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TABLE OF CONTENTS

Begin Bates	End Bates	Title
FW0000304	FW0000384	Staff recommendation to the Planning Commission.pdf
FW0000385	FW0000385	Fountain Wind Project
FW0000386	FW0000386	Fountain Wind documents
FW0000387	FW0000387	Updated Response Spreadsheet
FW0000388	FW0000390	RE: question from FW applicant re water permits
FW0000391	FW0000397	RE: [EXTERNAL] clarification on NSO/CSO range
FW0000398	FW0000402	RE: Fountain Wind (23-OPT-01) Soils-03
FW0000403	FW0000403	Re: Fountain Wind Project
FW0000404	FW0000404	Fountain Wind Project (23-OPT-01) Alt-01 response preview
FW0000405	FW0000406	RE: Fountain Wind Project, Shasta County
FW0000407	FW0000407	Re: Fw: Fountain Wind Project, Shasta County
FW0000408	FW0000409	RE: Fountain Wind Project
FW0000410	FW0000411	RE: Fountain Wind KMZs
FW0000412	FW0000414	WR-007_Water24k.pdf
FW0000415	FW0000415	Fw: Fountain Wind KMZs
FW0000416	FW0000418	WR-007_Water24k.pdf
FW0000419	FW0000419	FWP Parcels.pdf
FW0000420	FW0000420	Updated Tracker
FW0000421	FW0000421	Fountain Wind Blasting

FW0000422	FW0000422	'--- Untitled Document ---
FW0000423	FW0000423	RE: FWP land use data responses
FW0000424	FW0000424	Fountain Wind land use technical discussion
FW0000425	FW0000425	Applicant Responses to RWQCB Data Adequacy Comments, Fountain Wind Energy Project
FW0000426	FW0000426	FWP backup generator ATC application
FW0000427	FW0000430	fwp_air_permit_app_responses_part1.pdf

REPORT TO THE SHASTA COUNTY PLANNING COMMISSION

<u>PROJECT IDENTIFICATION:</u>	<u>REGULAR ITEM</u>	MEETING DATE	AGENDA ITEM #
USE PERMIT 16-007 (FOUNTAIN WIND PROJECT) OWNER: SHASTA CASCADE TIMBERLANDS, LLC APPLICANT: FOUNTAIN WIND, LLC MONTGOMERY CREEK AREA		06/22/21	R2

RECOMMENDATION: That the Planning Commission:

1. Conduct a public hearing.
2. Close the public hearing.
3. Adopt a resolution to: a) Adopt the recommended findings listed in Resolution 2021-009; and b) certify the Final Environmental Impact Report for the Fountain Wind Project, including adoption of the Mitigation Monitoring and Reporting Program.
4. Adopt a resolution to: a) Adopt the recommended findings listed in Resolution 2021-010; b) adopt the Findings of Fact and Statement of Overriding Considerations set forth in Exhibit A to Resolution 2021-010 in accordance with State CEQA Guidelines sections 15091 and 15093; and c) approve Use Permit 16-007, based on the recommended findings and subject to the conditions of approval set forth in Exhibit B to Resolution 2021-010.

SUMMARY: Fountain Wind, LLC has requested approval of a use permit for the Fountain Wind Project (Project), a wind energy generation development consisting of the construction, operation, maintenance, and ultimately the decommissioning of up to 71 wind turbines, each with a generating capacity of 3 to 6.2 megawatts (MW) and total tip height not to exceed 679 feet, with a total nameplate generating capacity of up to 216 MW and associated transformers together with associated infrastructure and ancillary facilities, including: a 34.5-kilovolt (kV) overhead and underground electrical collector system to connect turbines together and to an onsite collector substation; overhead and underground fiber-optic communication lines; a temporary construction and equipment laydown area; 14 temporary laydown areas distributed throughout the Project site to store and stage building materials and equipment, an operation and maintenance (O&M) facility; up to four permanent meteorological evaluation towers (MET); temporary, episodic deployment of mobile Sonic Detection and Ranging (SoDAR) or Light Detection and Ranging (LiDAR) systems within identified disturbance areas (e.g., at MET locations); two storage sheds; three temporary batch plants; and newly constructed and improved existing access roads.

Addressed in the EIR is the construction of an onsite switching station to interconnect the Project with the existing electric grid operated and maintained by Pacific Gas and Electric Company (PG&E). However, this component of the Project is not included in the use permit because land use approval of the switching station is within the purview of the California Public Utilities Commission (CPUC), not Shasta County.

The approximate 4,464-acre Project site is within an approximately 29,500-acre leasehold area comprised of 76 Shasta County Assessor's parcels consisting exclusively of private timberlands used for commercial forest management; a list of the subject Assessor's parcels is included in Exhibit A to Resolution 2021-010. The leasehold area and Project site is located approximately one mile west of the existing Hatchet Ridge Wind project, 6 miles west of Burney, 35 miles northeast of Redding, immediately north and south of California State Route 299 (SR 299), and near the private recreational facility of Moose Camp and other private inholdings. Other nearby communities include Montgomery Creek, Round Mountain, Hillcrest, Wengler, and Big Bend. The Project site is also within a geographic area that is traditionally and culturally affiliated with the Pit River Tribe. Lassen National Forest lies to the southeast, and the Shasta-Trinity National Forest is to the north. Staff Planner: Lio Salazar / Supervisor District: 3 / Proposed CEQA Determination: Environmental Impact Report (EIR).

BACKGROUND: General Plan & Zoning – The majority of the leasehold area and all of the Project site is in the Timberlands (T) general plan land use designation. Most of the Project site is in the Timber Production (TP) zone district; approximately 6 acres are in the Unclassified (U) zone district. A private energy production (public utility) project of the nature proposed, including structures that exceed height limits established for the zone district in which said structures are located, is permissible with approval of a use permit in the TP and U zone districts and is consistent with the T general plan land use designation provided findings are made that there is not a reasonable alternative site outside of a resource district, and the impacts from the project on the resource land have been reduced to the lowest reasonable level. Consistent with General Plan Objective FS-1, the requirement of a use permit and specific findings for location in a resource district allow for approval of the Project but also serve to discourage and provide the opportunity to prevent this type of development in a location that, in addition to being in a resource district, is in a high-risk fire area.

Access and Services – Access to the Project site would be directly from SR 299 at existing logging roads in-between postmile markers 62 and 67. The westernmost of the three existing logging roads is located near the intersection of SR 299 East and Moose Camp Road. Moose Camp Road would not be used to access the Project site. Water for construction would be from on-site wells and/or hauled from the Burney Water District. Potable water for operations would be from an on-site well. Portable toilets would be used and maintained for sewage disposal during construction. A new onsite wastewater treatment system will be constructed to serve post construction operations. Police protection is provided by the Shasta County Sheriff's Office and fire protection services are provided by the Shasta County Fire Department. Electric service is provided by PG&E. Liquid propane gas service is available from local vendors. Waste Management provides solid waste disposal service to the area.

Project Analysis – The Project is the second large scale wind energy generation project proposed in Shasta County. The Project may have State-wide significance within the context of the goals of the California Renewable Portfolio Standard (RPS) and other similar State renewable energy programs, and more specifically, in meeting the renewable energy targets set in Senate Bill (SB) 100. SB100 established that 100 percent of all electricity in California must be obtained from renewable and zero-carbon energy sources by December 31, 2045. The Project would generate wind power and would assist the State in meeting its legislated mandate. The first large-scale wind energy generation project proposed in Shasta County was approved in 2008. It was approved by a use permit for up to 68 turbines with a nameplate generating capacity of up to approximately 100 MW. It was constructed to the northeast of the proposed Project site and has been in operation since 2010 with 44 turbines that are approximately 420 feet tall (total tip height) and a nameplate generating capacity of 101 MW.

General Plan Objective E-2 states that the County should increase utilization of renewable energy resources by encouraging development of solar, hydroelectric, biomass, waste-to-energy, and cogeneration sources as these were identified as important renewable energy sources in Shasta County, but the General Plan also recognizes the potential for development of alternative renewable energy sources in Shasta County, including the potential development of wind energy. In addition, the General Plan recognizes the importance of renewable energy in achieving State-wide goals for the reduction of carbon dioxide and greenhouse gas emissions. General Plan Policy E-d states that priority shall be given to energy projects and programs that provide jobs and other economic benefits for County residents. The Project would provide jobs and other economic benefits for County residents as discussed further below and in the attached Fountain Wind Project Economic and Public Revenue Impact Study by Economic & Planning Systems, Inc.

Wind energy generation project siting considerations consist of three primary concerns: (1) whether or not a wind resource that would satisfy project objectives is present; (2) whether land of suitable size and/or distribution is available where the wind resource is present; and (3) whether the landowner is willing to sell or lease land for the project. Secondary considerations may include whether there is existing infrastructure in the vicinity of the property

for interconnection, whether access to the property is readily available, and whether sensitive environmental resources or receptors are present in the vicinity. In this case, the Project would be in an area that exhibits some of the highest land-based wind speeds in Shasta County and is in close proximity to a point of interconnection on an existing PG&E 230-kV transmission line within an existing local transmission corridor on the Pit 1 to Cottonwood line that in turn connects to an existing regional utility corridor (Figure C-4, Shasta County General Plan).

The wind resource in the Project area consists of an approximately 11-mile-wide swath of the County that originates north of SR 299 East near the community of Big Bend and extends southwesterly to the southeast corner of the County. Ownership within this swath consists of a mix of public and private land. The vast majority of private lands located within this swath are in resource zone districts. Lands within this swath that are not in a resource zone district consist of residentially and commercially zoned lands that are not of a size, distribution, and/or ownership pattern that would accommodate the Project. Resource lands on which the Project would be developed are designated timberlands and zoned for timber production. Impacts on forestry lands and associated environmental values attributed to designated timberlands and timber production zones have been analyzed and reduced to the lowest reasonable level. Therefore, these facts are a basis for the finding that there is not a reasonable alternative site outside of a resource district for the Project and that the impacts from the Project on the resource land have been reduced to the lowest reasonable level.

The recommended conditions of approval include but are not limited to: a requirement for an emergency response plan; notification of tower collapse, blade throw, etc.; a decommissioning plan including a financial assurance to cover costs of dismantling and removal of equipment and costs of site restoration; and reimbursement of County administrative costs for post approval monitoring.

Environmental Determination - An EIR was prepared for the Project. The Draft EIR identified the following potentially significant and significant environmental impacts to the following resources: aesthetics, air quality, biological resources, communications interference, cultural and tribal resources, hazards and hazardous materials, hydrology and water quality, noise and vibration, transportation, and wildfire, along with the associated cumulative effects of the Project. The Draft EIR concluded that the Project would have the following significant and unavoidable environmental impacts and beneficial environmental impacts:

- Significant and unavoidable impacts of the Project include: (1) adverse effects on the visual character and visual quality of views from publicly accessible vantage points; (2) the generation of particulate matter (PM₁₀) air emissions during construction, decommissioning, and site reclamation that would result in a cumulatively considerable net increase of PM₁₀ in the region which is in non-attainment of State ambient air quality standards for PM₁₀; (3) significant adverse impacts to or direct mortality of bald and golden eagles during Project operations, mortality and injury to raptors as a result of collisions with wind turbines and electrical transmission lines during Project operations, direct mortality and injury to bats as a result of Project operations and maintenance, and a cumulatively considerable contribution to a significant cumulative impacts to avian and bat species from collision with Project infrastructure; and (4) a substantial adverse change in the significance of a tribal cultural resource.
- Beneficial environmental impacts would include: (1) beneficial cumulative effects on climate change; (2) reduction in reliance on nonrenewable resources as a source of energy production; and (3) the creation and maintenance of new access roads and fire fuel breaks.

UP16-007
06/22/2021
Page 4

ISSUES: The issues regarding the Project are directly related to the significant and unavoidable impacts identified in the EIR, including whether economic, legal, social, technological, or other benefits of the Project outweigh the unavoidable adverse environmental effects of the Project, disagreement over other conclusions reached in the EIR, and the sufficiency of the EIR as whole. In addition, the public have expressed concerns about the Project that are outside the scope of the EIR.

Significant and unavoidable adverse effects on a scenic vista

This issue is addressed in Section 3.2, Aesthetics, of the Draft EIR. Several commenters and community members that live and work in the vicinity of the Project, including the Pit River Tribe, expressed concerns about the potential significant adverse visual impacts of the Project, including impacts on scenic views from the vicinity of the Project site and the highway coming to and from the area, tourism and recreation industries, residential property values, and quality of life.

Some commenters and community members are simply opposed to the Project. Others have recommended that to reduce or eliminate these impacts the turbines should be set back further from property lines and/or moved to locations within the Project site that are less visible from key vantage points in the vicinity (see Final EIR and attached letters).

The applicant believes that based on all preliminary data and design considerations the proposed wind turbine locations are optimal for efficiently and economically harnessing wind energy at the Project site. The final number of turbines, the type(s) of turbines deployed, and turbine locations will be determined during the preparation of detailed construction plans and be influenced by the anticipated availability of turbine models, the construction schedule, preconstruction geotechnical and resource surveys, and other site-specific design considerations in a process referred to as micro-sighting.

As detailed in the Draft EIR, the Project would impact aesthetics from multiple public vantage points in the vicinity of the Project site. Of seven key observation points (KOPs) studied, existing turbines are visible from all but three (KOPs 1, 2 and 3). Of the three KOPs from which turbines are not currently visible, the Project would result in a substantial reduction to visual character, visual quality, and the quality of scenic vistas from KOP 1. Mitigation measures proposed to reduce aesthetic impacts at KOP 1 include the avoidance of placing turbines within the KOP 1 viewshed or to reduce visibility of turbines from KOP 1 by moving them downslope during the micro-sighting process. Additionally, the turbines would have no markings other than as required in accordance with manufacturer's and Federal Aviation Administration requirements. Commercial messages and symbols would not be allowed on the turbine structures. Nonetheless, aesthetic impacts at KOP 1 would remain significant and unavoidable.

Of the alternatives considered in Draft EIR, Alternative 2: Increased Setbacks could, through the elimination of four potential turbine locations that are located within 2,037 feet of a residential property line or 1,018.5 feet of SR 299, could result in aesthetic impacts that are less than the Project based on the deployment of 71 turbines within the Project site or if one or more of the sites eliminated was otherwise an ideal final location for a turbine. Despite the setback distances considered in Draft EIR Alternative 2 being among the largest in the state based on a comparison of the requirements of counties that regulate wind turbine setbacks, the impacts at KOP 1 would remain significant and unavoidable and the proposed mitigation measures would remain the same.

Significant and unavoidable cumulatively considerable adverse effects of a net increase of PM₁₀

This issue is addressed in Section 3.3, Air Quality, of the Draft EIR. Several commenters and community members that live and work in the vicinity of the Project site, including the Pit River Tribe, expressed concerns about the potential significant adverse air quality impacts of the Project, including potential health effects.

The County is currently in attainment of state PM₁₀ standards. The Sacramento Valley Air Basin (SVAB), within which the County is situated, is currently in non-attainment of state PM₁₀ standards. The Project would generate significant amounts of PM₁₀ primarily from the generation of dust during Project construction, decommissioning, and site reclamation activities that cannot be reduced to a less-than-significant level after implementation of the fugitive dust control mitigation measures identified in the EIR. Therefore, the Project could cumulatively jeopardize attainment of PM₁₀ standards within the SVAB resulting in a potential cumulatively considerable net increase in regional PM₁₀ that is significant and unavoidable.

Most particulate matter generated by the Project, including both PM₁₀ and PM_{2.5}, would be in the form of fugitive dust which may result in adverse health effects, such as aggravating asthma and bronchitis. Evidence suggests that combustion derived particulate components are the strongest driver of adverse particulate matter-related health effects and the greatest contributor to particulate matter-related mortality. Particulate matter from combustion related sources make up a small component of overall particulate matter generated by the Project and exposure of sensitive receptors would be minimal and primarily during the construction phase. While PM_{2.5} is considered of greater health concern because it can enter deeper in the lungs, Shasta County has not set a PM_{2.5} threshold of significance. As noted in the EIR, while a correlation between PM_{2.5} concentrations and negative health effects have been suggested by studies, no studies have validated a direct cause and effect from relatively small changes in PM_{2.5} concentration in localized vicinities.

Both alternatives considered in the Draft EIR, Alternative 1: South of 299 and Alternative 2: Increased Setbacks could, through the elimination of seven or four potential turbine locations, respectively, could result in PM₁₀ impacts that are less than the Project based on the deployment of 71 turbines within the Project site or if one or more of the sites eliminated was otherwise an ideal final location for a turbine. Nonetheless, cumulatively considerable adverse effects of a net increase of PM₁₀ would remain significant and unavoidable and the proposed mitigation measures would remain the same.

Significant and unavoidable direct and cumulatively considerable adverse impacts on avian species and bats

This issue is addressed in Section 3.4, Biological Resources, of the Draft EIR. Comments received from the United States Department of Fish and Wildlife (USFWS), California Department of Fish and Wildlife (CDFW), the Wintu Audubon Society (Audubon), Sierra Club, Shasta Environmental Alliance, Pit River Tribe, Jim Wiegand and other groups and individuals expressed great concern about the potential adverse impact of the Project on various species of birds.

Extensive preconstruction surveys were conducted at the Project site to characterize its use by avian and bat species. Data on avian use of the area and operation impacts from the nearby Hatchet Ridge Wind project, the best available data on a large scale wind energy generation project on a similarly forested landscape in the region, were also considered to further assess the potential impacts of the proposed Project, including whether Project effects on candidate, sensitive, or special status-species would be substantial based on whether it could result in an adverse impact on the species' population. Because the proposed wind turbines total tip heights and rotor swept areas are greater than those of the Hatchet Ridge Wind project, the relative risk of collision is incrementally greater but based on the general similarity of the sites and avian and bat activity within them, the relative risk of collision for the

UP16-007
06/22/2021
Page 6

Project is expected to be relatively low despite the incremental increase. However, due to the differences in the proposed turbines, there remains uncertainty as to whether operational impacts of the Project may result in greater than expected impacts on bald and golden eagle, raptor species, and bat species, including direct significant adverse effects on the population of these special status species and cumulatively considerable impacts on avian and bat species that cannot be mitigated to the a less-than-significant level after implementation of mitigation measures proposed in the EIR.

Post Construction Mortality Monitoring (PCMM) of Project operations would occur for three years after operations are initiated. If PCMM indicates greater than anticipated mortality of certain avian and bat species additional mitigation measures will be implemented, including compensatory mitigation. The FEIR details changes in the EIR that were made in response to comments received during the DEIR public comment period, including the elimination of a turbine location that was suggested would likely result in greater mortality of avian and bat species and applicant proposed conservation measures to reduce impacts to wildlife (see FEIR Volume 1, Chapter 1 and FEIR Volume 2, Chapter 3. The County is recommending the applicant proposed conservation measures as use permit conditions of approval.

