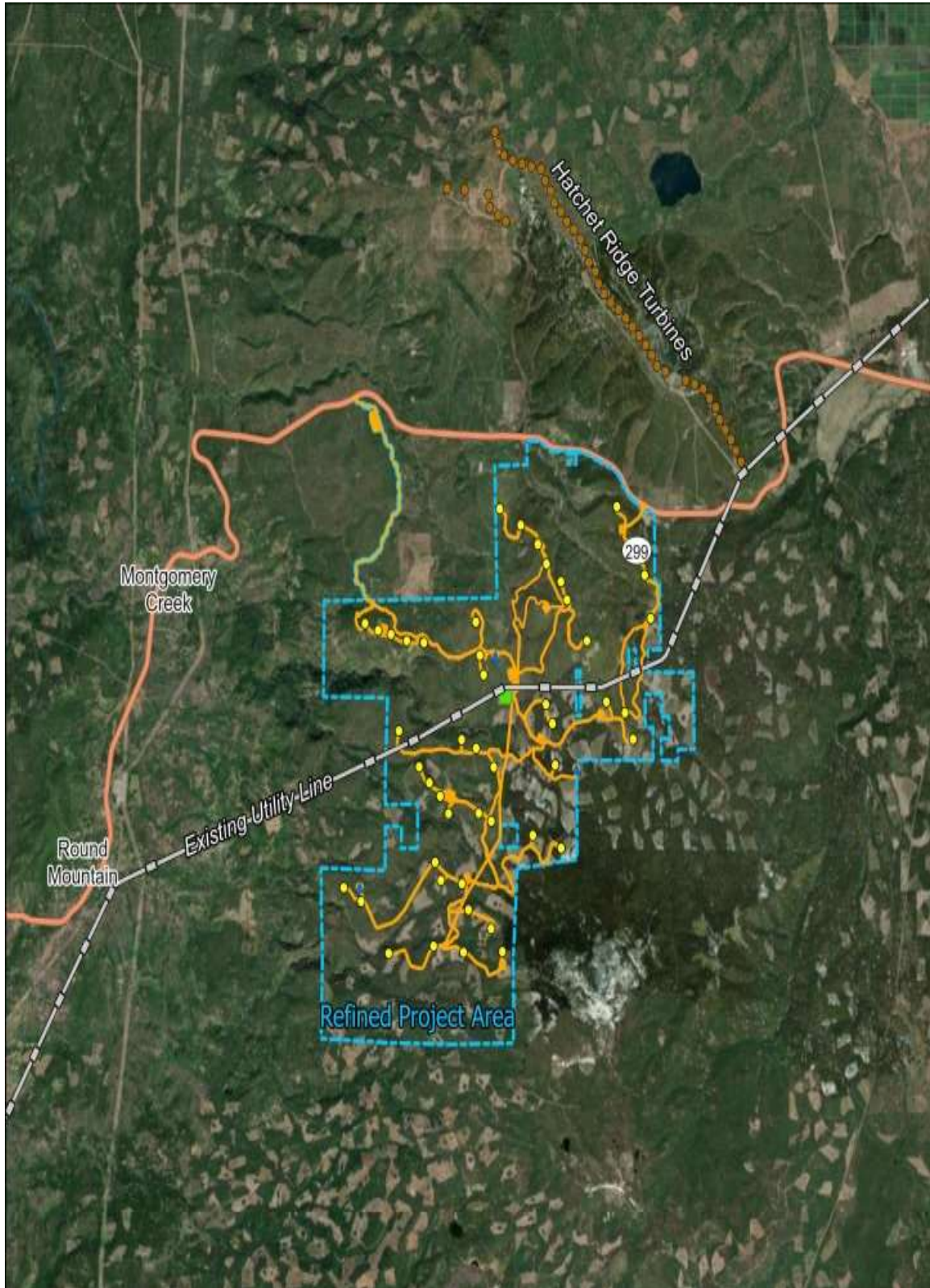


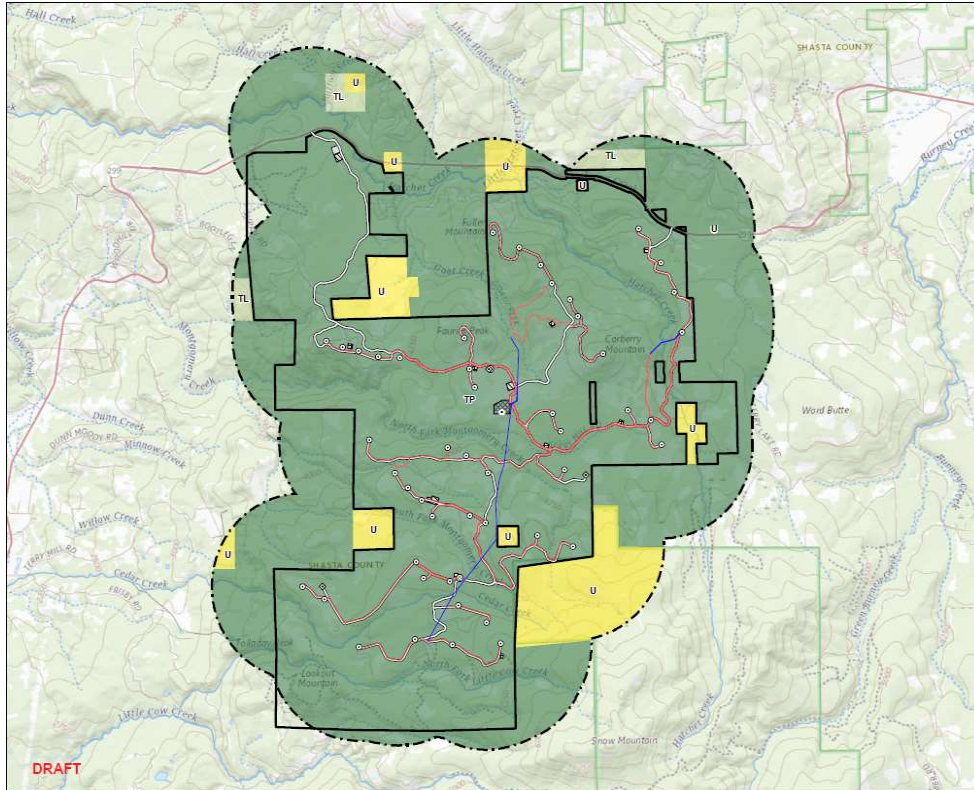
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Attachments:
Overhead View--Project Area, Nearby Communities, and Hatchet Wind Project
Project Facilities and Project Area Land Uses





- Legend
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Note:
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 2. Data Source: Shasta County GIS Database
 3. Background: The USGS National Map



Project Location: Shasta County, California
 Client: Fountain Wind LLC
 Project: Fountain Wind Project
 Prepared by: C&E on 2023-07-05
 Reviewed by: C&E on 2023-07-05
 Drawn by: C&E on 2023-07-05

Figure No. 3
 Title: Zoning
 Status: **DRAFT**



**CALIFORNIA
ENERGY COMMISSION**



November 3, 2023

Mark Miyoshi THPO
Winnemem Wintu Tribe
P. O. Box 774
Mount Shasta, CA 96067

Dear Mark Miyoshi THPO,

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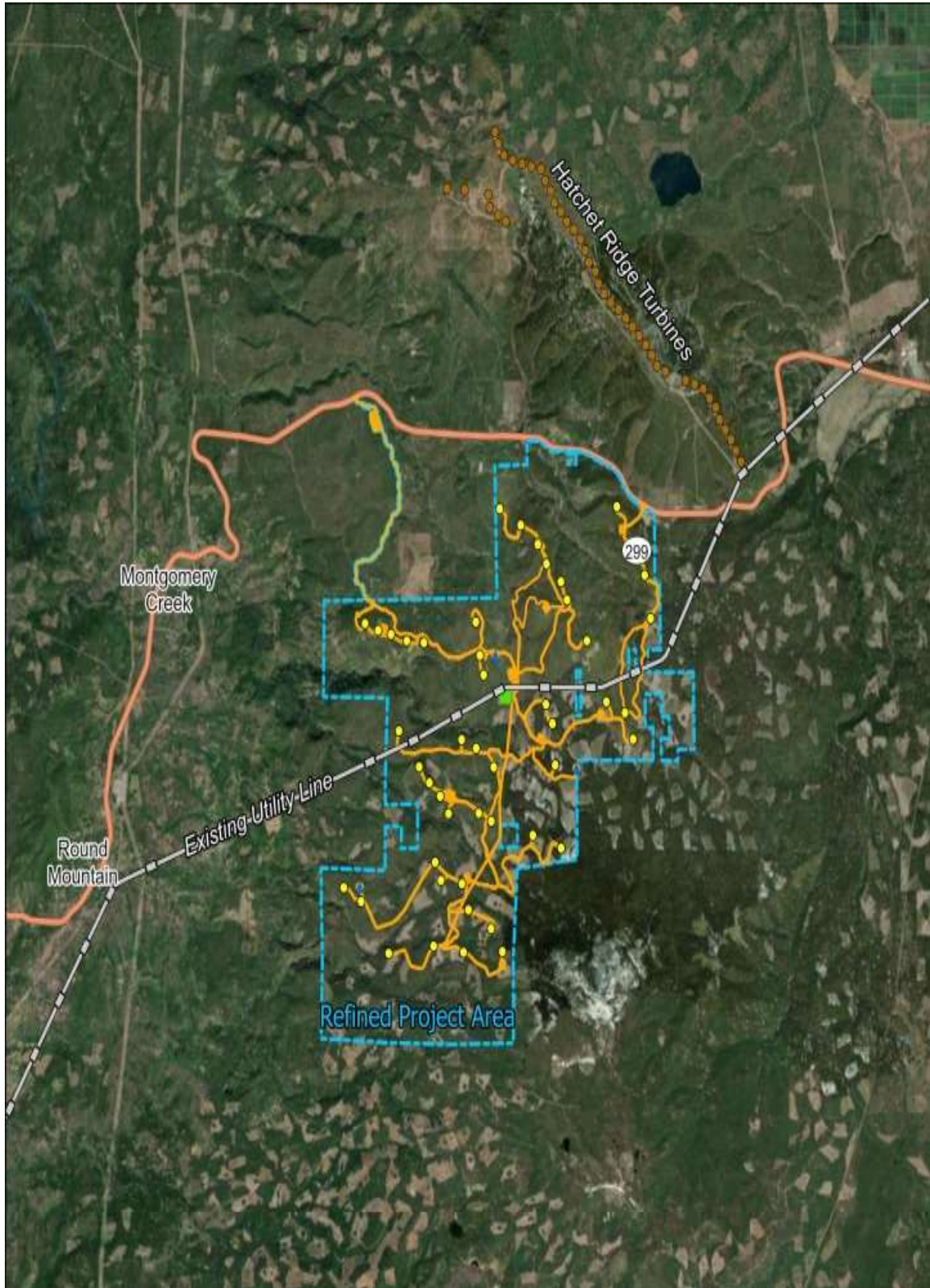


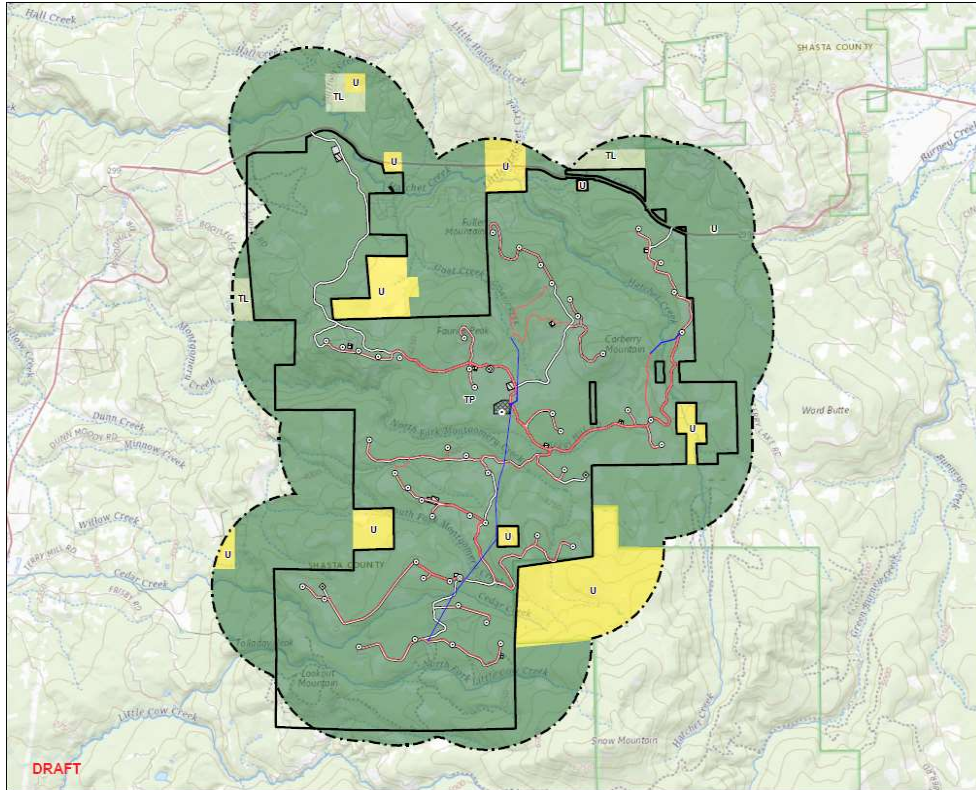
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Project Location: Shasta County
 Date/Project: Fountain Wind LLC
 Fountain Wind Project