Both alternatives considered in the DEIR, Alternative 1: South of 299 and Alternative 2: Increase Setbacks could, through the elimination of seven or four potential turbine locations respectively, result in direct and cumulatively considerable adverse impacts on avian species and bats that are less than the Project based on the deployment of 71 turbines within the Project site or if one or more of the sites eliminated is an ideal final location for a turbine that would otherwise exhibit actual avian and bat activity that is greater than anticipated for the Project as a whole. Nonetheless, cumulatively considerable adverse effects to avian species and bats would remain significant and unavoidable and the proposed mitigation measures would remain the same.

Significant and unavoidable substantial adverse change in the significance of a tribal cultural resource

This issue is addressed in Section 3.6, Cultural and Tribal Resources, of the Draft EIR. Comments received from the Pit River Tribe and Tribe elders and members including, Agnes Dunn, Lawrence Cantrell, Radley Davis, Brandy McDaniels, and Tony Yiamkis, among others, other tribes and tribal interests, other groups, and members of the community expressed significant concern regarding the potential cultural and tribal resource impacts of the Project. The Pit River Tribe adopted a resolution in opposition to the Project on February 14, 2019 because, as stated in the resolution, the “scope of development is harmful and incompatible with existing long standing spiritual and cultural uses of the area and its natural resources, and human rights of the Pit River and other Tribes. Therefore, the Pit River Tribe must act to support the protection of these interconnected earth, air, water, and overall ecosystem which are irreplaceable resources within its defined ancestral lands (letter T-8 in the Fountain Wind Project scoping report).” The Pit River Tribe in its resolution urges the Planning Commission to deny the Project in favor of the no project alternative.

Despite its opposition, the Pit River Tribe has continued to interact with the County and applicant regarding its concerns, including through communication, a site visit, and confidential comments submitted during the Draft EIR public comment period. The County responded to the Tribe’s comments in the Final EIR Confidential Appendix E that was provided to the Pit River Tribe and made available to the Planning Commission for their consideration. The Pit River Tribe remains in opposition to the Project.

In response to comments regarding the cultural and tribal resource impacts of the Project, the location of an underground collection line has been moved to avoid known cultural resource site FW11 that was identified in section 3.6 of the Draft EIR (See Final EIR Section 1.2.3.1 Project Changes). Despite the discovery of 12 cultural sites during archeological surveys, there remains great concern of the likelihood that undiscovered cultural and tribal

UP16-007
06/22/2021
Page 7

resources, including human remains of Tribal ancestors, may exist within the Project site. Mitigation measures proposed for the Project include coordination with the Pit River Tribe during Project development, detailed recordation and documentation of features within the Project site that may be considered culturally significant to the tribe, and for Tribal cultural resource monitors to observe initial ground disturbing construction activities in areas identified as culturally sensitive. Recognizing that the Project may have indirect impacts on important spiritual and cultural sites and direct impacts on undiscovered or unidentified tribal cultural resources during construction, the Project would have significant and unavoidable substantial adverse change in the significance of a tribal cultural resource despite the proposed mitigation measures.

Both alternatives considered in the Draft EIR, Alternative 1: South of 299 and Alternative 2: Increased Setbacks could, through the elimination of seven or four potential turbine locations respectively, result in a substantial adverse change in the significance of a tribal cultural resource that is less than the Project based on the deployment of 71 turbines within the Project site or if one or more of the sites eliminated is an ideal final location for a turbine that would otherwise be associated with undiscovered or unidentified tribal cultural resources not present at other proposed turbine locations. Nonetheless, the potential of the Project to result in a substantial adverse change in the significance of a tribal cultural resource would remain significant and unavoidable and the proposed mitigation measures would remain the same.

Statement of Overriding Considerations

As noted above, the EIR concludes that some of the potential environmental impacts of the Project cannot be mitigated and are considered significant and unavoidable. State CEQA Guidelines Section 15093(a) states:

“CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’ When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record (see Section 15093(b) of the CEQA Guidelines). If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval”

The EIR consultant and staff have prepared the attached findings of fact (FOF) and a statement of overriding considerations (SOC) should the Planning Commission choose to approve the Project. The FOF and SOC include those economic, legal, social, technological, or other benefits of the Project that, in addition to the environmental benefits described above, would support the Planning Commission’s action to approve the Project based on legal, social, technological, or other benefits that outweigh the significant and unavoidable environmental impacts of the Project. The specific economic, legal, social, technological, or other benefits identified in the FOF and SOC for the Project include the following:

Assistance in meeting state renewable energy goals, reduced greenhouse gas emissions relative to fossil-fuel based electricity generation, reduced public health impacts relative to fossil-fuel based electricity generation, diversification of statewide energy portfolio and price stabilization, wind is a domestic source of energy, increased local employment and economic activity, increased tax revenue, and landowner support via diversification of revenue streams.

UP16-007
06/22/2021
Page 8

It is estimated that Project construction could generate substantial one-time construction, ongoing economic activity, associated jobs and worker compensation in Shasta County as well as substantial tax revenues, including one-time and ongoing tax revenues, of approximately 60 million dollars. As documented in the attached Fountain Wind Project Economic and Public Revenue Impact Study by Economic & Planning Systems, Inc., conclusions regarding the benefits of increased local employment and economic activity, and increased tax revenue from the Project are based on the construction and operation of 45 turbines and are projected over 35 years. The Hatchet Ridge Wind project economic analysis, a similarly situated wind energy generation project, was based on a final project configuration of the construction and operation of 42 turbines projected over 30 years. It was concluded that impacts on community services such as road maintenance and transportation, water and wastewater service, law enforcement and security, fire protection, emergency services, and medical aid, among others, for the Hatchet Ridge Wind project would be negligible. The impacts of the Project on community services would be similarly negligible.

**Disagreement over other conclusions reached in the EIR and the sufficiency of the EIR as whole/
Decision to certify the EIR**

The Project site is located within the area affected by 1992 Fountain Fire which was named based on it having started near a historic fountain constructed by Caltrans in the 1930's as a service to the motoring public. The water source for the fountain was previously developed in the 1880's for the horses used to maintain the toll road that served the area. At the time, the fire was the most destructive in County and California history. The fire was devastating to the communities of Round Mountain, Montgomery Creek, and Pit River tribal lands burning 64,000 acres and destroying 600 structures, including 300 homes. Subsequently, more destructive fires have occurred in Shasta County, including the 2018 Carr Fire. The increasing severity of fire behavior and devastation of recent California wildfires keeps the risk of wildfire at the forefront of community concerns. Many current residents in the vicinity of the Project site are Fountain Fire survivors and continue to live not only with the specter of the Fountain Fire, but survivors, and newcomers to the area, also live with the ever present concern of the potential for a severe wildfire to affect their communities in the future.

Several members of the public expressed concern and disagreement regarding EIR conclusions about wildfire related impacts of the Project, including the potential of the Project to impair aerial firefighting operations and the potential of the Project to exacerbate wildfire risks due to existing forest conditions within the Project site. Commenters, including Stephen Fitch, Associated Aerial Firefighters, Kelly Willett Tanner, M.A. in Disaster and Emergency Management, among others, disagree that the mitigation measures proposed for the Project would reduce these potential impacts to a less-than-significant level.

Impacts on aerial firefighting were addressed in the Draft EIR and in the responses to comments contained in the Final EIR. According to Shasta County Fire Warden and CAL FIRE Shasta-Trinity Unit Chief Bret Gouvea, based upon his consultation with current aerial firefighting personnel the proposed turbines would create a physical change in the environment that would have to be accounted for when incident managers plan air attack operations within the Project site and in the immediate vicinity. However, the presence of the turbines would not result in the creation of a no-fly zone or otherwise create a situation where aerial firefighting tactics based on fluid and specific conditions during an incident could not be appropriately planned and implemented within the Project site and in the immediate vicinity.

While the conclusion of the EIR was that the potential of ignition would be low and less-than-significant with the implementation of the proposed mitigation measures, it also acknowledges that the Project site is located in an area within which any ignition of a fire could potentially result in a very high severity incident based on fuel loading, slope, fire weather and other relevant factors. The forest structure within most of the Project site is characterized by it having been affected by the Fountain Fire. Approximately 60 percent of the project site was affected by the

UP16-007
06/22/2021
Page 9

Fountain Fire. This area was replanted after the Fountain Fire and for the most part exhibits the structure of an approximately 25-year-old even-aged conifer forest with dense stocking resulting in continuous fuel profile. The Project would modify these conditions by improving and or creating existing and new roads that would be maintained for Project operations. It would also create and maintain new openings and areas of reduced fuel loading around the turbine locations and along Project roads. Chief Gouvea has indicated that the maintenance of these roads and modified fuel loads would have a positive benefit. In the event of a wildfire, they could provide more reliable access to the Project site and timberlands in the vicinity for ground operations and fire and fuel breaks to stop, slow or control the advance of a fire. However, the turbines do add an additional asset at risk requiring protection from advancing wildfire. Chief Gouvea indicated that for ground operations, as for aerial operations, Project improvements such as the wind turbines would be a physical change in the environment that incident managers and firefighters would have to consider in planning and implementing ground operations in the area.

The EIR was prepared by a third-party consultant, Environmental Science Associates (ESA), under the direction of the County pursuant to a contract between ESA and the County, the cost of which was borne entirely by the applicant. ESA is a professional environmental consulting firm with relevant expertise and experience in the preparation of EIRs pursuant to the requirements of CEQA, including for wind projects and the relevant content areas analyzed in the EIR. Several commenters questioned the adequacy of the EIR with respect to its scope, level of detail, conclusions, consistency with CEQA guidelines and requirements, etc. While some commenters (including experts with relevant experience) may disagree, the analysis and conclusions in the EIR are supported by substantial evidence in the record, including but not limited to the attached appendices and those records cited in the references for the EIR.

Multiple commenters, including Steven Johnson and other commenters previously or hereinafter acknowledged in this staff report, among others, expressed concerns regarding the adequacy of the EIR in general. Comments from those specifically acknowledged in this staff report were not limited to these concerns or to the concerns to which their acknowledgement is attributed. The complete and specific comments of all persons who submitted responses during the draft EIR comment period are included in FEIR Volumes 1 and 2. Regarding the adequacy of an EIR, State CEQA Guidelines Section 15151, Standards for Adequacy of an EIR, states:

"An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure"

Staff recommends that the Planning Commission certify the EIR based on these standards of adequacy.

Mitigation Monitoring and Reporting Program

To ensure that the mitigation measures and Project revisions identified in the EIR are implemented, CEQA requires that the County adopt a program for monitoring or reporting on measures it has imposed to mitigate or avoid significant environmental effects. Appendix G of the Final EIR contains the Mitigation Monitoring and Reporting Program (MMRP) for the Project. The MMRP, including recommended mitigation measures for the Project, have been incorporated as recommended conditions of approval for the proposed use permit.

Concerns outside the scope of the EIR

Existing emergency response capability and readiness:

Kelly Willett Tanner, M.A. in Disaster and Emergency Management, and other commenters on the Draft EIR expressed concern about the emergency response capability and readiness of responders in the area (including staffing of fire stations in the vicinity), that there is no formal evacuation plan for the area, and that existing primary evacuation routes in the area are limited.

The Hillcrest CAL FIRE station is the closest fire station to the Project site. It is located approximately two miles west of the westernmost Project access and five miles west of the easternmost Project access. This station is staffed during the fire season which typically runs from June to October. Other emergency responders located near the Project site that would respond year-round include the Shasta County Fire Department-affiliated Montgomery Creek Volunteer Fire Company which has a station in Montgomery Creek approximately 11 miles west of the Project site. The Burney Fire Protection District (Burney FPD) would typically be an additional responder on calls to the Project site. SR 299 is the primary east/west evacuation route from the area. North/south evacuations in the area are limited and typically would consist of a mix of private and County roads that could be used primarily to bypass sections of the primary east/west route.

As noted in the EIR (see Draft EIR Section 3.1.4.14 Public Services) the impact of the Project would not require the provision of new or physically altered governmental facilities, including for fire protections services, in order to maintain acceptable service ratios, response times or other performance objectives. Impacts on traffic circulation, including in an emergency, are discussed in the EIR (see Draft EIR Section 4.14 Transportation) and would be mitigated by a Traffic Management Plan as detailed in the EIR. It is acknowledged that evacuation routes from the communities near the Project site are limited but this is a baseline condition that would remain without the Project. There is no nexus or Shasta County development standard that would compel or require the applicant to resolve this existing regional issue and a resolution such as exactions from the applicant for the creation of an evacuation plan for the area and/or constructing new evacuation routes for the area would be disproportional to the contribution of the Project traffic leaving the area in an evacuation situation.

It is acknowledged that, by attrition, volunteerism at local fire stations has waned in recent years, due primarily to an aging volunteer force and low interest in volunteering among younger community members, and that firefighting resources have been taxed during recent fire seasons as fire behavior has intensified and the fire season has increased in length. The Project would generate tax revenue that could potentially assist in addressing firefighting resource and fuel management concerns in Shasta County.

Potential effects on community character and perceptions about a way of life:

The Pit River Tribe and later early settlers to the Round Mountain and Montgomery Creek area, newcomers, and their descendants have established deep bonds to and an affinity for the landscape and natural resources of the area and to a way of life characterized by these connections. Some inhabitants closest in proximity to the Project site include residents and visitors of Moose Camp, including John Gamble and others, the Buffum Homestead, and Dogwood Acres, among others. There are approximately 625 owners of property within two miles of the Project site. Many community members expressed that the Project would negatively affect the community character of the area and their way of life due to its scope, scale, and proximity.

The natural resources of the area have been utilized by human inhabitants for millennia. Over time, changes in technology, patterns of growth and ownership, and land management philosophy and objectives have resulted in

UP16-007
06/22/2021
Page 11

more intensive extraction of natural resources in the area for beneficial use and economic interest, alterations of the landscape and other physical changes in the environment, and cultural and social change in the community. In the age of industrialization, mineral extraction, hydropower generation, energy transmission facilities, large-scale commercial forest management and, more recently, the Hatchet Ridge Wind project have significantly altered the landscape of the area and the presence of these facilities and activities continues to predominate the physical landscape of the area. It is acknowledged that wind generation projects may be perceived as a more significant alteration due to the presence of the large elevated turbines.

Other commenters, including the landowner, Shasta Builders' Exchange, California State Building & Construction Trades Council, Shasta VOICES, Crystal Creek Aggregates, Bales Mountain Quarry, Tom Bosenko, and Trish Clarke, among other groups and individuals, have expressed support for the Project as a beneficial renewable energy generator and/or its potential to generate economic benefits through the creation of jobs and demand for local services and materials.

Potential effects on property values:

Multiple community members expressed concern that property values in the vicinity of the Project site will be diminished by the Project. Studies have come to various conclusions regarding the effects of wind energy projects on property values. Many have concluded that wind energy projects have statistically insignificant and/or minimal impact on home values both in anticipation of the development of a wind energy project and post development. Some studies have concluded that the greatest impact on home values (decreases ranging from 9 to 16 percent) are experienced within 0.5 miles of wind energy projects. There are also studies that found diminution in value was less when views of the turbines are minimal, and the properties are farther from the Project site.

There are private properties within 0.5 miles of the boundary of the leasehold area that are suitable for or have been developed with residences and/or are used for private recreation. Residences closest to the Project site would be approximately 2,600 feet from the nearest proposed turbine sites. The largest concentration of these residences are approximately 75 residences in the Moose Camp recreational community (which includes full-time residents) of and a cluster of approximately 20 residences adjacent to SR 299 north of Moose Camp. Unlike other residences in the area, these residences have the potential to have turbines located to the north, south, east, and west with the closest and greatest potential concentration of turbines being those proposed south of SR 299. In some cases, some or all turbines may be screened by vegetation and/or otherwise not be visible from some of these properties.

The adequacy and maintenance of existing PG&E infrastructure:

Written comments received on the DEIR and written and oral comments presented to the Planning Commission during open comment time at regularly scheduled Planning Commission meetings and other communications directed to the Commission by Maggie and Joseph Osa, Beth Messick-Lattin, and Edmund Baier, among others, have expressed significant concern regarding adequacy and maintenance of existing PG&E infrastructure and recent fire ignitions attributed to PG&E, including the 2018 Camp Fire, the deadliest and most destructive wildfire in California history, and more recently the Zogg Fire in Shasta County which resulted in the death of four persons and destroyed 204 buildings. A lawsuit by Shasta and Tehama counties against PG&E for public damages attributable to the Zogg Fire has since been settled.

While ongoing concerns and issues with PG&E infrastructure and maintenance are acknowledged, an analysis of the existing electrical grid is beyond the scope of the EIR. Decision making with respect to whether the Project can interconnect with the existing electrical grid and the correction and oversight of any performance and maintenance issues with the existing electrical grid is beyond the County's jurisdiction.

UP16-007
06/22/2021
Page 12

As described above, the EIR considers the impacts of constructing a switching station that would facilitate interconnection of the Project with the existing electrical grid; however, approval of the switching station is not part of the proposed use permit. Approval of the switching station and interconnection with the existing electrical grid is within the purview of the CPUC, California Independent System Operator, and PG&E pursuant to the applicable regulatory processes, including required engineering studies and requirements.

If the use of the switching station is approved, it would be constructed by the applicant and owned, operated, and maintained by PG&E. All electrical infrastructure approved by the use permit would be constructed, operated, and maintained by the applicant subject to all applicable regulatory requirements, including requirements that address fire safety such as vegetation clearances.

Efforts to address PG&E infrastructure maintenance and related fire safety issues is ongoing and being carried out by regulatory agencies with responsibility for oversight of PG&E, the courts through PG&E bankruptcy agreements and other settlements, and PG&E itself.

Consistency of large scale wind energy facilities with the Shasta County Zoning Plan:

Written comments received on the DEIR and written and oral comments presented to the Planning Commission during open comment time at regularly scheduled Planning Commission meetings and other communications directed to the Commission by members of *Citizens in Opposition to the Fountain Wind Project* and others have questioned the consistency of large scale wind energy facilities, such as the Project, with the Shasta County Zoning Plan. Pursuant to subsection 17.88.100.B. of the Zoning Plan, public utilities are permitted if a use permit is issued. Pursuant to subsection 17.02.430 of the Zoning Plan, private energy production facilities, such as the Project, are considered public utilities.

Some commenters have suggested that since subsection 17.88.035 of the Zoning Plan specifically regulates the development of small wind energy systems through the administrative permit process and because the Zoning Plan does not contain specific regulations for large scale wind energy facilities that such facilities are, therefore, inconsistent with the Zoning Plan. Pursuant to subsection 17.88.035 of the Zoning Plan, wind energy systems which do not comply with the requirements for small energy wind systems, such as the Project, may be permitted with an approved use permit.

Based upon the provisions of the Zoning Plan outlined above, private energy production facilities, including wind energy systems that do not comply with the requirements for small energy wind systems, may be permitted with an approved use permit. Therefore, the processing of the use permit application filed by the applicant for the Project is consistent with the Shasta County Zoning Plan.

Comments received after the Draft EIR comment period

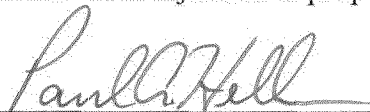
All comments received after the Draft EIR comment period and before final preparation of the staff report are provided online as attachments to this report (directions for accessing these comments online are provided at the bottom of this report). Comments received outside of the Draft EIR comment period include additional comments on the EIR, comments outside the scope of the EIR, and comments both in opposition to and in support of the Project. As comments continue to be received, they will be posted online as soon as possible.

UP16-007
06/22/2021
Page 13

ALTERNATIVES: The following alternatives to the staff report recommendations are available:

1. Elect not to certify the EIR and return it to staff with recommendations for revisions.
2. Certify the EIR and approve the use permit with modifications to the proposed project and/or to the recommended conditions of approval.
3. Continue the item to request additional specific information.
4. Deny the use permit. The Commission would need to make findings that the proposed use is inconsistent with the General Plan and/or Zoning Plan and/or that the establishment, operation, and maintenance of the subject use, under the circumstances of the particular case, would be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.

CONCLUSION: Based on the information supplied by the applicant, data available to Planning staff, the Final EIR, the Findings of Fact and Statement of Overriding Considerations, comments received from the applicant, agencies and the public, other information contained in the Project record, and the recommended conditions of approval, staff is of the opinion that the Project is consistent with the General Plan policies and zoning standards for the area, and that the establishment, operation, and maintenance of the Project would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.



PAUL A. HELLMAN
Director of Resource Management

Staff Author: Lio Salazar, Senior Planner

LS/trh/District 3

Copies: Shasta Cascade Timberlands, LLC, RT 2 Box 41, Montgomery Creek, CA 96065
Fountain Wind, LLC, 1125 NW Couch Street, Suite 700, Portland, OR 97209
John Kuba, ConnectGen, 1001 McKinney, Suite 700, Houston, TX 77002
Janna Scott, ESA, 1425 North McDowell Boulevard, Suite 200, Petaluma, CA 94954
Natalie Forrest-Perez, Pit River Tribe, 36970 Park Avenue, Burney, CA 96013
Federal Aviation Administration, Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010-1303
Jennifer Norris, US Fish and Wildlife Service, 2800 Cottage Way, Suite W-2605, Sacramento, CA 95825
Jim Richardson, United States Department of the Interior, Lassen National Park, 38050 Highway 36 E, Mineral, CA 96063
California Energy Commission, 1516 9th Street, MS 45, Sacramento, CA 95814
California Public Utilities Commission, Energy Division, 4th Floor, 505 Van Ness Avenue, San Francisco, CA 94102
Curt Babcock, California Department of Fish and Game, 601 Locust Street, Redding, CA 96001
California Regional Water Quality Control Board, 415 Knollcrest Drive, Redding, CA 96002
Marci Gonzalez, Caltrans District 2, P.O. Box 496073, Redding, CA 96049-6073
Jeff Brown, Department of Transportation, Division of Aeronautics, P.O. Box 942874, Sacramento, CA 97274

UP16-007
06/22/2021
Page 14

Native American Heritage Commission, 915 Capitol Mall, Room 364, Sacramento, CA 95814
Pacific Gas and Electric Company, 3600 Meadow View Road, Redding, CA 96002
Shasta County Library, Redding Branch, 1100 Parkview Avenue, Redding, CA 96001
Shasta County Library, Burney Branch, 37116 Main Street, Burney, CA 96013
Shasta County Library, Anderson Branch, 3200 West Center Street, Anderson, CA 96001
Cottonwood Community Library, 3427 Main Street, Cottonwood, CA 96022
Hill Country Community Clinic (Round Mountain), 37116 State Highway 299 East, Round Mountain, CA 96084
Redding Record Searchlight, 1101 Twin View Boulevard, Redding, CA 96003
Intermountain News, 37095 Main Street, P.O. Box 1030, Burney, CA 96013
Project File

Attachments:

Final EIR Certification Resolution No. 2021-009
Use Permit Approval Resolution No. 2021-010 and Draft Findings of Fact and Statement of Overriding Considerations and Conditions of Approval
Location Map
General Plan Map
Zone District Map
Aerial Image (Draft EIR Figure 2-1, Project Location)
Site Plan (Draft EIR Figure 2-2, Representative Configuration of the Proposed Fountain Wind Project)
Wind Turbine Elevation (Draft EIR Figure 2-4a, Typical Representative Turbine Options for the Fountain Wind Project)
Flatland Wind Turbine Generator Site Plan (Typical)
Hilltop Wind Turbine Generator Site Plan (Typical)
Substation and Switchyard-Point of Interconnection (Draft EIR Figure 2-4b Primary Switching Station and Substation Site Plan)
O&M Facility Site Plan (Typical)
O&M Building Elevation (Typical)
O&M Building Floor Plan (Typical)
* Final EIR including Mitigation Monitoring and Reporting Program (previously distributed)
* Studies from the applicant which are not included in Draft EIR or Final EIR:
Fountain Wind Project Economic and Public Revenue Impact Study by Economic & Planning Systems, Inc. (EPS), March 21, 2021.
* Comments received after the Draft EIR comment period not included in the Final EIR

* Attachments marked with an asterisk are available at: [Shasta County Resource Management - Planning EIR - Fountain Wind Project](#)

Fountain Wind Information: Department of Resource Management - Planning Division, 1855 Placer Street, Suite 103, Redding, CA 96001; or on the internet at: www.co.shasta.ca.us (click "County Departments" then "Planning" then "Fountain Wind Project Information")

RESOLUTION NO. 2021-009**A RESOLUTION OF THE SHASTA COUNTY PLANNING COMMISSION
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE FOUNTAIN WIND PROJECT
(FOUNTAIN WIND, LLC)**

WHEREAS, a use permit application was received from Fountain Wind, LLC, for a renewable wind energy generation development consisting of the construction, operation, maintenance, and ultimately the decommissioning of up to 71 wind turbines and associated transformers together with associated infrastructure and ancillary facilities in unincorporated Shasta County on approximately 4,464 acres of a 29,500-acre leasehold comprised of 76 Shasta County Assessor's parcels operated as managed forest timberlands located approximately one mile west of the existing Hatchet Ridge Wind Project, 6 miles west of Burney, CA and 35 miles northeast of Redding, CA (Use Permit 16-007).

WHEREAS, the Shasta County Environmental Review Officer determined that an Environmental Impact Report (EIR) was required to evaluate the potential impacts of the proposed project; and

WHEREAS, Shasta County is the lead agency under the California Environmental Quality Act (CEQA) and has completed the preparation of a Final EIR for the proposed project identified as the Fountain Wind Project (hereinafter the "Project"); and

WHEREAS, a Notice of Completion and a Notice of Availability for the Draft EIR were timely sent to responsible and trustee agencies and various federal, state and county agencies, and the Notice of Availability was published in the Record Searchlight and Intermountain News newspapers, and was timely sent to persons who had expressed interest in the Project, and to property owners within approximately 2 miles of the Project site, as shown on the current Tax Assessor's rolls, which exceeded the minimum noticing requirement of those property owners within 300 feet of the proposed project site; and

WHEREAS, all comments received on the Draft EIR have been reviewed and responded to in writing with all comments and responses incorporated into Volumes 1 and 2, Chapter 2 of the Final EIR; and

WHEREAS, written responses to comments received from public agencies on the Draft EIR were provided in an electronic format to said public agencies at least 10 days prior to certifying the Final EIR; and

WHEREAS, the Shasta County Planning Commission has received and reviewed the Fountain Wind Project EIR ("EIR"), including the Draft EIR and Final EIR which contains all comments received on the Draft EIR, responses to comments, errata, and Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, a duly noticed public hearing on the Final EIR and Project was held on June 22, 2021, at which time all interested persons were given an opportunity to comment which were considered in accordance with the modified procedures for the conduct of the Planning Commission resulting from the current COVID-19 pandemic and in compliance with orders and recommendations of federal, state and local authorities and those comments were considered by the Planning Commission; and

NOW, THEREFORE BE IT RESOLVED by the Shasta County Planning Commission:

1. The foregoing recitals are true and correct.
2. The Final EIR for the Project has been completed in compliance with CEQA.

3. The Final EIR for the Project was presented to the decision-making body of the County of Shasta in its capacity as lead agency under CEQA and the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the Project.
4. The Final EIR reflects the independent judgment and analysis of the County of Shasta in its capacity as lead agency under CEQA.
5. The Final EIR for the Project is hereby certified including adoption of the MMRP.

DULY PASSED AND ADOPTED this 22nd day of June 2021, by the Shasta County Planning Commission by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

PATRICK WALLNER, Chair
Planning Commission
County of Shasta, State of California

ATTEST:

PAUL A. HELLMAN, Secretary
Planning Commission
County of Shasta, State of California

RESOLUTION NO. 2021-010**A RESOLUTION OF THE SHASTA COUNTY PLANNING COMMISSION
APPROVING USE PERMIT 16-007 (FOUNTAIN WIND, LLC)**

WHEREAS, the Planning Commission of the County of Shasta has considered Use Permit 16-007 (hereinafter the “Project”), filed by Fountain Wind, LLC for a renewable wind energy generation development consisting of the construction, operation, maintenance, and ultimately the decommissioning of up to 71 wind turbines and associated transformers together with associated infrastructure and ancillary facilities in unincorporated Shasta County on approximately 4,464 acres of a 29,500-acre leasehold comprised of 76 Shasta County Assessor’s parcels operated as managed forest timberlands located approximately one mile west of the existing Hatchet Ridge Wind Project, 6 miles west of Burney, CA and 35 miles northeast of Redding, CA, in accordance with Section 17.92.020 of the Shasta County Ordinance Code, Title 17, Zoning; and

WHEREAS, said use permit was referred to various affected public and private agencies, County departments, and referral agencies for review and comments; and

WHEREAS, at the direction of the Shasta County Environmental Review Officer an Environmental Impact Report (EIR) examining the impacts of the Project has been prepared in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the County of Shasta Planning Commission has received and reviewed the proposed use permit along with all draft, final, and supporting documents of the EIR, in addition to a report from the Planning Division; and

WHEREAS, a duly noticed public hearing on the Final EIR and Project was held on June 22, 2021, at which time all interested persons were given an opportunity to comment which were considered in accordance with the modified procedures for the conduct of the Planning Commission resulting from the current COVID-19 pandemic and in compliance with orders and recommendations of federal, state and local authorities and those comments were considered by the Planning Commission; and

WHEREAS, the Shasta County Planning Commission has considered public comments and a report from the Planning Division.

NOW, THEREFORE, BE IT RESOLVED that the Shasta County Planning Commission:

1. Makes the following environmental findings:

A The Fountain Wind Project Final EIR and Mitigation Monitoring and Reporting Program (MMRP) have been completed in compliance with the California Environmental Quality Act (CEQA)(California Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.).

- B. The Final EIR and MMRP reflect the independent judgment and analysis of the lead agency.
 - C. Through changes in the project prescribed by mitigation measures contained in the MMRP and conditions of approval, all significant adverse effects on the environment identified in the Final EIR have been eliminated or substantially lessened where feasible, and any remaining significant effects on the environment found to be unavoidable are acceptable in light of the overriding considerations incorporated herein.
 - D. Mitigation monitoring provisions have been considered by the approving authority pursuant to County Mitigation Monitoring and Reporting Procedures and CEQA. Feasible mitigation measures have been specifically identified in the Final EIR and incorporated in the conditions of approval with monitoring as specified in the MMRP. The Final EIR, by its provisions for monitoring of mitigation measures or changes made to the project or conditions of project approval to be adopted in order to mitigate or avoid significant impacts on the environment, represents the program designed to ensure environmental compliance during project implementation. This program, as required by Public Resources Code Section 21081.6, is based on those documents and materials referred to in the Final EIR, and incorporated therein by reference, which are maintained at the County Planning Division's office located at 1855 Placer Street, Suite 103, Redding, California.
 - E. The Planning Commission has certified the Fountain Wind Project Final EIR including adoption of the MMRP.
 - F. Findings of Fact and a Statement of Overriding Considerations have been prepared for this project and have been reviewed by the Planning Commission.
2. Makes the following use permit findings:
- A. The project, as conditioned, is consistent with the objectives, policies, uses, and programs of the General Plan.
 - B. The establishment, operation and maintenance of the subject use, under the circumstances of the particular case will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.
 - C. There is not a reasonable alternative site outside of a resource district. (REQUIRED FINDINGS PURSUANT TO SCC 17.88.100.C.)
 - D. The impacts from the project on the resource land have been reduced to the lowest reasonable level. (REQUIRED FINDINGS PURSUANT TO SCC 17.88.100.C.)

Resolution No. 2021-010
Page 3 of 3

3. Adopts the Findings of Fact and Statement of Overriding Considerations prepared for this project as set forth in Exhibit A to this resolution in accordance with State CEQA Guidelines sections 15091 and 15093.
4. Approves Use Permit 16-007, subject to the conditions as set forth in Exhibit B to this resolution and incorporated herein.

DULY PASSED AND ADOPTED this 22nd day of June, 2021, by the Shasta County Planning Commission by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

PATRICK WALLNER, Chair
Planning Commission
County of Shasta, State of California

ATTEST:

PAUL A. HELLMAN, Secretary
Planning Commission
County of Shasta, State of California

EXHIBIT A

Findings of Fact for the Fountain Wind Project in Shasta County, California

Required Under the California Environmental Quality Act
(Public Resources Code, Section 21000 et seq.)

I. Introduction

The California Environmental Quality Act (CEQA) (Pub. Res. Code §§21000, et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §§15000, et seq.) require that when the County of Shasta (County) as the CEQA lead agency approves a Project for which an environmental impact report (EIR) was certified, it shall: 1) make written findings regarding each significant impact identified in the environmental impact report, and 2) identify overriding considerations for any significant and unavoidable impacts identified in the EIR.

These findings explain how the County, as the lead agency, approached the significant and potentially significant impacts identified in the EIR prepared for the Fountain Wind Project (Project). The statement of overriding considerations (Section VII, below) identifies specific economic, social, technological, and other benefits of the Project that override the significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the Project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts where feasible. The information and conclusions contained in the EIR reflect the County's independent judgment regarding the potential adverse environmental impacts of the Project.

The Final EIR (which includes the Draft EIR, comments on the Draft EIR, responses to comments, and revisions to the Draft EIR) for the Project, examined three alternatives to the Project that were not chosen as part of the Project discussed in these Findings of Fact: the No Project Alternative, Alternative 1: South of State Route (SR) 299, and Alternative 2: Increased Setbacks.

The Findings and Statement of Overriding Considerations set forth below (Findings) are presented for adoption by the Planning Commission, as the County's findings under CEQA and the CEQA Guidelines relating to the Project. The Findings summarize the written analysis and document the conclusions of the County regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations, which in this Planning Commission's view, justify approval of the Project, despite its unavoidable environmental effects.

II. General Findings and Overview

Procedural Background

The County circulated a Notice of Preparation (NOP) of an EIR for the Project and an Initial Study on January 15, 2019, to trustee and responsible agencies, the State Clearinghouse, potentially affected federal agencies, Tribes, and the public. The County sent separate public notice to a mailing list of 603 recipients that included property owners within 2 miles of the Project Site, and other interested parties. The County also posted an electronic copy of the NOP and the direct-mail notice on its website: https://www.co.shasta.ca.us/index/drm_index/planning_index/eirs/fountain-wind-project. In addition to the NOP, direct mail notifications, and web posting, the County notified the public about the public scoping meeting through newspaper advertisements published in the Record Searchlight on January 15, 2019, in the Mountain Echo on January 15, 2019, and in the Intermountain News on January 16, 2019. The County held an agency-specific scoping meeting for responsible and trustee agencies on the afternoon of Thursday, January 24, 2019, and a public scoping meeting the same evening. The County considered issues and concerns raised in response to the NOP in its preparation of the Draft EIR.

Shasta County filed a Notice of Completion of the Draft EIR with the State Clearinghouse (SCH #2019012029) and published a public Notice of Availability (NOA) for the Draft EIR on August 3, 2020, inviting comment from agencies, Tribes, organizations and members of the general public. The NOA was filed with the County Clerk and was published in the Record Searchlight, a local newspaper of general circulation, pursuant to CEQA Guidelines Section 15087. It also was published in the Mountain Echo and in the Intermountain News. Notifications and updates of the availability of the Draft EIR and information about how to access also were sent via the FountainWind411 Project-specific email listserv.

The Draft EIR was available for public review and comment from August 3, 2020 through October 21, 2020, a period of 79 days. Printed copies of the Draft EIR and electronic copies of all appendices and all documents referenced in the Draft EIR were available for public review during normal hours at the branches of the Shasta County Public Libraries in Redding, Anderson, and Burney and also were made available for review by members of the public at the Cottonwood Community Library in Cottonwood, the Hill County Community Clinic in Round Mountain, and the Shasta County Department of Resource Management office by appointment. An electronic copy of the Draft EIR was available for all-hours access on the County's website:

https://www.co.shasta.ca.us/index/drm_index/planning_index/eirs/fountain-wind-project.

The Draft EIR contains a description of the Project; description of the environmental and regulatory setting; identification of the direct, indirect, and cumulative impacts of the Project; and mitigation measures for impacts found to be significant. The Draft EIR also contains an analysis of Project alternatives, identification of significant irreversible environmental changes, and growth-inducing impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to issuance of the Draft EIR were considered in preparing the Final EIR.

CEQA Findings of Fact 2021

Shasta County received several comment letters regarding the Draft EIR from public agencies, Tribal entities and members, and organizations and individuals. These comment letters are identified in Table 2-1 in Final EIR Chapter 2, Responses to Comments. In accordance with CEQA Guidelines Section 15088, the Final EIR responds to the written comments received on the Draft EIR. The Final EIR also contains minor edits to the Draft EIR, which are included in Final EIR Chapter 3, Revisions to the Draft EIR. The Draft EIR, responses to comments, and revisions to the Draft EIR together constitute the Final EIR. The Final EIR was sent to state agencies that had commented on it via overnight delivery for receipt on May 3, 2021, notice of completion was provided through the State Clearinghouse on May 3, 2021, and the Final EIR was made available to the public in four area libraries, at the Hill Country Community Clinic, and online via the County's website also on May 3, 2021. Notice of the availability of the Final EIR also was provided via postcards to members of the public who commented on the Draft EIR and by email to all who had requested receipt of electronic notifications about the Project.

Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings set forth herein, the record of proceedings for the County's findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, and all other public notices issued by the County of Shasta in relation to the Fountain Wind Project EIR (e.g., Notice of Availability).
- The Fountain Wind Project Final EIR, including the Draft EIR, comment letters, responses to comments, and technical materials cited in the documents and included as appendices and cited as references to the documents.
- The Mitigation Monitoring and Reporting Program for the Project.
- All non-draft and/or reports and memoranda prepared by the County of Shasta and its consultants in relation to the EIR.
- Minutes and recordings of the discussions regarding the Project and/or Project components at public hearings held by the County for the Project.
- Staff reports associated with Planning Commission meetings on the Project.
- Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings.
- Any other materials identified in Public Resources Code Section 21167.6.