Figure No: 3
 The **DRAFT**
 Zoning



**CALIFORNIA
ENERGY COMMISSION**



November 3, 2023

Honorable Caleen Sisk Chief
Winnemem Wintu Tribe
14840 Bear Mountain Road
Redding, CA 96003

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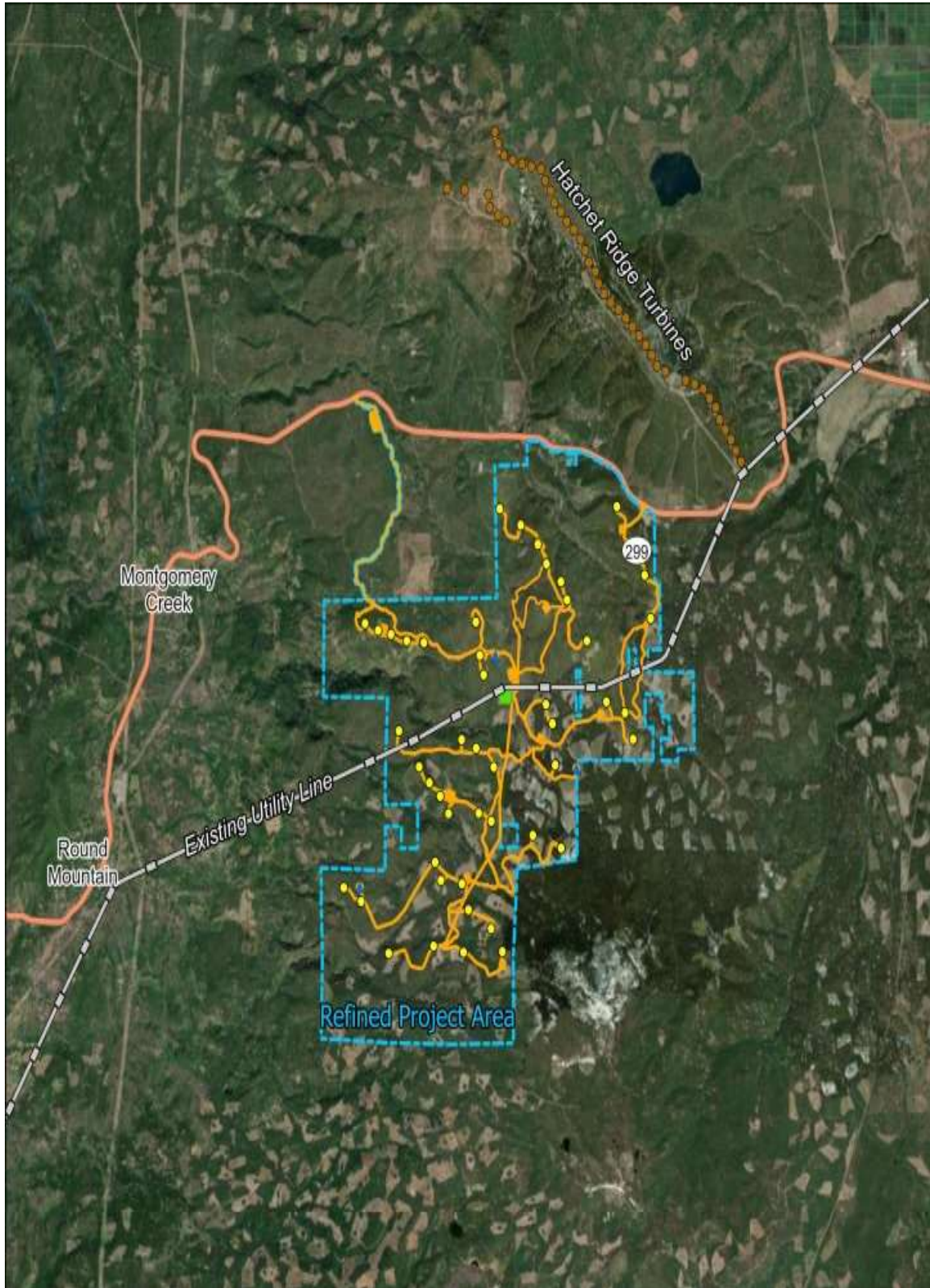