The Planning Director is the custodian(s) of the administrative record. The documents and materials that constitute the administrative record are available for review by appointment at the Shasta County Department of Resource Management, Planning Division, at 1855 Placer Street, Redding, CA 96001.

Consideration of the Environmental Impact Report

In adopting these Findings, this Planning Commission finds that the Final EIR was presented to this Commission, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR (including confidential materials concerning cultural resources protected from disclosure to the general public) prior to approving the Fountain Wind Project. By these findings, this Planning Commission ratifies, adopts, and incorporates the analysis, explanation, findings,

2021 CEQA Findings of Fact

responses to comments, and conclusions of the Final EIR. The Planning Commission finds that the Final EIR was completed in compliance with the California Environmental Quality Act. The Final EIR represents the independent judgment and analysis of Shasta County.

Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Fountain Wind Project, shall continue in full force and effect unless amended or modified by the County of Shasta.

Incorporation By Reference

The Final EIR hereby is incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the rationale for approving the proposed Project.

Further Recirculation Not Required

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of a Draft EIR, but before certification. Such new information includes: (i) significant changes to the project; (ii) significant changes in the environmental setting; or (iii) significant additional data or other information. Section 15088.5 further provides that “[n]ew information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

No new, additional or substantial changes to the Draft EIR were proposed as a result of the public comment process. The Final EIR responds to comments and makes only minor technical changes, clarifications or additions to the Draft EIR. The minor changes, clarifications, or additions to the Draft EIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts, and do not include any new mitigation measures that would have a potentially significant impact. Therefore, recirculation of the EIR is not required.

III. Findings and Recommendations Regarding Significant and Unavoidable Impacts

A. Aesthetics

1. Project implementation would result in substantial adverse effects on scenic vistas and resources or substantial degradation of visual character (EIR Impact 3.2-1)
 - (a) **Potential Impact.** The potential for the Project to affect scenic vistas and resources, and degrade the visual character of the area is discussed at pages 3.2-20 through 3.2-41 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by Mitigation Monitoring and Reporting Program: Mitigation Measure 3.2-1.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:
 - (1) ***Effects of Mitigation and Remaining Impacts.*** Implementation of Mitigation Measure 3.2-1 would reduce the visual impacts of the Project by avoiding placing turbines within the viewshed of KOP 1, or by reducing the visibility of turbines from KOP 1. However, given uncertainty about the feasibility of removing, or sufficiently moving, the turbines from views from KOP 1, impacts would not be reduced to a level that is less than significant. Additionally, while the amount of visual change from most representative viewpoints is not considered significant, when considered as a whole, the Project would have a significant impact on the visual character and quality of views in the Project region. There is no feasible mitigation that could reduce the visual impact of the Project as a whole. This would represent a significant and unavoidable impact of the Project.
 - (2) ***Overriding Considerations.*** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to scenic resources and visual character, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

B. Air Quality

1. Construction, decommissioning, and site reclamation activities would result in a cumulatively considerable net increase of a criteria pollutant in a non-attainment area (EIR Impact 3.3-2c)
 - (a) **Potential Impact.** The potential for the Project to result in air emissions impacts is discussed at pages 3.3-20 through 3.3-22 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.3-2c.

2021 CEQA Findings of Fact

(c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:

- (1) ***Effects of Mitigation and Remaining Impacts.*** Implementation of Mitigation Measure 3.3-2c would require the Project applicant to implement AQMD Standard Mitigation Measures for fugitive dust. Implementation of Mitigation Measure 3.3-2c would reduce fugitive dust emissions but peak daily emissions would continue to exceed the significance threshold at 479 pounds. Therefore, the potential for the Project to generate emissions that would result in a cumulatively considerable net increase in regional PM₁₀ emissions during construction and site disturbing activities would be significant and unavoidable.
- (2) ***Overriding Considerations.*** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to air quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

C. Biological Resources

1. Project implementation could result in significant adverse impacts to or direct mortality of bald and golden eagles (EIR Impact 3.4-3)

- (a) **Potential Impact.** The potential for the Project to result in significant impacts to bald and golden eagles is discussed at pages 3.4-41 through 3.4-45 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 3.4-3a, 3.4-3b, and 3.4-3c.
- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:
 - (1) ***Effects of Mitigation and Remaining Impacts.*** Implementation of Mitigation Measures 3.4-3a, 3.4-3b, and 3.4-3c would reduce potential impacts by identifying potentially hazardous situations on the Project Site for bald and golden eagles, providing coordination with the USFWS, providing active steps to reduce eagle hazards, and providing compensatory mitigation, if needed, to address the loss of eagles consistent with federal guidance. However, due to the uncertainty related to the larger turbine size and wind-swept area compared to the Hatchet Ridge Wind Project and the need to wait for post-construction monitoring to determine if levels of mortality to eagles could be significant, the potential impact on bald and golden eagles would remain significant and unavoidable.
 - (2) ***Overriding Considerations.*** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to bald and golden eagles, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. Project implementation could result in mortality and injury to raptors (including goshawk) (EIR Impact 3.4-8)
 - (a) **Potential Impact.** The potential for the Project to result in mortality and injury to raptors is discussed at pages 3.4-51 and 3.4-52 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.4-8.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:
 - (1) ***Effects of Mitigation and Remaining Impacts.*** Implementation of Mitigation Measure 3.4-8 (Implement Mitigation Measure 3.4-b [Monitor avian and bat mortality rates during Project operation]) would offset the impacts of Project operation on resident and migratory raptors by documenting any mortalities and including operational modifications such as curtailment of turbine speed, ultrasonic deterrence systems or other mitigation to minimize raptor fatalities. However, due to the uncertainty associated with these estimates and the potential for mortality rates projected up to 53 raptors per year, this impact is considered significant and unavoidable.
 - (2) ***Overriding Considerations.*** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to raptors, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
3. Project implementation could result in mortality and injury to bats (including special-status species) (EIR Impact 3.4-13)
 - (a) **Potential Impact.** The potential for the Project to result in mortality and injury to bats is discussed at page 3.4-60 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.4-13.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:
 - (1) ***Effects of Mitigation and Remaining Impacts.*** Implementation of Mitigation Measure 3.4-13 (Implement Mitigation Measure 3.4-3b [Monitor avian and bat mortality rates during Project operation]) would allow the identification of potentially hazardous turbines to bat species, if present, which would facilitate adaptive management approaches such as curtailment and deterrence to deter bats if, as a result of post-construction monitoring, it is determined that multiple individuals of a particular bat species are being injured or killed by collisions with turbines consistent with the thresholds identified in Mitigation Measure 3.4-3b. Though implementation of this measure would reduce impacts on bat species, impacts on bats would remain significant and unavoidable.

2021 CEQA Findings of Fact

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to bats, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
4. Project implementation could cause a cumulatively considerable contribution to a significant cumulative impact to avian and bat species (EIR Impact 3.4-18)
- (a) **Potential Impact.** The potential for the Project to result in mortality and injury to avian and bats is discussed at page 3.4-75 through 3.4-77 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 3.4-3a, 3.4-3b, and 3.4-3c.
- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:
- (1) **Effects of Mitigation and Remaining Impacts.** Implementation of Mitigation Measures 3.4-3a, 3.4-3b, and 3.4-3c would reduce potential impacts by identifying potentially hazardous situations on the Project Site for bald and golden eagles, providing coordination with the USFWS, providing active steps to reduce eagle hazards, and providing compensatory mitigation, if needed, to address the loss of eagles. Implementation of these mitigation measures would reduce the Project's contribution to this cumulative impact for most avian species and bats; however, due to the uncertainty associated with eagle, other raptor and bat mortality estimates and the potential for unexpectedly high mortality rates, this impact would not be reduced to less than significant. Because no additional reasonable, feasible mitigation measures are available that, if implemented, would reduce the Project's contribution below the established level of significance, the Project's contribution to this impact would remain significant and unavoidable.
- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts to avian and bat species, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

C. Cultural and Tribal Cultural Resources

1. Project implementation would cause a substantial adverse change in the significance of a tribal cultural resource (EIR Impact 3.6-3)
- (a) **Potential Impact.** The potential for the Project to result in a substantial adverse change in the significance of a tribal cultural resource is discussed at pages 3.6-24 through 3.6-26 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 3.6-3a, 3.6-3b, 3.6-3c, and 3.6-3d.

(c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that:

- (1) ***Effects of Mitigation and Remaining Impacts.*** Implementation of Measures 3.6-3a, 3.6-3b, 3.6-3c, and 3.6-3d would ensure that impacts to tribal cultural resources during construction are reduced and recognized. In consultation with the appropriate Native American representatives, Mitigation Measure 3.6-3 also would provide for coordination with the Pit River Tribe during project development. However, according to tribal representatives, views through the project area qualify as a tribal cultural resource as well as the presence of unspecified ethnographic trails, unspecified ancestral burial grounds and unspecified areas where medicinal herbs were gathered and development of wind turbines within the area will result in a significant adverse impact to this resource. Unless a tribal cultural resource can be avoided and preserved in place according to the provisions set forth by Public Resources Code Section 21084.3 (which is not practicable for the project or any of the build alternatives), direct and indirect impacts to tribal cultural resources would not be reduced to a less-than-significant level and the impact would remain significant and unavoidable. (2) ***Overriding Considerations.*** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to tribal cultural resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

IV. Findings and Recommendations Regarding Significant Impacts Which Are Mitigated to a Less than Significant Level

A. Air Quality

1. **Construction, decommissioning, and site reclamation activities would generate pollutant emissions that could conflict or obstruct implementation of the applicable air quality plan (EIR Impact 3.3-1)**
 - (a) **Potential Impact.** The potential for the Project to result in temporary construction related air quality impacts is discussed at pages 3.3-13 through 3.3-14 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 3.3-1a and 3.3-1b.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measures 3.3-1a and 3.3-1b would require that all diesel-fueled off-road construction equipment of more than 50 horsepower meet USEPA Tier 4 Final emission standards; prepare a written idling policy; and use of CARB-certified alternative fueled engines in construction equipment where feasible. Therefore, implementation of Mitigation Measures 3.3-1a and 3.3-1b would reduce NOx emissions to less than the applicable Level B significance threshold and would not have a substantial effect on the regional and localized air quality in the Air Basin, and it would not conflict or obstruct implementation of the 2018 Plan. Any remaining impacts related to conflicts with the air quality plan after implementation of Mitigation Measures 3.3-1a and

2021 CEQA Findings of Fact

3.3-1b would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

2. Construction, decommissioning, and site reclamation activities would generate NO_x emissions that could result in a cumulatively considerable net increase of ozone, for which the Project region is non-attainment of State ambient air quality standards (EIR Impact 3.3-2b)
 - (a) **Potential Impact.** The potential for the Project to result in a cumulatively considerable net increase of ozone is discussed at page 3.3-20 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 3.3-1a and 3.3-1b.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measures 3.3-1a and 3.3-1b would require that all diesel-fueled off-road construction equipment of more than 50 horsepower meet USEPA Tier 4 Final emission standards; prepare a written idling policy; and use of CARB-certified alternative fueled engines in construction equipment where feasible. Therefore, implementation of Mitigation Measures 3.3-1a and 3.3-1b would reduce NO_x emissions to less than the 137 pound-per-day significance threshold. The impact associated with NO_x emissions would not result in a cumulatively considerable net increase in regional ozone emissions. Any remaining impacts related to generation of NO_x emissions after implementation of Mitigation Measures 3.3-1a and 3.3-1b would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

B. Biological Resources

1. Construction of the Project could, unless mitigated, cause a significant impact to special-status plant species (EIR Impact 3.4-1)
 - (a) **Potential Impact.** The potential for the Project to result in impacts to special-status plant species is discussed at pages 3.4-38 and 3.4-39 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.4-1.

- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.4-1 would reduce this impact to a less-than-significant level by conducting rare plant surveys prior to construction, and avoiding or relocating any rare plants found. Any remaining impacts related to special-status plants after implementation of Mitigation Measure 3.4-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.
2. Construction of the Project could cause a significant impact on nesting bald and golden eagles (EIR Impact 3.4-2)
- (a) **Potential Impact.** The potential for the Project to result in impacts to nesting bald and golden eagles during construction is discussed at pages 3.4-39 through 3.4-41 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.4-2.
- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.4-2 would reduce impacts to nesting bald and golden eagles by surveying and locating occupied eagle nests, choosing an appropriate time of year for construction phases, establishing buffer distances from active nests according to USFWS recommendations, and monitoring for compliance and effectiveness. Therefore, Mitigation Measure 3.4-2 would reduce the impact to a less than significant level. Any remaining impacts related to nesting bald and golden eagles after implementation of Mitigation Measure 3.4-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.
3. Decommissioning of the Project could result in adverse impacts to nesting bald and golden eagles (EIR Impact 3.4-4)
- (a) **Potential Impact.** The potential for the Project to result in impacts to nesting bald and golden eagles during decommissioning is discussed at page 3.4-45 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.4-4.

2021 CEQA Findings of Fact

- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.4-4 (Implement Mitigation Measure 3.4-2 [Avoid and minimize construction-related impacts to nesting eagles]) would reduce impacts to nesting bald and golden eagles by surveying and locating occupied eagle nests, choosing an appropriate time of year for construction phases, establishing buffer distances from active nests according to USFWS recommendations, and monitoring for compliance and effectiveness. Therefore, Mitigation Measure 3.4-4 would reduce the impact to a less than significant level. Any remaining impacts related to nesting bald and golden eagles after implementation of Mitigation Measure 3.4-4 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.
4. Construction and decommissioning of the Project could result in adverse impacts on nesting raptors (other than goshawks) (EIR Impact 3.4-6)
- (a) **Potential Impact.** The potential for the Project to result in impacts to nesting raptors (other than goshawks) is discussed at pages 3.4-48 through 3.4-50 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.4-6.
- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.4-6 would reduce the impacts of direct tree and vegetation removal, construction noise, and disturbance on nesting raptors that could adversely affect nesting success. Therefore, Mitigation Measure 3.4-6 would reduce the impact to a less than significant level. Any remaining impacts related to nesting raptors after implementation of Mitigation Measure 3.4-6 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.
5. Construction and decommissioning of the Project could result in adverse impacts to nesting goshawks (EIR Impact 3.4-7)
- (a) **Potential Impact.** The potential for the Project to result in impacts to nesting goshawks is discussed at pages 3.4-50 and 3.4-51 of the Draft EIR.

CEQA Findings of Fact 2021

- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 3.4-7a and 3.4-7b.
- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measures 3.4-7a (Implement Mitigation Measure 3.4-6) and 3.4-7b would reduce the impacts of direct tree and vegetation removal, construction noise, and disturbance on nesting goshawks that could adversely affect nesting success. Therefore, Mitigation Measures 3.4-7a and 3.4-7b would reduce the impact to a less than significant level. Any remaining impacts related to nesting goshawks after implementation of Mitigation Measures 3.4-7a and 3.4-7b would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.
6. Construction, operations and maintenance, and decommissioning and site restoration of the Project could result in habitat loss and water quality impacts on Pit roach, special-status amphibians and western pond turtle (EIR Impact 3.4-12)
- (a) **Potential Impact.** The potential for the Project to result in impacts on pit roach, special-status amphibians, and western pond turtle is discussed at pages 3.4-58 and 3.4-59 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.4-12.
- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.4-12 (Implement Mitigation Measure 3.12-1 [Water quality best management practices during activities in and near water] and Mitigation Measure 3.4-16b [Avoid or minimize impacts to wetlands and other waters]) would reduce potential impacts by using erosion control, pollution control, and wetland and waters protective measures. Therefore, Mitigation Measure 3.4-12 would reduce the impact to a less than significant level. Any remaining impacts related to pit roach, special-status amphibians, and western pond turtle after implementation of Mitigation Measure 3.4-12 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

2021 CEQA Findings of Fact

7. Construction, operations and maintenance, and decommissioning and site restoration of the Project would result in adverse impacts to riparian habitat or other sensitive vegetation communities (EIR Impact 3.4-15)
 - (a) **Potential Impact.** The potential for the Project to result in impacts to riparian habitat or other sensitive vegetation communities is discussed at pages 3.4-62 and 3.4-63 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 3.4-15a and 3.4-15b.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measures 3.4-15a (Implement Mitigation Measure 3.4-16b [Avoid and minimize impacts to wetlands and other waters]) and 3.4-15b would avoid or minimize impacts on sensitive vegetation communities and riparian habitat, or would be compensated at a 1:1 or greater ratio, consistent with any resource agency commitments discussed in Mitigation Measure 3.4-15b. Therefore, Mitigation Measures 3.4-15a and 3.4-15b would reduce the impact to a less than significant level. Any remaining impacts related to riparian habitat or other sensitive vegetation communities after implementation of Mitigation Measures 3.4-15a and 3.4-15b would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.
8. Construction, operations and maintenance, and decommissioning and site restoration of the Project could result in adverse impacts to wetlands and other waters (EIR Impact 3.4-16)
 - (a) **Potential Impact.** The potential for the Project to result in impacts to wetlands and other waters is discussed at pages 3.4-64 through 3.4-66 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 3.4-16a, 3.4-16b, and 3.4-16c.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measures 3.4-16a (Implement Mitigation Measure 3.12-1 [Water quality best management practices during activities in and near water]), 3.4-16b, and 3.4-16c would require the implementation of best management practices to minimize damage to waterways during construction and reduce or compensate for loss of wetlands or other waters at a ratio of 1:1 or higher, as directed by the appropriate jurisdictional agencies. Therefore, Mitigation Measures 3.4-15a and 3.4-15b would reduce impacts to a less than significant level. Therefore, Mitigation Measures 3.4-16a, 3.4-16b, and 3.4-16c would reduce the impact to a less than significant level. Any remaining impacts related to wetlands and other waters after implementation of 3.4-16a, 3.4-16b, and 3.4-16c would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and

Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

C. Communications Interference

1. Project implementation could cause intermittent interference to or freezing of television reception at some residences in the service area of the stations that broadcast over the Project Site (EIR Impact 3.5-1)
 - (a) **Potential Impact.** The potential for the Project to cause substantial interference to existing television and radio reception is discussed at pages 3.5-6 and 3.5-7 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.5-1.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.5-1 would require that the Applicant resolve receiver interference through coordination with affected property owners. Therefore, Mitigation Measure 3.5-1 would reduce the impact to a less than significant level. Any remaining impacts related to interference to existing television and radio reception after implementation of Mitigation Measure 3.5-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.
2. Project implementation could cause interference with microwave relay station transmissions due to turbine location adjustments or currently unknown transmissions (EIR Impact 3.5-3)
 - (a) **Potential Impact.** The potential for the Project to cause interference with microwave relay station transmissions is discussed at pages 3.5-8 and 3.5-9 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.5-3.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.5-3 would require that the Applicant resolve receiver interference through coordination with owners of frequency-based communication stations and towers. Therefore, Mitigation Measure 3.5-3

2021 CEQA Findings of Fact

would reduce the impact to a less than significant level. Any remaining impacts related to interference with microwave relay station transmissions after implementation of Mitigation Measure 3.5-3 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

D. Cultural and Tribal Cultural Resources

1. Project implementation could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 (EIR Impact 3.6-1)
 - (a) **Potential Impact.** The potential for the Project to cause a substantial adverse change in the significance of an archaeological resource is discussed at pages 3.6-21 through 3.6-23 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.6-1.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.6-1 would establish protocols and procedures for implementing a data recovery program to the provide for the establishment of Environmentally Sensitive Areas; treatment and recovery of important data contained within the portions of the historical resource located within and adjacent to the Area of Direct Impact; construction worker cultural resources sensitivity training; archaeological and Native American monitoring; inadvertent discovery protocols; and provisions for curation or reburial of recovered materials. Therefore, Mitigation Measure 3.6-1 would reduce the impact to a less than significant level. Any remaining impacts related to archaeological resources after implementation of Mitigation Measure 3.6-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.
2. Project implementation could disturb human remains, including those interred outside of formal cemeteries (EIR Impact 3.6-2)
 - (a) **Potential Impact.** The potential for the Project to disturb human remains is discussed at page 3.6-23 of the Draft EIR.

- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.6-2.
- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.6-2 would require protocols for responding in the event that human remains are identified during ground disturbing activities, including halting construction, contacting the County Coroner to assess the find, among other appropriate actions (including contacting the most likely descendant). Therefore, Mitigation Measure 3.6-2 would reduce the impact to a less than significant level. Any remaining impacts related to disturbance of human remains after implementation of Mitigation Measure 3.6-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

E. Hazards and Hazardous Materials

1. Project implementation could result in equipment failure or an extreme event that could lead to turbine failure, resulting in a potential hazard (EIR Impact 3.11-3)
 - (a) **Potential Impact.** The potential for the Project to result in turbine failure resulting in a potential hazard is discussed at pages 3.11-12 through 3.11-14 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.11-3.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.11-3 would require a minimum turbine setback of two times the total tip height from the exterior Project boundaries where the Project Site is adjacent to existing parcels of record that contain an off-site residence. Therefore, Mitigation Measure 3.11-3 would reduce the impact to a less than significant level. Any remaining impacts related to turbine failure after implementation of Mitigation Measure 3.11-3 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

2021 CEQA Findings of Fact

2. Construction and decommissioning activities could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (EIR Impact 3.11-7)
 - (a) **Potential Impact.** The potential for the Project to impair implementation of or physically interfere with emergency response or evacuation plans is discussed at page 3.11-19 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.11-7.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.11-7 (Implement Mitigation Measure 3.14-3 [Traffic Management Plan]) would assure that emergency access would be maintained during construction and decommissioning. Therefore, Mitigation Measure 3.11-7 would reduce the impact to a less than significant level. Any remaining impacts related to conflicts with emergency response or evacuation plans after implementation of Mitigation Measure 3.11-7 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

F. Hydrology and Water Quality

1. The Project would violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality during construction and decommissioning (EIR Impact 3.12-1)
 - (a) **Potential Impact.** The potential for the Project to violate water quality standards or otherwise substantially degrade surface or groundwater quality is discussed at pages 3.12-11 through 3.12-15 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.12-1.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.12-1 would require the implementation of standard construction best management practices to prevent releases of hazardous materials that could affect water quality. Therefore, Mitigation Measure 3.12-1 would reduce the impact to a less than significant level. Any remaining impacts related to surface or groundwater quality after implementation of Mitigation Measure 3.12-1 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition

- of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.
2. Project implementation could include Blasting, which could substantially degrade groundwater quality (EIR Impact 3.12-2)
 - (a) **Potential Impact.** The potential for the Project to result in groundwater quality impacts as a result of blasting is discussed at pages 3.12-15 through 3.12-17 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.12-2.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.12-2 would implementation of best management practices for blasting, preparation of a blasting plan, blast hole loading practices, explosive selection, and blast rock pile management. Therefore, Mitigation Measure 3.12-2 would reduce the impact to a less than significant level. Any remaining impacts related to groundwater quality as a result of blasting after implementation of Mitigation Measure 3.12-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.
 3. The Project would substantially increase siltation of waterways or provide substantial additional sources of polluted runoff during construction and decommissioning (EIR Impact 3.12-4)
 - (a) **Potential Impact.** The potential for the Project to substantially increase siltation or provide additional sources of polluted runoff is discussed at pages 3.21-19 through 3.12-21 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.12-4.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.12-4 (Implement Mitigation Measure 3.12-1 [Water quality best management practices during activities in and near water]) would require the implementation of standard construction best management practices to prevent siltation or polluted runoff that could affect water quality. Therefore, Mitigation Measure 3.12-4 would reduce the impact to a less than significant level. Any remaining impacts related to polluted runoff after implementation of Mitigation Measure 3.12-4

2021 CEQA Findings of Fact

would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

4. The Project would conflict with implementation of the Central Valley Basin Plan (EIR Impact 3.12-5)

- (a) **Potential Impact.** The potential for the Project to conflict or obstruct water control plans or groundwater management plans is discussed at page 3.12-15 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 3.12-5a and 3.12-5b.
- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measures 3.12-5a and 3.12-5b (implement Mitigation Measures 3.12-1 and 3.12-2) would require implementation of standard construction best management practices during activities near and in water and best management practices for blasting. Therefore, Mitigation Measures 3.12-5a and 3.12-5b would reduce the impact to a less than significant level. Any remaining impacts related to water control plans or groundwater management plans after implementation of Mitigation Measures 3.12-5a and 3.12-5b would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

G. Noise and Vibration

1. Construction, decommissioning, and site reclamation of the Project could result in the generation of a substantial temporary increase in ambient noise levels on and near the Project Site in excess of standards established in the Shasta County General Plan or the applicable standards of other agencies (EIR Impact 3.13-2)

- (a) **Potential Impact.** The potential for the Project to result in the generation of a substantial temporary increase in ambient noise levels is discussed at pages 3.13-28 through 3.13-32 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.13-2.

- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.13-2 would require alteration of construction vehicle routes, vehicle noise control devices, limits on helicopter use, and prohibition of nighttime helicopter use and blasting. Therefore, Mitigation Measure 3.13-2 would reduce the impact to a less than significant level. Any remaining impacts related to ambient noise levels after implementation of Mitigation Measure 3.13-2 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.
2. Construction, decommissioning, and site reclamation of the Project could generate groundborne vibration (EIR Impact 3.13-3)
- (a) **Potential Impact.** The potential for the Project to result in excessive groundborne vibration is discussed at pages 3.13-32 and 3.13-33 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.13-3.
- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.13-3 would require that blasting contractors restrict charge weight per delay such that a performance standard of less than 0.3 in/sec PPV would result at any structures in the vicinity of the blasting area. Therefore, Mitigation Measure 3.13-3 would reduce the impact to a less than significant level. Any remaining impacts related to groundborne vibration after implementation of Mitigation Measure 3.13-3 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

H. Transportation

1. The Project would substantially increase safety hazards (EIR Impact 3.14-3)
- (a) **Potential Impact.** The potential for the Project to substantially increase safety hazards is discussed at pages 3.14-13 through 3.14-15 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.14-3.

2021 CEQA Findings of Fact

- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.14-3 would require preparation and implementation of a traffic management plan. Therefore, Mitigation Measure 3.14-3 would reduce the impact to a less than significant level. Any remaining impacts related to safety hazards after implementation of Mitigation Measure 3.14-3 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

2. The Project would result in inadequate emergency access (EIR Impact 3.14-4)

- (a) **Potential Impact.** The potential for the Project to result in inadequate emergency access is discussed at pages 3.14-15 and 3.14-16 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.14-4.
- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.14-4 (implement Mitigation Measure 3.14-3 [Traffic management plan]) would provide for communication with emergency service providers. Therefore, Mitigation Measure 3.14-4 would reduce the impact to a less than significant level. Any remaining impacts related to emergency access after implementation of Mitigation Measure 3.14-4 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

I. Wildfire

1. The Project would substantially impair an adopted emergency response plan or emergency evacuation plan (EIR Impact 3.16-1)

- (a) **Potential Impact.** The potential for the Project to substantially impair an adopted emergency response or evacuation plan is discussed at pages 3.16-14 through 3.14-16 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 3.16-1a and 3.16-1b.
- (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measures 3.16-1a (implement

Mitigation Measure 3.14-3 [Traffic management plan]) and 3.16-1b would ensure that emergency access would be maintained and that through preconstruction coordination, including obtaining a GIS map or other files of the project lay-out, CAL FIRE would have the information necessary to plan for aerial firefighting. This would allow CAL FIRE to identify locations for retardant or water drops within the Project Site and would allow for the planning of flight plans around the Project Site. Therefore, Mitigation Measures 3.16-1a and 3.16-1b would reduce the impact to a less than significant level. Any remaining impacts related to emergency response or evacuation plans after implementation of Mitigation Measures 3.16-1a and 3.16-1b would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

2. The Project would exacerbate wildfire risks and expose people to pollutant concentrations or a significant risk of loss, injury or death from a wildfire or the uncontrolled spread of a wildfire (EIR Impact 3.16-2)
 - (a) **Potential Impact.** The potential for the Project to exacerbate wildfire risks and expose people to pollutant concentrations or a significant risk of loss, injury or death from a wildfire or the uncontrolled spread of a wildfire is discussed at pages 3.16-16 through 3.16-22 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measures 3.16-2a, 3.16-2b, and 3.16-2c.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measures 3.16-2a, 3.16-2b, and 3.16-2c would require preparation of a Project-specific Fire Prevention Plan, use of turbines equipped with fire detection, prevention and suppression technology, and preparation of an Emergency Response Plan. Therefore, Mitigation Measures 3.16-2a, 3.16-2b, and 3.16-2c would reduce the impact to a less than significant level. Any remaining impacts related to wildfire risks and pollutant concentrations after implementation of Mitigation Measures 3.16-2a, 3.16-2b, and 3.16-2c would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

2021 CEQA Findings of Fact

3. The Project would expose people or structures to significant risks, including adverse water quality effects or downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes (EIR Impact 3.16-4)
 - (a) **Potential Impact.** The potential for the Project to expose people or structures to significant risks, including adverse water quality effects or downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes is discussed at pages 3.16-23 and 3.16-24 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring and Reporting Program: Mitigation Measure 3.16-4.
 - (c) **Findings.** Based upon the EIR and the entire record before this Planning Commission, this Planning Commission finds that implementation of Mitigation Measure 3.16-4 (implement Mitigation Measure 3.16-2a [Fire safety plan], Mitigation Measure 3.16-2b [Nacelle fire risk reduction], and Mitigation Measure 3.16-2c [Emergency response plan]) would reduce the potential for the Project to result in the uncontrolled spread of wildfire. Therefore, Mitigation Measure 3.16-4 would reduce the impact to a less than significant level. Any remaining impacts related to runoff, post-fire slope instability, or drainage changes associated with wildfire after implementation of Mitigation Measure 3.16-4 would not be significant. As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the County finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The County further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the County to require, and that this mitigation is appropriate and feasible.

V. Findings and Recommendations Regarding Those Impacts Which are Less Than Significant or Less Than Cumulatively Considerable

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR and Final EIR:

Aesthetics: The following specific impacts were found to be less than significant: 3.2-2 and 3.2-3.

Air Quality: The following specific impacts were found to be less than significant: 3.3-2a, 3.3-2d, 3.3-3, 3.3-4, and 3.3-5.

Biological Resources: The following specific impacts were found to be less than significant: 3.4-5, 3.4-9, 3.4-10, 3.4-11, 3.4-14, and 3.4-17.

Communications Interference: The following specific impact was found to be less than significant: 3.5-2.

Energy: The following specific impact was found to be less than significant: 3.7-1.

CEQA Findings of Fact 2021

Forestry Resources: The following specific impact was found to be less than significant: 3.8-1.

Geology and Soils: The following specific impacts were found to be less than significant: 3.9-1, 3.9-2, 3.9-3, 3.9-4, 3.9-5, 3.9-6, and 3.9-7.

Greenhouse Gases and Climate Change: The following specific impacts were found to be less than significant: 3.10-1 and 3.10-2.

Hazards and Hazardous Materials: The following specific impacts were found to be less than significant: 3.11-1, 3.11-2, 3.11-4, 3.11-5, and 3.11-6.

Hydrology and Water Quality: The following specific impact was found to be less than significant: 3.12-3.

Noise and Vibration: The following specific impact was found to be less than significant: 3.13-1.

Transportation: The following specific impacts were found to be less than significant: 3.14-1 and 3.14-2.

Utilities and Service Systems: The following specific impacts were found to be less than significant: 3.15-1, 3.15-2, and 3.15-3.

Wildfire: The following specific impact was found to be less than significant: 3.16-3.

The Project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR:

Aesthetics (with the exception of impacts to the character or visual quality of views from publicly accessible vantage points)

Air Quality (with the exception of Impact 3.3-2c: Construction, decommissioning, and site reclamation activities would result in a cumulatively considerable net increase of a criteria pollutant in a non-attainment area)

Biological Resources (with the exception of Impact 3.4-18: Avian and bat species collisions with Project infrastructure)

Communications Interference

Cultural and Tribal Resources (with the exception of impacts to tribal cultural resources)

Energy

Forestry Resources

Geology and Soils

Greenhouse Gas Emissions

Hazards and Hazardous Materials

2021 CEQA Findings of Fact

Hydrology and Water Quality

Noise and Vibration

Transportation

Utilities and Service Systems

Wildfire

The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the Project impact is less than significant.
- The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact.
- The EIR determined that the Project impact is beneficial.

VI. Review and Rejection of Project Alternatives

The State CEQA Guidelines Section 15126.6 mandates that every EIR evaluate a no-project alternative, plus a feasible and reasonable range of alternatives to the Project or its location. The Alternatives were formulated considering the Objectives of the Project outlined on page 2-6 of the Draft EIR. Alternatives provide a basis of comparison to the Project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of a Project.

Typically, where a Project causes significant impacts and an EIR is prepared, the findings must discuss not only how mitigation can address the potentially significant impacts but whether Project alternatives can address potentially significant impacts. But where all significant impacts can be substantially lessened, in this case to a less-than-significant level, solely by adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility that Project alternatives might reduce an impact, even if the alternative would mitigate the impact to a greater degree than the proposed Project, as mitigated (Pub. Resources Code §21002).

Because not all significant effects can be substantially reduced to a less-than-significant level either by adoption of mitigation measures or by standard conditions of approval, the following section considers the feasibility of the Project alternatives as compared to the proposed Project.

As explained below, these findings describe and reject, for reasons documented in the Final EIR and elsewhere in the administrative record and summarized below, each one of the Project alternatives, and the County finds that approval and implementation of the proposed Fountain wind Project is appropriate and supported by these findings and the statement of overriding considerations. The evidence supporting these findings is presented in Chapter 4 of the Draft EIR and elsewhere in the administrative record.

A. Identification of Project Objectives

As described above, an EIR is required to identify “a range of potential alternatives to the Project shall include those that could feasibly accomplish most of the basic purposes of the Project and could avoid or substantially lessen one of more of the significant effects.” (CEQA Guidelines §15126.4(a).) Chapter 2 of the Draft EIR identifies the Project’s goals and objectives. The Project objectives include:

1. Develop, construct, and operate a commercial wind energy generation facility capable of generating up to 216 MW of wind energy.
2. Interconnect to the Northern California electrical grid (NP15).
3. Locate the Project in close proximity to an existing transmission line with sufficient capacity to reduce impacts and costs associated with building new transmission infrastructure.
4. Assist California in meeting the renewable energy generation targets set in Senate Bill (SB) 100.
5. Create temporary and permanent jobs in Shasta County and contribute to the County’s tax base.
6. Obtain entitlements to construct and operate a commercially financeable wind energy project.
7. Support landowners through diversification of revenue streams.
8. Offset approximately 128,000 metric tons of carbon dioxide emissions generated by fossil fuels.
9. Provide emissions-free energy for approximately 100,000 households.

B. Alternatives Analysis in EIR

1. No Project Alternative:

The No Project Alternative is discussed on pages 2-34 and 2-35 of the Draft EIR. Under the No Project Alternative, Use Permit No. UP 16-007 would not be issued and the Project would not be built. None of the proposed wind turbines and associated transformers, associated infrastructure, or ancillary facilities would be constructed, operated and maintained, or decommissioned on the Project Site. Instead, it is assumed that the land within the Project boundary would continue to be managed for timber production.

Findings: The No Project Alternative is rejected as an alternative because it would not achieve the Project’s objectives or benefits.

Explanation: This alternative would not realize the benefits of the Project nor achieve the Project objectives. Under the No Project Alternative there would be no renewable energy available for distribution to the Northern California power grid. This alternative would not assist the State of California in increasing the available supply of renewable energy within the State. The No Project Alternative would result in fewer significant environmental impacts than the proposed Project, but would fail to meet the Project objectives identified in the Draft EIR.

2021 CEQA Findings of Fact

2. Alternative 1, South of SR 299:

Alternative 1 is discussed on pages 2-35 through 2-38 of the Draft EIR. Under Alternative 1, the Project would be constructed, operated and maintained, and ultimately decommissioned as proposed south of SR 299, and none of the up to seven turbines proposed to the north of SR 299 (turbine numbers A01 through A07) or related infrastructure would be developed. The Alternative 1 Site would consist of the approximately 4,086 acres located south of SR 299, while the approximately 378 acres of the Project Site located north of SR 299 would continue to be managed for timber production.

Findings: Alternative 1: South of SR 299 is rejected as an alternative because it is less effective than the proposed Project at meeting the Project's objectives.

Explanation: This alternative would be less effective than the proposed Project at meeting the objectives identified for this Project. Overall, Alternative 1 would have a total nameplate generating capacity of up to 195 MW (compared to the Project's 216 MW) and could provide emissions-free energy for approximately 9,880 fewer households relative to the Project (i.e., 91,746 households for Alternative 1 relative to the Project's 101,627 households) (Objective 9). This alternative would be less effective than the proposed Project in meeting the renewable energy generation targets set in Senate Bill (SB) 100. (Objective 4). Alternative 1 would offset incrementally fewer GHG emissions per year because it would have total nameplate generating capacity approximately 21 MW less than the Project (Objective 8). Implementation of Alternative 1 would generally result in similar, or slightly reduced impacts, to the environmental resource areas considered within this EIR compared to the Project, but level of significance of impacts would remain the same as with the Project and no significant and unavoidable impacts would be avoided.

3. Alternative 2, Increased Setbacks:

Alternative 2 is discussed on pages 2-38 through 2-40 of the Draft EIR. Under Alternative 2, the locations of four individual turbines would not be constructed due to their proximity to residential property and public roadways. The proposed setbacks would be increased relative to the Project to preclude turbine construction within three times the height of the turbine (i.e., within 2,037 feet) of a residential property line and within 1.5 times the height of the turbine (i.e., within 1,018.5 feet) of State Route 299, Supan Road, Terry Mill Road, or any other publicly maintained public highway or street. The remaining turbines, infrastructure and other improvements would be the same as proposed for the Project.