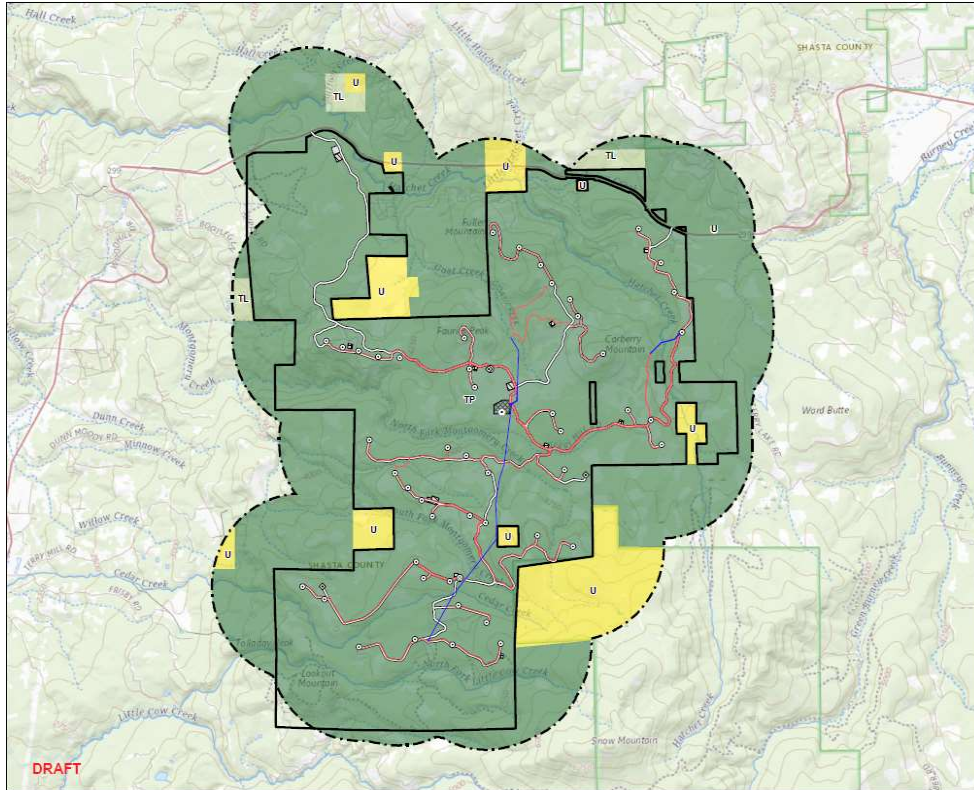
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 Prepared by: 02/20/2025
 Reviewed by: 02/20/2025
 02/20/2025

Client: Fountain Wind LLC
 Project: Fountain Wind Project
 Figure No: 3
 Title: Zoning
DRAFT



**CALIFORNIA
ENERGY COMMISSION**



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Wintu Tribe of Northern California
P.O. Box 995
Shasta Lake, CA 96019

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include a 34.5-kilovolt overhead and underground electrical collector system to connect turbines together and to an on-site collector substation; overhead and underground fiber-optic communication lines and/or a microwave relay station; an on-site switching station to connect the project to the existing regional grid operated by the Pacific Gas and Electric Company; a temporary construction and equipment laydown area; up to nine temporary laydown areas distributed throughout the project site to temporarily store and stage materials and equipment; an operation and maintenance facility with employee parking; up to three permanent meteorological evaluation towers (METs); temporary, episodic deployment of mobile Sonic Detection and Ranging or Light Detection and Ranging systems within identified disturbance areas (e.g., at MET locations); two storage sheds; and three temporary concrete batch plants. Up to 19 miles of new access roads would be constructed within the project site, and up to 19 miles of existing roads would be improved. No new transmission lines are proposed.