Findings: Alternative 2: Increased Setbacks is rejected as an alternative because it is less effective than the proposed Project at meeting the Project's objectives.

Explanation: This alternative would be less effective than the proposed Project at meeting the objectives identified for this Project. Overall, Alternative 2 would have a total nameplate generating capacity of up to 204 MW (compared to the Project's 216 MW) and could provide

emissions-free energy for approximately 5,646 fewer households relative to the Project (i.e., 95,981 households for Alternative 2 relative to the Project's 101,627 households) (Objective 9). This alternative would be less effective than the proposed Project in meeting the renewable energy generation targets set in Senate Bill (SB) 100. Alternative 2 would offset incrementally fewer GHG emissions per year because it would have total nameplate generating capacity approximately 12 to 22.8 MW less than the Project (Objective 8). Implementation of Alternative 2 would generally result in similar, or slightly reduced impacts, to the environmental resource areas considered within this EIR compared to the Project, but level of significance of impacts would remain the same as with the Project and no significant and unavoidable impacts would be avoided.

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines §15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed Project.

As discussed in Chapter 4 of the Draft EIR, the No Project Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, Alternative 2: Increased Setbacks is the next environmentally superior alternative to the proposed Project because it would reduce the overall visual impact compared to the Project and reduce the operational and construction-related noise levels compared to the Project. Although the impacts would be reduced relative to the Project, the impact conclusions would be the same and the same mitigation requirements would apply. Alternative 2 would not reduce the significant and unavoidable adverse effects on scenic vistas and resources or substantial degradation of visual character to a less than significant level.

As described above, Alternative 2 would generate up to 204 MW of electricity, while the proposed Project would generate up to 216 MW of electricity. The proposed Project would be more effective at meeting the Project objectives identified and would provide for additional sources of renewable energy. For these economic, social, technological, environmental and other reasons and considerations, the Project is deemed superior to Alternative 2.

VII. Statements of Overriding Considerations Related to the Fountain Wind Project Findings

The primary purpose of CEQA is to fully inform the decision-makers and the public as to the environmental effects of a proposed Project and to include feasible mitigation measures and alternatives to reduce any such adverse effects below a level of significance. CEQA recognizes and authorizes the approval of Projects where not all adverse impacts can be avoided or reduced to below a level of significance. Before a Project with unavoidable adverse effects can be approved, the public agency must consider and adopt a "statement of overriding considerations" pursuant to CEQA Guidelines Sections 15043 and 15093. In such cases, the agency must state in writing the specific reasons to support its action based on substantial evidence in the record, including economic, legal, social, technological, or other benefits.

Any one of the reasons for approval cited below is sufficient to justify the approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the

2021 CEQA Findings of Fact

Planning Commission would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, and the documents found in the Record of Proceedings.

As described in Section III of these Findings, the County finds that the following significant and unavoidable impacts could occur with implementation of the Project:

- Impact 3.2-1: The Project would have a substantial adverse effect on a scenic vista or substantially degrade the character or visual quality of views from publicly accessible vantage points.
- Impact 3.3-2c: Construction, decommissioning, and site reclamation activities would generate PM10 emissions that would result in a cumulatively considerable net increase of PM10, which the Project region is non-attainment of State ambient air quality standards.
- Impact 3.4-3: Operation of the Project could, unless mitigated, result in significant adverse impacts to or direct mortality of bald and golden eagles.
- Impact 3.4-8: Operation of the Project could result in mortality and injury to raptors (including goshawk), as a result of collisions with wind turbines and electrical transmission lines.
- Impact 3.4-13: Operation and maintenance of the Project could result in direct mortality and injury to bats, including special-status species.
- Impact 3.4-18: The Project could cause a cumulatively considerable contribution to a significant cumulative impact to avian and bat species from collisions with Project infrastructure.
- Impact 3.6-3: The Project would cause a substantial adverse change in the significance of a tribal cultural resource.

Having adopted all feasible mitigation measures, rejected as infeasible alternatives to the Project discussed above, and identified all significant and unavoidable impacts, the Shasta County Planning Commission hereby finds that the Project's benefits outweigh and override its significant and unavoidable impacts. The Planning Commission finds that each of the Project benefits set forth below outweighs the Project's significant and unavoidable impacts.

- A. **Assistance in Meeting State Renewable Energy Goals.** The Project will assist the State of California in meeting its renewable energy goals. It will further the goals established by the California Global Warming Solutions Act of 2006 (AB 32) and will assist with the State's implementation of the AB 32 Scoping Plan by increasing the availability of certified renewable energy sources to reduce greenhouse gas (GHG) emissions. Further, California's Renewables Portfolio Standard (RPS) requires all electricity retailers in the state to adopt RPS goals of obtaining 50 percent of the state's electricity from eligible renewable energy resources by 2030. Senate Bill (SB) 100 accelerates the state's renewable energy goals, requiring 60 percent of California's electricity portfolio to come from eligible renewable sources by 2030 and that all retail electricity be carbon-free by 2045. The Project would directly support Senate Bill 32's 40 percent below 1990 levels reduction target in GHG emissions by 2030 and goal of SB 100 for increasing California's procurement of electricity from renewable sources to 100 percent by 2045; Executive Order B-55-18 and the new statewide goal of achieving carbon neutrality (zero-net GHG emissions) by 2045 and maintaining net negative emissions thereafter; the 2018 Regional Transportation Plan &

Sustainable Communities Strategy for the Shasta Region; and the Forest Carbon Plan. As described on page 2-1 of the Final EIR, it is estimated that the Project would transfer approximately 216 MW of renewable, wind energy-generated electricity to the Northern California grid.

- B. Reduced Greenhouse Gas (GHG) Emissions relative to Fossil-fuel Based Electricity Generation.** The Project would reduce the need for the power purchaser to obtain electricity from fossil-fuel based sources, resulting in reduced GHG emissions from electricity generation. Electricity produced by the Project will be supplied to off-site users through the electricity grid. The generation of electricity by this non-fossil fuel-based Project will replace the need for an equivalent amount (216 MW total) of fossil-fuel based electricity. As a result, the electricity generated by the Project will reduce the demand for fossil-fuel based electricity while directly supporting California's GHG emissions reduction target of 40 percent below 1990 levels by 2030.
- C. Reduced Public Health Impacts relative to Fossil-fuel Based Electricity Generation.** The Project would contribute to a national reduction in public health costs associated with fossil-fuel based sources. According to the American Wind Energy Association, wind power produced \$9.4 billion in public health savings nationwide in 2018 alone by supplanting the generation of the air pollutants that create smog with clean, renewable energy, thus translating to a lower level of asthma attacks and other lung-related health issues.¹ Electricity produced by the Project's generation of clean energy will support improved public health in this way.
- D. Diversification of Statewide Energy Portfolio and Price Stabilization.** The Project would contribute to a diversified statewide energy portfolio that will reduce exposure to price volatility associated with electricity and natural gas. After accounting for annualized construction and decommissioning, annual operational emissions of 809 MT CO₂e per year, and the loss of carbon sequestration capacity during the Project's operational timeframe, the Project would displace approximately 225,131 MT CO₂e per year that otherwise would be required to generate the same amount of electricity as this 216 MW project. According to the Department of Energy Office of Energy Efficiency and Renewable Energy,² "Land-based utility-scale wind is one of the lowest-priced energy sources available today, costing 1–2 cents per kilowatt-hour after the production tax credit. Because the electricity from wind farms is sold at a fixed price over a long period of time (e.g. 20+ years) and its fuel is free, wind energy mitigates the price uncertainty that fuel costs add to traditional sources of energy."
- E. Wind is a Domestic Source of Energy.** The country's wind supply is unlimited and abundant. Over the past 10 years, U.S. wind power capacity has grown 15 percent per year, and wind has surpassed hydroelectric to become the largest source of renewable power in the United States.³ Related benefits include reducing dependence on foreign energy sources and lowering federal spending on policing global energy supply, and strengthening national security.
- F. Increased Local Employment and Economic Activity.** Construction of the project would provide employment opportunities for approximately 450 job-years during construction and decommissioning, about \$27 million in employee compensation, and about \$60 million in total

¹ American Wind Energy Association, 2019. Wind powers National Clean Energy Week 2019. <https://www.aweablog.org/wind-powers-national-clean-energy-week-2019/>. September 24, 2019.

² Department of Energy Office of Energy Efficiency and Renewable Energy, 2021. Advantages and Challenges of Wind Energy. <https://www.energy.gov/eere/wind/advantages-and-challenges-wind-energy>. Accessed February 8, 2021.

³ U.S. Energy Information Administration, 2020. Wind has surpassed hydro as most-used renewable electricity generation source in U.S. <https://www.eia.gov/todayinenergy/detail.php?id=42955> February 26, 2020.

2021 CEQA Findings of Fact

economic output/sales in Shasta County.⁴ Some of these workers would be local and others may reside outside the local area. Employment opportunities also would be created for up to 12 full-time employees during operation and maintenance period of the Project's 40-year use permit term. Cumulatively over the life the project, the Project would provide 1,456 job years, \$90.4 million in employee compensation and \$210.3 million in economic output/sales activity in the County.

- G. **Increased Tax Revenue.** The Project would generate property tax revenue during the Project's 40-year use permit term (estimated at almost \$65 million (\$1.7 million per year) and sales tax revenue (approximately \$4 million) during the construction phase to the County.⁵ This revenue will help provide essential services to County residents, including infrastructure, law enforcement, fire, and educational services. Project buildings (both manned and unmanned) also are subject to impact fees pursuant to County Ordinance 665. The Project itself will not generate significant need for County services.
- H. **Landowner Support via Diversification of Revenue Streams.** The Project Applicant would lease the approximately 4,464-acre Project Site from the landowner, who currently manages the site, and who is anticipated to manage the remainder of the ownership, for timber uses. Diversification of revenues will provide greater financial stability and reduce business risk to the landowner.

Based on the entire record and the Final EIR, the Planning Commission finds that the benefits of the Project specified above outweigh and override the significant unavoidable environmental effects that would result from Project implementation.

⁴ Fountain Wind Project Economic and Public Revenue Impact Study, March 25, 2021 (Economic Planning Systems, Inc.)

⁵ Fountain Wind Project Economic and Public Revenue Impact Study, March 25, 2021 (Economic Planning Systems, Inc.)

Exhibit B to Resolution 2021-010

STATEMENT OF CONDITIONS

Project Identification
Use Permit 16-007 (Fountain Wind, LLC)

General

1. The requirements of all concerned governmental agencies having jurisdiction by law, including but not limited to the issuance of appropriate permits, shall be met.
2. This permit is granted for the following listed uses and structures. Minor modifications may be approved by the Planning Director in accordance with Shasta County Code (SCC) section 17.92.025 as may be amended from time to time. Any substantial revisions will require either amendment to this permit or a new use permit in accordance with SCC section 17.92.020 as may be amended from time to time.

A private wind energy generation (production) development comprised of up seventy-one (71) wind turbines, each with a generating capacity of 3 to 6.2 megawatts (MW) and total tip height not to exceed 679 feet tall, with a total nameplate generating capacity of up to 216 MW and associated transformers together with associated infrastructure and ancillary facilities, including: a 34.5-kilovolt (kV) overhead and underground electrical collector system to connect turbines together and to an onsite collector substation; overhead and underground fiber-optic communication lines; a temporary construction and equipment laydown area; 14 temporary laydown areas distributed throughout the Project site to store and stage building materials and equipment; an operation and maintenance (O&M) facility; up to four permanent meteorological evaluation towers (MET); temporary, episodic deployment of mobile Sonic Detection and Ranging (SoDAR) or Light Detection and Ranging (LiDAR) systems within identified disturbance areas (e.g., at MET locations); two storage sheds; three temporary batch plants; and newly constructed and improved existing access roads as described in more detail in Chapter 2, Project Description, of the Draft Environmental Impact Report, prepared by Environmental Science Associates, July 2020; and Chapter 1.2, Project Overview of the Final Environmental Impact Report, prepared by Environmental Science Associates, April 2021. The leasehold area and project site include the following Assessor's Parcel Numbers:

027120009000	027220001000	029220006000
027130046000	029170006000	029250001000
027140001000	029170008000	029250010000
027140002000	029190010000	030080005000
027140015000	029190011000	030080006000
027140018000	029190012000	030080007000
027140021000	029190013000	030080008000
027140022000	029190014000	030080013000
027140028000	029190016000	030080014000
027160020000	029190017000	034010003000
027160022000	029200041000	034010004000
027160027000	029200042000	034010008000
027160034000	029200043000	034010016000

027160042000	029210001000	034010017000
027160047000	029210009000	027160014000
027160048000	029210019000	027160017000
027160049000	029210020000	027140005000
027210006000	029210021000	

3. This permit shall become automatically revoked without further action by Shasta County if the activity or use for which it was granted has not actively and substantially commenced within two years of the date of approval, unless the Permittee requests an extension of time prior to the expiration date, and the extension of time is approved by the Planning Commission in accordance with SCC section 17.92.040 as may be amended from time to time.
4. Any time the Planning Director finds that one or more grounds exist for revocation, revocation proceedings may be initiated in accordance with applicable provisions of the SCC section 17.92.040 as may be amended from time to time.
5. Unless otherwise noted, all listed conditions must be completed prior to initiation of the use. The Permittee is responsible for demonstrating, in writing and, where applicable, in accordance with the Mitigation Monitoring and Reporting Program adopted for the project, that all conditions requiring completion prior to initiation of the use have been satisfied. Failure to demonstrate compliance with conditions may result in the project becoming null and void.
6. Failure to comply with the conditions of this permit will result in the initiation of abatement proceedings pursuant to SCC, Division 2, Part 1, in which all County costs and expenses incurred in investigating and physically resolving the problem shall be recoverable as a lien against the property.
7. All mitigation measures listed in the Final Environmental Impact Report (EIR) for the Fountain Wind Project, prepared by Environmental Science Associates, April 2021, and the Mitigation Monitoring and Reporting Plan (MMRP) adopted for the project, are incorporated herein as conditions of approval of this permit, and shall be implemented as indicated in the Final EIR and MMRP.
8. While every attempt has been made to make these conditions consistent with the mitigation measures contained in the Final EIR and MMRP, these conditions may differ slightly from the text of the Final EIR and MMRP. If there is any significant conflict between the conditions of approval and the mitigations required in the MMRP, the Director of Resource Management shall determine which conditions or combination of conditions shall prevail.
9. This permit runs with the land and assignment is not required but the permit authorizes only one operating entity (the "Permittee") at a time on this site. This permit may be assigned to a new Permittee. If there is a change in Permittee, the new Permittee shall send a signed and notarized statement to the Planning Division, within 30 days of the change of ownership or transfer of operations, stating that they have read and understand this permit and agree to comply with each and every condition.
10. This permit shall be valid for 40 years beginning on the date of commencement of commercial operation of the wind energy facility or beginning two years from the date of permit approval, whichever comes first. Upon permit expiration, the maintenance and operations of the use shall cease and decommissioning shall actively commence and be carried out diligently through to completion,

except where the Permittee has, not less than two years prior to expiration, filed a new or amended use permit application to repower the facility or otherwise extend use of the facility beyond the 40-year term of this permit. If the decision on the new use permit is negative, decommissioning shall immediately thereafter and be carried out diligently through to completion

11. A copy of this permit and conditions of approval shall be kept at the project site at all times when the project is under construction and in operation. The Permittee shall review the permit conditions applicable to each employee with the employee on the site prior to the employee beginning work at the site, and at least annually thereafter, for the life of the operation. In addition, as part of this requirement the Permittee shall prepare and implement during construction a worker environmental awareness training program (WEAP) to be implemented during construction. A copy of the WEAP shall be provided to the Director of Resource Management prior to issuance of the first building permit for the project.

Access for Inspections

12. The Permittee shall allow the Shasta County Department of Resource Management's Planning, Environmental Health, Building, and Air Quality divisions, Public Works Department, California Department of Fish and Wildlife, and all other responsible agencies, including authorized third party representatives acting for said agencies, if any, to conduct site inspections of the construction and operation of the project at the reasonable discretion of said department(s), in order to ensure compliance with this permit.
13. To ensure public safety, public access to the project site, interiors of the wind turbines, and to accessory facilities shall be restricted, except as may be authorized by the Permittee. The Permittee shall submit a security plan to the Director of Resource Management for review and approval prior to issuance of a building permit for the Project. The security plan shall identify the method for restricting access to the tower interiors and other facilities.

Sign Requirements

14. Signs warning of high voltage electricity shall be posted on stationary portions of each wind turbine or its tower and at all gated entry points to the project site at a height of five feet above the ground. No advertising sign or logo shall be placed or painted on any wind turbine or tower, with the exception of standard manufacturers' logos or turbine identification numbers. No more than two identification signs relating to the development shall be located on the project site. Signs shall not exceed 16 square feet in surface area or 8 feet in height.

Certification of Rotor and Overspeed Design

15. Prior to issuance of building permits for wind turbines, the Permittee shall submit a statement by a professional engineer registered in California certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practice. The statement shall also certify that the wind turbines are equipped with both manual and automatic controls to shut down the turbines and prevent a rotational overspeed situation.

Setbacks

16. Wind turbines shall be setback a minimum of two times the total tip height from the exterior project boundaries where the project site is adjacent to existing parcels of record that contain a residence. Otherwise, the wind turbine shall be setback a minimum of the total tip height from the exterior project boundary, except where the owner of the adjoining property has signed an agreement that includes the waiver of the setback requirement described herein or the adjoining property is owned by the lessor of the project site in which case the wind turbine need only meet the minimum setback requirement of the Shasta County Code.

Timber Management

17. Except for activities necessary for the construction, operation, and maintenance of the wind turbines and accessory facilities as described in the project description, the facility permitted by this permit shall not interfere with commercial timber management activities on the same or adjacent properties.
18. The Permittee shall provide to the Director or Resource Management written documentation of CAL FIRE's approval of any conversion permit and/or Timber Harvest Plan necessary to implement the project prior to the commencement of onsite activities that involve the removal of commercial species as defined by the California Forest Practice Rules.

Junk

19. There shall be no storage or accumulation of wrecked or dismantled towers, turbines, related energy generation or transmission equipment, vehicles or parts thereof, discarded items, junk, or inoperable machinery.

Roads and Traffic

20. All on-site and access roads used for this project shall be constructed of all-weather materials and shall be maintained in an erosion-free and dust-free condition. Road construction shall be limited to those roads identified in Chapter 2, Project Description, of the Draft Environmental Impact Report, prepared by Environmental Science Associates, July 2020.
21. Gates on all project road intersections with State Highway 299 East shall be setback to accommodate the longest tractor trailer anticipated to transport heavy equipment to the project site.
22. The Permittee shall coordinate with Caltrans to implement traffic safety measures at all project road intersections and State Highway 299 East during construction, and whenever heavy equipment is transported to or from the site.