Additional information about the proposed project is available at the locations provided in the following list.

1. **Project Description and Figures.** The applicant prepared a revised project description, which replaces all previous descriptions of the proposed Fountain Wind Project:
<https://efiling.energy.ca.gov/GetDocument.aspx?tn=251663&DocumentContentId=86566>
2. **Fountain Wind Energy Project: Cultural Resources Phase 1 Inventory of 4,463 Acres, Shasta County, California.** This cultural resources inventory, updated and revised in May 2023, focuses on archaeological resources. The inventory report concludes that the proposed project would not cause impacts to any cultural resources identified by the inventory. The report contains provisions for responding to inadvertent discoveries with and without human remains. This report contains sensitive cultural resources information, so CEC staff will send a copy to tribes by a secure email.
3. **Fountain Wind Energy Project: Historical Resources Evaluation Report.** This cultural resources report documents and evaluates the significance of historic-era linear features in the proposed project area, namely logging roads and State Route 299, under the California Environmental Quality Act (CEQA). This document does not contain sensitive cultural resources information and can be accessed here:
<https://efiling.energy.ca.gov/GetDocument.aspx?tn=250742&DocumentContentId=85555>



4. The rest of the application is made up of the documents filed on the Fountain Wind Project docket:
<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OPT-01>

CEC Jurisdiction and Opt-In Process

On June 30, 2022, Governor Gavin Newsom signed Assembly Bill (AB) 205, which authorized the CEC to establish a new certification program for eligible non-fossil-fueled power plants and related facilities to optionally seek certification (“Opt-in” Certification) from the CEC. Requirements for the Opt-in Certification program are in Chapter 6.2, Division 15, of the Public Resources Code, sections 25545–25545.13. Regulations to implement the program can be found in California Code of Regulations, Title 20, sections 1875–1882. The Opt-in Certification program is in effect through June 30, 2029.

Under this new Opt-in Certification process, the types of facilities that can be certified by the CEC now includes solar photovoltaic and terrestrial wind energy power plants of 50 MW or more, energy storage facilities of 200 megawatt-hours (MWh) or more, the electric transmission lines from these facilities to the first point of interconnection with the existing transmission grid, and facilities that manufacture or assemble clean energy or storage technologies or their components with a capital investment of at least \$250 million. In addition, thermal power plants of 50 MW or more that do not use fossil or nuclear fuels may choose the Opt-in Certification process rather than the CEC’s Application for Certification process.

The CEC is the lead agency under CEQA and is required to prepare an environmental impact report for any facility that elects to opt-in to the CEC’s jurisdiction. With exceptions, the issuance of a certificate by the CEC for an eligible facility is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law. The CEC’s authority under the Opt-in Certification program does not supersede the authorities of the California State Lands Commission, the California Coastal Commission, or the San Francisco Bay Conservation and Development Commission, if applicable, the State Water Resources Control Board or applicable regional water quality control board, or, in the case of manufacturing facilities, the applicable local air quality management district or the Department of Toxic Substances Control.

The CEC is required to prepare an environmental impact report (EIR) and make its decision on the application within 270 days of receiving a complete application. The CEC will also conduct public meetings in the project area, including an informational



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and public scoping meeting during the development of the EIR, and a public workshop during the 60-day comment period on the Draft EIR, which will be included as part of the CEC's Staff Assessment of the application. After the conclusion of the public comment period, the CEC staff will publish an updated Staff Assessment (which will include a Final EIR), and the CEC's Executive Director's recommendation on whether the CEC should certify the EIR and issue a certificate for construction and operation of the proposed project. The updated Staff Assessment and Executive Director's recommendation will be published at least 30 days before the CEC's consideration at a public meeting.

The other agencies that retain their permitting authorities must take final action on any additional permits within 90 days of the CEC issuing a certificate.

Participation

In addition to the tribal consultation required under CEQA and the Warren-Alquist Act, the CEC welcomes your participation in the Opt-in review process. Pursuant to the Public Resources Code, Section 25545.7.4, we are providing the link to the Fountain Wind Project application, hosted on the CEC website at <https://www.energy.ca.gov/powerplant/wind/fountain-wind-project>. The applicant submitted numerous documents as their application over several months, meaning that there is not one single document that forms the application but many.

To stay informed about this project and receive notice of upcoming meetings and workshops, sign up for the project subscription, which can be accessed on the same project webpage. Once enrolled, automatic email notifications are sent when documents and notices are posted to the project webpage.

CEC staff welcomes your comments and questions, which are important to staff's analysis of the proposed project. Please do not hesitate to contact Assistant Tribal Liaison, Gabriel Roark, at (916) 237-2544 or by email at gabriel.roark@energy.ca.gov.

Sincerely,

Katrina Leni-Konig
Deputy Public Advisor and Tribal Liaison

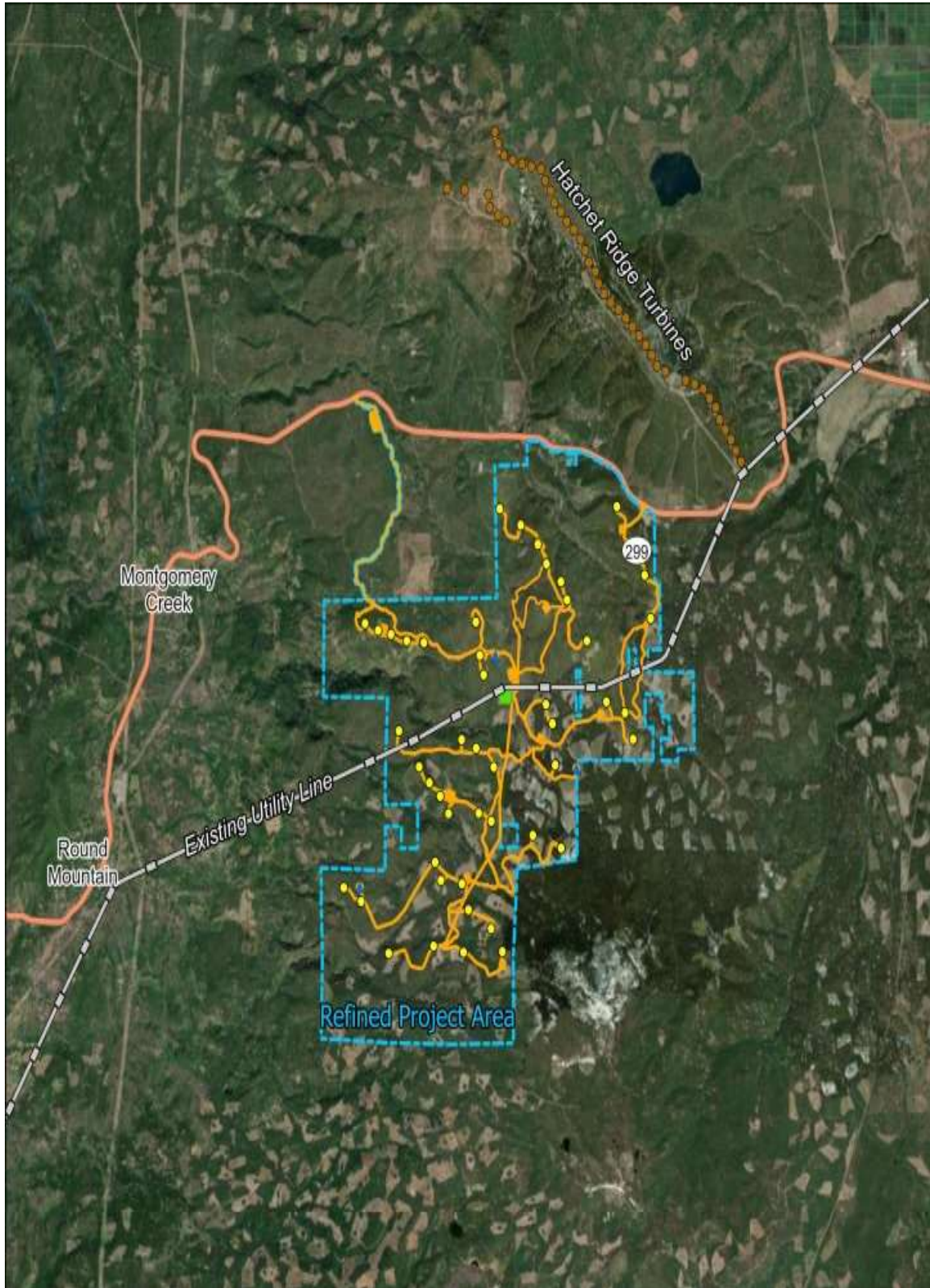


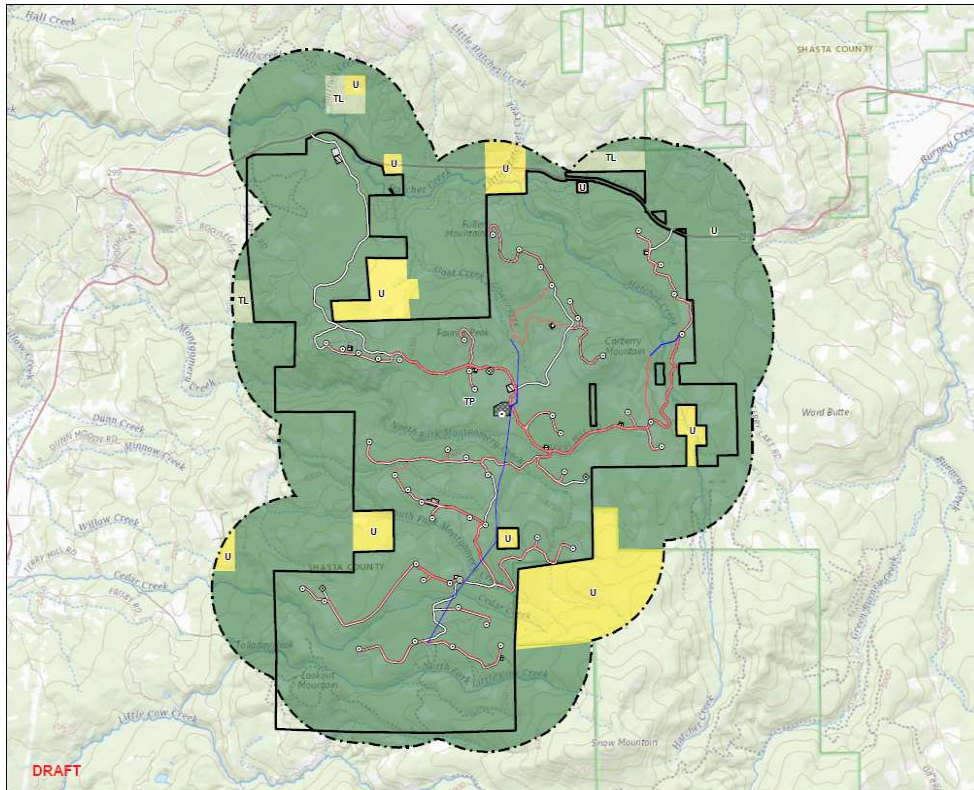
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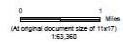
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Attachments:
Overhead View--Project Area, Nearby Communities, and Hatchet Wind Project
Project Facilities and Project Area Land Uses





- Legend
- ⊙ Turbine Location
 - ⊙ Met Tower Location
 - ⊙ Meteorologic Tower Location
 - ⊙ Storage Shed Location
 - Overhead Collection
 - Underground Collection
 - Access Road
 - ▭ Batch Plant
 - ▭ C&M Facility
 - ▭ Staging Area
 - ▭ Substation/Switchyard Site
 - ▭ Project Area
 - ▭ 1 mile from the Project Site
 - Shasta County Zoning
 - ▭ Timberland District (TL)
 - ▭ Timber Production District (TP)
 - ▭ Unclassified District (U)



Note:
 1. Data Source: System: NAD 1983 StatePlane California / FIPS 5401 Feet
 2. Data Source: Shasta County GIS Database
 3. Background: The USGS National Map



Project Location: Shasta County, California
 Client: Fountain Wind LLC
 Project: Fountain Wind Project
 Prepared by: GSI on 2022-07-08
 Reviewed by: GSI on 2022-07-08
 Drawn by: GSI on 2022-07-08

Figure No. 3
 Title: Zoning
 Status: **DRAFT**