Parking

23. Prior to issuance of the first building permit for the project, the Permittee shall submit to the Director of Resource Management a construction and operation parking plan for the project site. The Permittee shall provide on-site parking for all project related vehicles during construction.

24. Upon initiating operations, one on-site parking space shall be provided for each employee, plus one on-site parking space for each vehicle kept on the site in connection with the use. A minimum of four spaces shall be provided. All parking areas provided for operations shall be constructed of all-weather materials and shall be maintained in an erosion-free and dust-free condition and maintained in a similar manner to the project roads or as otherwise required pursuant to Americans with Disabilities Act (ADA) requirements.

Dust Control

25. Prior to issuance of the first grading permit, the Permittee shall submit to the Director of Resource Management for approval a plan for dust control. Said plan shall be implemented and complied with during construction and for the life of the project. Application of dust palliatives shall be prohibited within 100 feet of sensitive habitats and waterways.

Erosion and Sediment Control

26. Prior to issuance of the first grading permit, the Permittee shall submit to the Director of Resource Management for approval a plan for erosion and sediment control. Said plan shall be implemented and complied with during construction and for the life of the project.

Handling of Fuel, Waste Oils, and Solvents

27. During construction, operation, and decommissioning, all fuels, waste oils, and solvents shall be collected and/or stored in tanks or drums within a secondary containment area consisting of an impervious floor and bermed sidewalls.
28. Fuel shall be stored in aboveground storage tanks with either a double wall or placed within temporary, lined, earthen berms for spill containment.
29. Upon the conclusion of construction and decommissioning phases, excess fuels shall be removed from the site and any surface contamination resulting from fuel handling operations shall be remediated.

Equipment Operations and Maintenance

30. All equipment shall be maintained in good working condition, and free of leaks. All vehicles should be equipped with drip pans during storage to contain minor spills and drips.
31. No refueling or storage shall take place within 100 feet of a drainage channel or other sensitive resource. Spill kits shall be located onsite and in vehicles for use in spill response.
32. All maintenance crews working with heavy equipment shall be trained in spill containment and response.

No Disturbance of Non-Construction / Non-Operation Areas

33. No grading or ground disturbance shall take place in areas not reasonably required for tower or turbine placement, turbine assembly, foundation construction, switching stations, substations,

overhead lines, buried cable installation, accessory structures, on-site maintenance/control building, access roads, and parking areas and a construction staging area, etc., or maintenance of project operations as described in Chapter 2, Project Description, of the Draft Environmental Impact Report, prepared by Environmental Science Associates, July 2020 or to comply with the requirements of this permit. 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. Said flagging or fencing shall be installed prior to commencement of construction and maintained until reclamation is completed. The operator shall submit to the Planning Division an aerial photograph layout of the site at a scale of 1 inch = 200 feet or larger (for example, 1 inch = 100 feet) showing the anticipated and approximate limits of the disturbance area.

Bird Flight Deflectors

34. The Permittee shall use bird flight deflectors on guyed permanent meteorological towers or use unguyed meteorological towers.

Injured Bird Protocols

35. In the event either Permittee personnel or the Project's biological monitors discover an injured bird with a special species status, such personnel shall be responsible for contacting either the California Department of Fish and Wildlife (CDFG) or the nearest qualified wildlife rehabilitation center or specialist as approved by the United States Fish and Wildlife Service (USFWS), within 3 hours of discovery to provide immediate veterinary care.

Markings and Lighting

36. All on-site lighting shall be the minimum required to meet safety and security needs. Where possible, on-site lighting, excluding wind turbines and meteorological towers, shall be shielded to reduce unnecessary skyward illumination, and shall not create intense light or glare that causes a nuisance or hazard beyond the property line.
37. Lighting on wind turbines and meteorological towers shall be of the minimum number and intensity and have the minimum on-period allowed under FAA regulations and shall be consistent with Federal Aviation Administration (FAA) approved lighting plan in consideration of the USFWS Communication Tower Guidance to reduce the potential for nocturnal bird collisions.
38. All turbines, towers and other structures should either be painted or constructed with non-glare, non-reflective materials, unless otherwise required by the Federal Aviation Administration.
39. The permittee shall submit an FAA final impact to air navigation determination, including any applicable and/or approved lighting and marking plan to the Director of Resource Management prior to approval of the first building permit for a wind turbine.

Blasting

40. If blasting is necessary, the Permittee shall prepare and at least 5 days prior submit to the Director of Resource Management a Blasting Plan that identifies the locations where blasting is proposed and

all applicable regulations for blasting procedures. The Blasting Plan shall specify the times and distances from potential sensitive receptors where explosives would be used. The Permittee shall also notify the County and emergency responders at least 24 hours in advance of blasting described in the Blasting Plan.

Batch Plants

41. Batch plants, if any, shall be operated in compliance with all required Shasta County Air Quality Management District regulations and best management practices and standard operating procedures that keep the plant, storage, and stockpile areas clean and to minimize the buildup of fine materials that could result in fugitive dust or offsite sedimentation.
42. Batch plants, if any, shall be removed from the project site within 60 days following completion of construction.

Noise

43. The maximum noise level during operation shall be limited to daytime hourly Leq dB of 55 (7 a.m. to 10 p.m.) and nighttime hourly Leq dB of 50 (10 p.m. to 7 a.m.) at the nearest off-site residence.
44. In the event that complaints about noise are received by the Planning Division, the Director of Resource Management shall review each complaint and determine whether it can be verified thorough observation, construction and/or operations schedule, and/or other means that project related activities are a potential source of noise that generated the complaint. If so, the Director shall inform the Permittee that a report must be submitted to the Planning Division from an acoustical engineer or other qualified professional including actual measurements of noise from project operations. If the results of that monitoring indicate that the County's noise standards are exceeded, additional noise control measures shall be implemented as needed. The Director may choose to have the Planning Division hire the acoustical engineer or other qualified professional to perform the study. In that event, the Permittee shall deposit funds with the Planning Division to cover the cost of the study and the Planning Division's associated administration costs.

Emergency Response Plan

45. The Permittee shall prepare and be responsible to implement an emergency response plan for this facility, which shall be reviewed and approved by the Shasta County Fire Department, the Shasta County Sheriff's Office, and the Director of Resource Management prior to issuance of first building permit. A copy of the plan shall be kept at the project site at all times when the project is under construction and in operation. The Permittee shall review the emergency response plan with each employee beginning work at the site, and at least annually thereafter, for the life of the operation.

Notification of Equipment Failure

46. The Permittee shall notify the Director of Resource Management and all other required government officials of any tower collapse, blade throw, or fire, etc., within the wind farm as soon as possible during regular business hours and within not more than 5 days of such occurrence, except as may otherwise be required as part of the emergency response plan prepared for the project.

Inoperative Equipment

47. An inoperable or abandoned turbine is a turbine that has been taken out of commercial service and has not resumed commercial service within 12 months unless such failure to resume service relates to (i) force majeure events or (ii) other event or condition where Permittee has not elected to abandon the turbine and is using good faith efforts to overcome or mitigate the event or condition preventing operation.
48. The project shall be deemed abandoned for the purposes of this condition if either of the following occurs:
 1. The wind turbines have not produced electricity in more than one year, unless the cessation is due to one or more of the following conditions: Unresolved mechanical or technical problems, one or more force majeure events (e.g. major earthquake, volcanic eruption, etc.), turbines are shut down as a result of avian or bat fatality mitigation measure, and the Permittee has not demonstrated a plan to address these conditions and bring the turbines back into operations; or there is no demonstrated plan, satisfactory to the Director of Resource Management, to restore the equipment to a productive operating condition; or
 2. It can be established that more than 50 percent of the turbines are actively being removed or are in disrepair and there is no demonstrated plan, satisfactory to the Director of Resource Management and an Independent Engineer (IE) familiar with wind turbine technology and mutually agreed by both the Permittee and Director of Resource Management to restore the equipment to a productive operating condition.
49. Upon determination by the Director of Resource Management that either of the above criteria is present on the property, the Director of Resource Management shall give notice to the Permittee that the project has been deemed abandoned.
50. Within a reasonable time after the date of the notice by the Director of Resource Management as may be specified in the notice or otherwise determined by the Director of Resource Management, the Permittee shall either (1) restore any inoperable or abandoned wind turbine to operating condition; or (2) restore the site of such turbine to its preconstruction condition. However, in the event a building permit is required for either action described above, the Permittee shall satisfy this subsection by applying for such building permit within a reasonable time after the date of the notice, and completing the activities which are the subject of the building permit within a reasonable time after the issuance of said permit.
51. If the Permittee does not comply with Condition 59 below, the County shall, in its discretion, take any legal steps necessary, including the use of deposit funds that have been collected, to restore the turbine site to its preconstruction condition.

Avian Protections

52. Relevant provisions from USFWS's Land-Based Wind Energy Guidelines (WEGs) shall be applied during construction and operation of the project. The Permittee shall provide a report detailing the WEG's to be applied during construction and operations to the Director of Resource Management

and CDFW prior to issuance of the first building permit for the project.

53. The Permittee shall prepare and implement a Bird and Bat Conservation Strategy (BBCS), which would detail measures to be taken during project operations to reduce impacts to birds and bats. Measures include post-construction mortality monitoring, prey reduction techniques, and adaptive management strategies. The Permittee shall provide a copy of the BBCS to the Director of Resource Management and CDFW prior to issuance of the first building permit for the project.
54. The Permittee shall develop a Nesting Bird Management Plan (NBMP) in coordination with CDFW to avoid or minimize adverse impacts to nesting birds during construction. The NBMP would establish nesting seasons, species-specific avoidance buffers, and measures to reduce disturbance to nests. The Permittee shall provide a copy of the NBMP to the Director of Resource Management prior to issuance of the first building permit for the project.
55. The Permittee shall apply measures described in the Avian Power Line Interaction Committee (APLIC) guidelines to reduce avian collisions and electrocution with project infrastructure, including installation of bird flight diverters and electrical design recommendations. The Permittee shall provide a report detailing the APLIC measures to be applied to the Director of Resource Management and CDFW prior to issuance of the first building permit for the project.

Post Construction

56. Prior to issuance of the first building permit, the Permittee shall provide a Habitat Restoration Plan, Vegetation Management Plan, and Invasive Species Plan for all areas to be disturbed by the project that will not be subject to ongoing disturbance from permanent operations and maintenance activities to the Director of Resource Management who shall review said plans, in cooperation with CDFW, and approve the plans prior to final inspection of any building permit issued for the project. Said plans should be implemented on a rolling basis as construction of the project progresses but must be initiated for the project as whole within 90 days of the conclusion of construction and should be fully implemented within eighteen months following the conclusion of construction. The plans should also provide for a monitoring period that demonstrates that the plans are successful for at least one year little or no human intervention and that provides for continued restoration and monitoring of areas that are not successful.

Monitoring and Reporting

57. The Permittee shall be responsible for submitting an annual written report to the Director of Resource Management documenting the status of compliance with all mitigation measures and permit conditions. The report shall be submitted no later than 90 days following the end of each calendar year, beginning with the initiation of on-site construction and shall be available to the public upon request.
58. All raw avian and bat mortality data shall be submitted annually by the Permittee to CDFW's Biogeographic Information and Observation System Program (BIOS) for common species, and California Natural Diversity Database (CNDDB) for special-status species, consistent with the submission procedure set forth in the California Energy Commission's "Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development,"(pp.79-81). The Permittee will coordinate with the BIOS and CNDDB database managers to determine the type of data and the

format appropriate for submittal.

Decommissioning

59. Within one year of the cessation of project operations, defined as a cessation of production of energy for a period lasting more than one year, but excluding cessation of operations for events of force majeure (e.g., major earthquake, volcanic eruption, etc.), major mechanical outages or malfunctions (e.g., a significant turbine re-design or retrofit that must be completed before operations can recommence or a substation failure) that last longer than one year, or turbine shutdowns longer than one year required for avian or bat fatality mitigation, all above-ground structures and equipment related to the wind project shall be removed from the site and disposed of in a legal manner and the site shall be restored to its pre-project condition. Roads and structures such as the O&M building may remain on the site at the request of the property owner for a use that is consistent with County land use regulations and provided that all required permits are obtained.
60. Prior to issuance of the first building permit, the Permittee shall submit to the Director of Resource Management for review and approval, a draft plan for removal of all structures and equipment and restoration of the site to its pre-construction conditions, as practicable, and in consideration of the lease agreement with the underlying landowner ("Draft Decommissioning Plan"). A Final Decommissioning Plan would include plans and procedures for facility dismantling and removal (including disposal and recycling), site restoration, and habitat restoration and monitoring (which may be satisfied by post construction implementation of the Habitat Restoration Plan, Vegetation Management Plan, and Invasive Species Plan) and would be developed in compliance with standards and requirements at the time of site decommissioning and shall be submitted by the Permittee not less than 90 days prior to the end of the term of operation approved by this permit.
61. Prior issuance of the first building permit, the Permittee shall submit an itemized cost estimate for removal of all structures and equipment and restoration of the site ("Reclamation and Restoration Cost") in conformance with the approved Draft Decommissioning Plan, along with an estimate from a qualified party of the reclamation value of the wind turbines and plant electrical infrastructure ("Reclamation Value"). The cost shall be based on the cost for a public works contract (i.e., Caltrans equipment rental rates and prevailing wage rates). The Reclamation and Restoration Cost and the Reclamation Value estimate shall be revised and updated every five years and shall be subject to third party review paid for by the operator at the discretion of the County.
62. Prior to issuance of the first building permit, Permittee shall submit to the County a financial assurance mechanism, acceptable to the County, to secure the Permittee's obligation to reclaim and restore the site in the amount of the Cost estimate for Reclamation and Restoration. The mechanism may consist of a surety bond, certificate of deposit, an irrevocable standby letter of credit, or collateral assignment to the County the salvage rights to the wind turbines, or any combination thereof and shall be in place until all equipment and structures are removed and the site fully restored in accordance with the Decommissioning Plan or until the estimated Reclamation Value meets or exceeds the estimated Reclamation and Restoration Cost. The County will release the mechanism(s) at such time as the Permittee has removed the structures and equipment have been removed and the site is restored in accordance with the terms hereof.
63. Prior to issuance of the first building permit, the Permittee shall provide the County with irrevocable authority from the landowner to gain access to the project site for the purpose of decommissioning.

If salvage rights are assigned to the County in accordance with Condition 62, the Permittee shall also provide the County with such irrevocable authority from the landowner to gain access to the project site for the purpose of recovering and taking possession of buildings, structures, and equipment.

Reimbursement of County Administrative Costs

64. Prior to issuance of the first grading permit, the Permittee shall submit to the Director of Resource Management a signed agreement for reimbursement by the Permittee of the County costs to administer permit and MMRP compliance, including but not limited to third party review, inspection and, monitoring. Costs will be determined by the County and applied in a manner consistent with government accounting principles.

Pit River Tribe

65. In connection with cultural resource mitigation measures for the project, the Permittee shall prepare and provide a confidentiality and non-disclosure agreement for review agreeance to the County and the Pit River Tribe prior to the commencement of recordation activities.
66. The Permittee shall allow enrolled members of the Pit River Tribe, who are designated by the Tribe, to take possession of any dead birds from the project site for proper treatment and disposition in accordance with California Fish and Game Code Section 3801.6, so long as such activities are otherwise in compliance with all other applicable federal and state laws. Imposition of this condition is not intended to place an undue burden on the Permittee and neither the County nor the Permittee shall bear any responsibility for Pit River Tribe actions that result from compliance with this requirement.
67. The Permittee shall immediately contact the Pit River Tribe in the event that any cultural items and/or archeological resources are discovered during the construction of the project, and the Tribe shall be consulted regarding the treatment and disposition of such items.

Federal Aviation Administration

68. The Permittee shall obtain all required permits from, and comply with all applicable regulations of, the Federal Aviation Administration.

California Department of Fish and Wildlife

69. The applicant shall pay the Shasta County Clerk (payable to the Shasta County Department of Resource Management) a documentary handling fee for posting a Notice of Determination or Notice of Exemption for this project pursuant to the California Environmental Quality Act (CEQA), section 15075. The applicant shall also pay the appropriate fees pursuant to Fish and Game Section 711.4 (AB 3158). Said fees shall be paid within five (5) days following the end of any final appeal period, or in the event of a timely appeal within five (5) days following any final decision on the appeal, before the project approval will be considered final. Failure to pay the required fees will render this contingent project approval null and void. The fees are collected at the Shasta County Department of Resource Management Permit Counter located at 1855 Placer Street, Suite 103, Redding, CA.

Regional Water Quality Control Board

70. The Permittee shall obtain all required permits from, and comply with all applicable regulations of, the Regional Water Quality Control Board.

Shasta County Building Division

71. The Permittee shall obtain all required permits from, and comply with all applicable regulations of, the Shasta County Building Division, including applicable geotechnical investigations and reports and applicable design standards. Where applicable, said geotechnical investigations and reports and design plans shall be conducted and/or prepared by a qualified registered California design professional.

Shasta County Air Quality Management District

72. Any person building, erecting, altering, or replacing any article, machine, equipment, or other contrivance which may cause the issuance of air contaminants, shall obtain written authority for such construction from the air pollution control officer of the Shasta County Air Quality Management District prior to issuance of a building permit or, if a building permit is not required, prior to initiation of the use of said article, machine, equipment, or other contrivance.
73. The Permittee shall obtain all required permits from, and comply with all applicable regulations of, the Shasta County Environmental Health Division.

Shasta County Environmental Health Division

74. The Permittee shall obtain all required permits from, and comply with all applicable regulations of, the Shasta County Environmental Health Division.
75. Sanitary facilities shall be constructed and maintained in conformance with the requirements of the Shasta County Environmental Health Division.
76. The owner or facility operator shall submit a Hazardous Materials Business Plan for emergency response to the Environmental Health Division for facilities storing or handling hazardous materials equal to or greater than 55 gallons, 500 pounds, or 200 cubic feet of a gas at standard temperature and pressure, including if, applicable, a copy of a Spill Prevention, Control, and Countermeasure Plan for the facility.

CAL FIRE / Shasta County Fire Department

77. Roadways and turnarounds shall be constructed in accordance with Section 6.12 of the Shasta County Fire Safety Standards prior to the construction of any portion of the proposed facility.
78. The facility shall be identified with a street address marker located on the proposed building and adjacent to facility access road at State Highway 299 E. The address numbers shall be a minimum of four inches in height, reflectorized, and shall contrast in color with the background. The address shall be clearly visible at all times.

79. Roofing shall have a Class A rating as per the Shasta County Fire Safety Standards and the California Building Code.
80. All buildings constructed on parcels one acre or larger in size shall be setback a minimum of 30 feet from all property lines and road easements in accordance with the Shasta County Fire Safety Standards, but a 100-foot setback is recommended in order to comply with the defensible space requirement.
81. Chimneys and flues shall be equipped with an approved spark arrestor as defined in Section 6.53 of the Shasta County Fire Safety Standards.
82. Fire protection water for the proposed buildings shall be in compliance with Section 6.43 of the Shasta County Fire Safety Standards.
83. Due to the large size of the proposed project, vegetation cleared for construction and/or land development purposes shall be disposed of on a regular basis. Accumulation of vegetation debris shall be minimized. Disposal shall be in accordance with Air Quality Management Regulations and State or local Fire Department Burning Permit Regulations. Prior to the final inspection by the Shasta County Building Division and CAL FIRE / Shasta County Fire Department (SCFD), all cleared vegetation shall be properly disposed of.
84. Storage, use, and dispensing of flammable/combustible liquids shall be in accordance with the adopted edition of the California Fire Code. Plans shall be submitted to CAL FIRE / SCFD for review and approval prior to construction, storage, or use.
85. Portable fire extinguisher(s) for the proposed buildings shall be provided in accordance with the adopted edition of the California Fire Code.
86. All welding and storage of cylinders shall be in accordance with the adopted edition of the California Fire Code. In addition to welding, other high risk activities such as cutting and grinding shall require welding curtains, and shall be restricted based on fire weather indices as determined by the CAL FIRE / SCFD.
87. Accumulations of waste paper, weeds, combustible waste material, waste petroleum products, tires, or rubbish of any type shall be prohibited.
88. Rags, cloth, or paper towels saturated with oil, solvent, or petroleum products shall be kept in a metal can with a tight fitting cover.
89. The Permittee shall provide and maintain "Defensible Space" around all buildings in accordance with Public Resources Code 4291 and SCC Chapter 8.10 – Defensible Space for Fire Protection where applicable.
90. All mobile and stationary equipment with non-turbocharged internal combustion engines shall be equipped with a properly functioning, approved spark arrestor.

91. All field work vehicles, including sub-contractors, which engage in field operations, and routinely access the site, shall be provided with:
 1. A means for reporting emergencies.
 2. At least one round point shovel at least 46 inches in length.
 3. One 5-gallon backpack water pump.
 4. A minimum of one 2-A:10-B:C fire extinguisher.
92. Vehicles shall not travel off-road or upon roads which have not been maintained free of flammable vegetation except when necessary because of an immediate hazard to life or property.
93. The CAL FIRE / SCFD shall sign the improvement plans for this project.
94. Advisory note: The project is located in an area designated as a "VERY HIGH" Fire Hazard Severity Zone under Section 4203 of the Public Resources Code of the State of California.
95. If the Permittee installs an automatic fire extinguishing system in the proposed buildings, plans shall be submitted for CAL FIRE / SCFD review as part of the building permit application process.
96. All fires shall be reported immediately to CAL FIRE / SCFD even though they may have been extinguished.
97. Permittee shall provide the following vegetative modification:
 1. Main Access Roads:
 - Provide and maintain a shaded fuel break along Main Access Roads, 100 feet from the centerline on both side of the roads except where the provision and maintenance of the shaded fuel break would extend beyond the project site or area of temporary disturbance described in the EIR or onto private property, where topographic or other features such as rock outcrops provide the same practical effect, and/or where other approvals and permits (such as for the protection of habitat, to comply with the California Forest Practice Rules, etc.) would prohibit the creation or maintenance of a shaded fuel break.
 - On both sides of Main Access Roads provide a 10-foot clear zone from edge of road.
 - The remaining distance from the clear zone out to the limits of the shaded fuel break shall be meet the requirements of a shaded fuel break as defined in this document.
 2. Secondary Access Roads:
 - Provide and maintain a shaded fuel break along Secondary Access Roads, 50 feet from the centerline on both side of the roads except where the provision and maintenance of the shaded fuel break would extend beyond the project site or area of temporary disturbance

described in the EIR or onto private property, where topographic or other features such as rock outcrops provide the same practical effect, and/or where other approvals and permits (such as for the protection of habitat, to comply with the California Forest Practice Rules, etc.) would prohibit the creation or maintenance of a shaded fuel break.

- On both sides of Secondary Access Roads provide a 10-foot clear zone from edge of road.
- The remaining distance from the clear zone out to the limits of the shaded fuel break shall be meet the requirements of a shaded fuel break as defined in this document.

3. Turbines:

- From the outer edge of each tower, going in all directions, provide and maintain a 30-foot clear zone
- From the outer edge of the clear zone, going in all directions, provide and maintain an additional 70-foot shaded fuel break.

4. Definitions:

- Main Access Roads are project roads that are 20 feet wide or wider surfaced road with 1-foot shoulders on both sides.
- Secondary Access Roads are project roads that are less than 20 feet wide or wider surfaced road with 1-foot shoulders on both sides and/or are otherwise determined by CALFIRE/SCFD to be secondary in nature, including but not limited to spur roads that directly access individual turbine locations.
- Clear zone: Remove all brush, trees and slash.
- Shaded fuel break:
- Trees planted at 20 foot spacing.
- Existing tree stands to be reduced and/or planted to 20-foot spacing.
- Tree pruning:
- Begins when the trees are 18 feet tall.
- Prune one-third of the live crown or up to 12 feet, whichever is less.
- Brush and slash must be kept less than one foot high.

98. Permittee shall provide the necessary equipment and necessary training (or funding for equipment and training) to CAL FIRE / SCFD for the training of employees for the extinguishment of facility specific fires and rescue. The rescue equipment shall include items such as ropes, hardware,

harnesses, personal protective safety gear, and rescue basket. The Permittee shall provide a secure on-site location for the equipment shall become the property of CAL FIRE / SCFD, and the equipment shall be maintained by CAL FIRE / SCFD. Replacement equipment shall be purchased by the current owner and provided to CAL FIRE / SCFD as necessary. This shall continue for the life of the facility.

99. All electrical systems shall be designed and maintained in accordance with the California Public Utilities Commission General Orders 95, 165, 166 and corresponding underground standards.
100. All electrical distribution and collection components shall be underground where possible. Where above ground installations are necessary, the latest standards for raptor and rodent protection shall be incorporated.
101. Each wind turbine shall be equipped with an automatic smoke detection and fire suppression system.
102. In accordance with PRC 4292, all electrical distribution and collection components shall be “exempt” if existing and designed for high wind conditions.
103. Water storage facilities of not less than 5,000 gallons shall be provided for firefighting purposes in strategic locations within the site. Such locations shall be noted on the road map plan. The number and location of such water supplies shall be determined in cooperation with CAL FIRE / SCFD and the Permittee. The risk of freezing shall be considered when determining the type and location of water storage facilities.
104. The Permittee shall provide CAL FIRE / SCFD a current copy of the facility fire prevention plan. CAL FIRE / SCFD will review this plan and if necessary require modification. The elements of the plan shall include the following:
 1. A description of the operating area along with a map showing major access routes, significant hazards, firefighting water supply locations, and a 24-hour emergency contact phone number.
 2. An analysis of fire causes going back a minimum of five years, or to the first day of construction, whichever is less. List any trends indicated by the fire causes along with a plan of correction/proposed solutions for preventing these fire causes. Provide an implementation and completion date for all plans and correction.
 3. Procedures pertaining to reporting of emergencies, curtailment of hazardous activities during high and very high fire danger periods, weather monitoring for establishing the fire danger, and company action for fire suppression.
 4. The training/orientation program for the facility employees and contractors pertaining to fire safety, fire suppression, and emergency notification.
 5. A list of state and local fire laws applicable to the facility operations, and any conditions of approval pertaining to fire safety along with the facility operating procedures which indicate your compliance with these laws and/or conditions of approval.

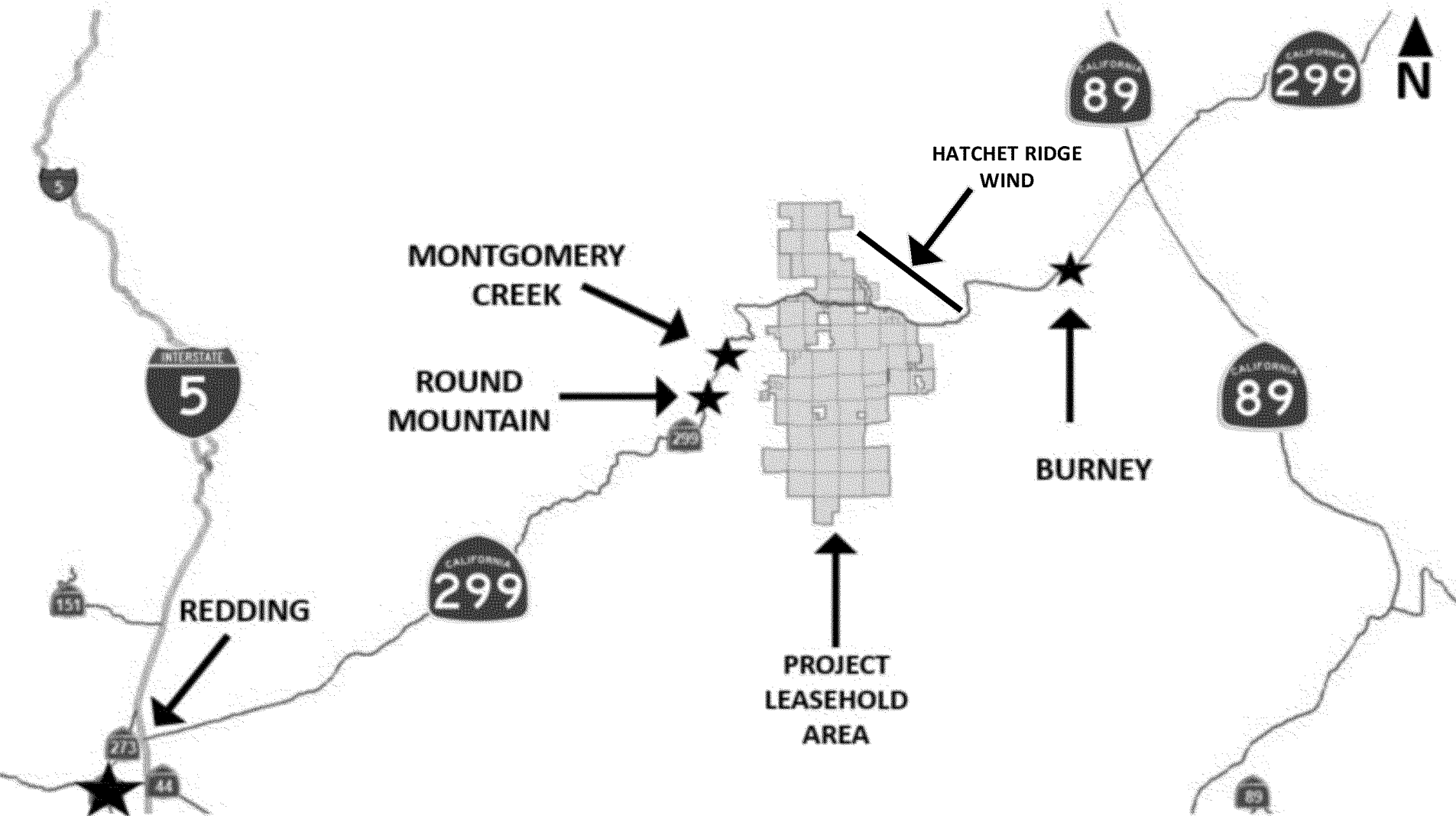
6. Staffing and equipment assignment and inventories as follows:
 - a. Company emergency incident manager and 24-hour contact telephone number.
 - b. General staff and specialist responsibilities.
 - c. Available motorized equipment for firefighting and support operations.
 - d. Location, type and number of firefighting tools and equipment.

105. No person shall conduct any hazardous operation (mowing, welding, cutting, grinding, or other tool or equipment from which a spark, fire or flame may originate), or operate any motor, engine, any time flammable vegetation exists (such as dry grass and dead vegetative litter), without meeting all of the following requirements: (This condition does not apply to: 1) the operation of the wind turbine, 2) the operation of the electrical transmission system, 3) the regular maintenance of the turbines within the area cleared of vegetation, and 4) the use of motorized vehicles to access the turbines on the maintained access road system.)
 1. Vegetation clearances of 15 feet shall be provided in all directions around the area of operation. An additional 15 feet shall be cleared or wet down. If wetting down is chosen, the area shall be maintained wet throughout the operation and the water used for wetting shall not diminish the backpack pumps capacity.
 2. Two serviceable round point shovels at least 46 inches in length and a minimum of two 5-gallon water backpack fire pumps shall be maintained within 25 feet of the operation.
 3. A fire watch shall be maintained within 25 feet of the hazardous operation. The fire watch shall have a radio or equivalent shall be available at the operation site in which to report emergencies.

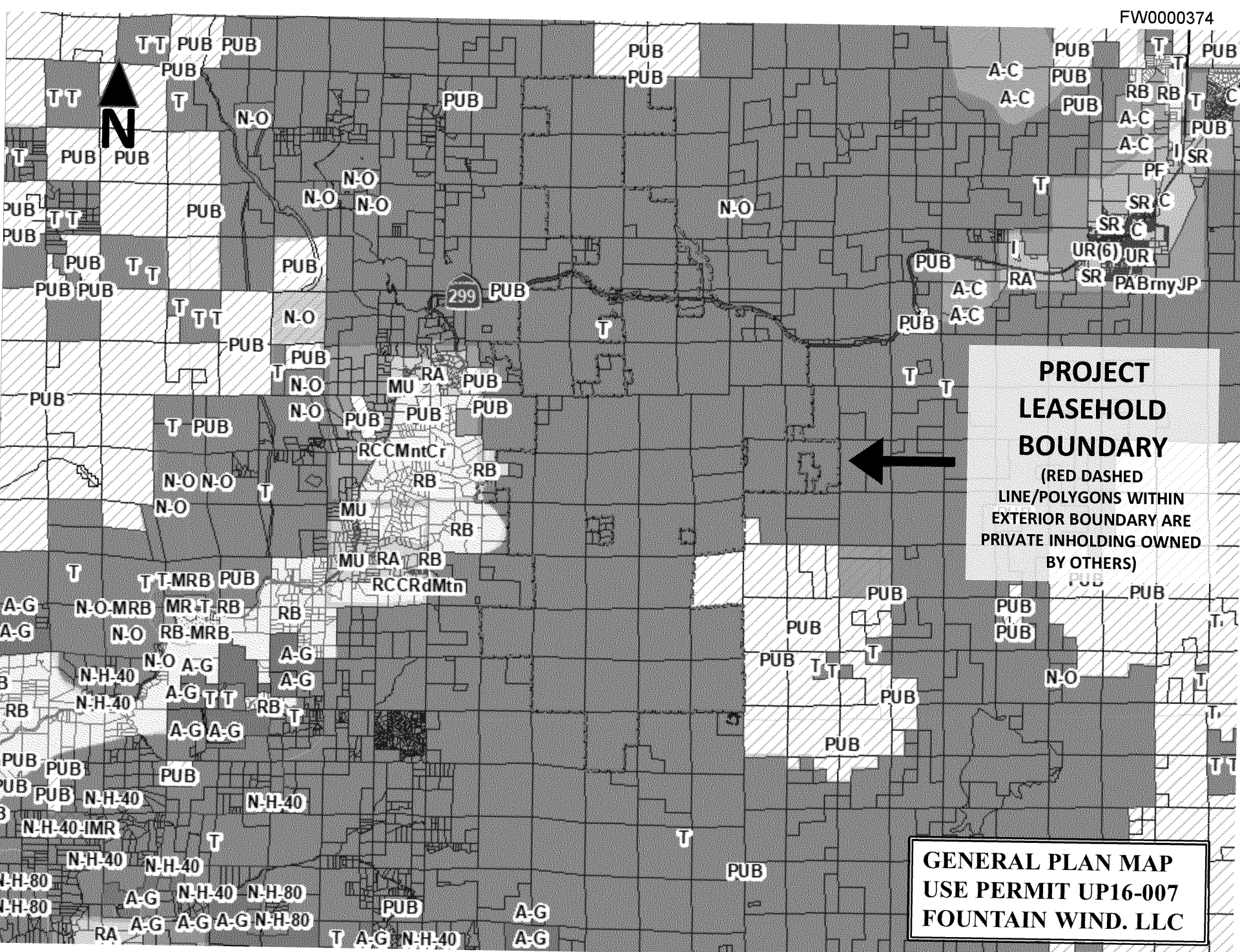
106. Hazardous operations (as defined above) shall not be permitted in during the following periods:
 1. Anytime flammable ground vegetation exists and if any one of the following conditions exist:
 - a. The air temperature is 90 degrees Fahrenheit or greater.
 - b. The wind speed is 8 miles per hour (mph) or greater.
 - c. The relative humidity is 20% or less.
 - d. Exceptions:
 - i. When the wind speed is 15 mph or less and the relative humidity is 60% or greater.
 - ii. When the wind speed is 15 mph or greater and the relative humidity is 80% or greater.

Note: Weather readings shall be taken on site on a regular basis. Logs of the regular weather readings shall be kept and provided to the Fire Marshal or its designee(s) upon request.

2. Anytime during the declared fire season when the wind speed is 25 mph or greater.
 3. Anytime during the declared fire season when the relative humidity is 10% or less.
 4. Anytime the National Weather Service, Sacramento Office declares Red Flag Warning.
107. Permittee shall provide a "Risk Manager" to be available on site whenever construction activities are in progress. The Risk Manager shall have oversight authority and shall be the point of contact for the CAL FIRE / SCFD.
 108. Smoking shall only be permitted in vehicles parked in areas cleared of flammable vegetation and in designated smoking areas at building sites.
 109. Prior to each fire season and upon hire of new employees or subcontractors, an orientation concerning recent fire history that has adversely affected residents of Shasta County, including and specifically the 1992 Fountain Fire, fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, fire safety rules and regulations, and the conditions of approval shall be provided by the employer.
 108. Any operation, temporary or permanent installation or improvement, or use of the project site during construction and/or operations observed by the applicant or its designee(s) to have resulted in or to be a fire hazard, shall be immediately addressed by the applicant or its designee(s), and actions and/or measures shall be taken to prevent or mitigate the problem. If such a condition is observed or determined by the fire marshal or its designee(s) to have resulted in or to be a fire hazard, CAL FIRE / SCFD may also require other actions and/or measures to mitigate or correct any such problem.
 109. All initial project clearing shall, to the extent feasible, be done between November 1st and May 1st. All such clearing that is subject to approval of a Timber Harvest Plan (THP) may be carried out in accordance with the permissible operational periods described in or allowed by the THP, including any required or ordered periods of suspended timber operations. Any initial project clearing that does not require approval or a THP shall not occur outside of the operational periods described in or allowed by the THP approved for the project, including any required or ordered suspension of timber operations.
 110. Permittee shall provide to CAL FIRE / SCFD the telephone number of the control center that has the ability to shut down the windmills. When the control center is notified by CAL FIRE / SCFD, the control center shall immediately shut down facility as necessary when in the opinion of the Incident Commander, the continued use of the windmills is detrimental to the mitigation of an incident located in proximity of the windmills.
 111. Nothing in these conditions are intended to diminish the responsibility of the Permittee or their designee from taking any additional responsibility and reasonable measures necessary to preclude the ignition and rapid spread of fire.

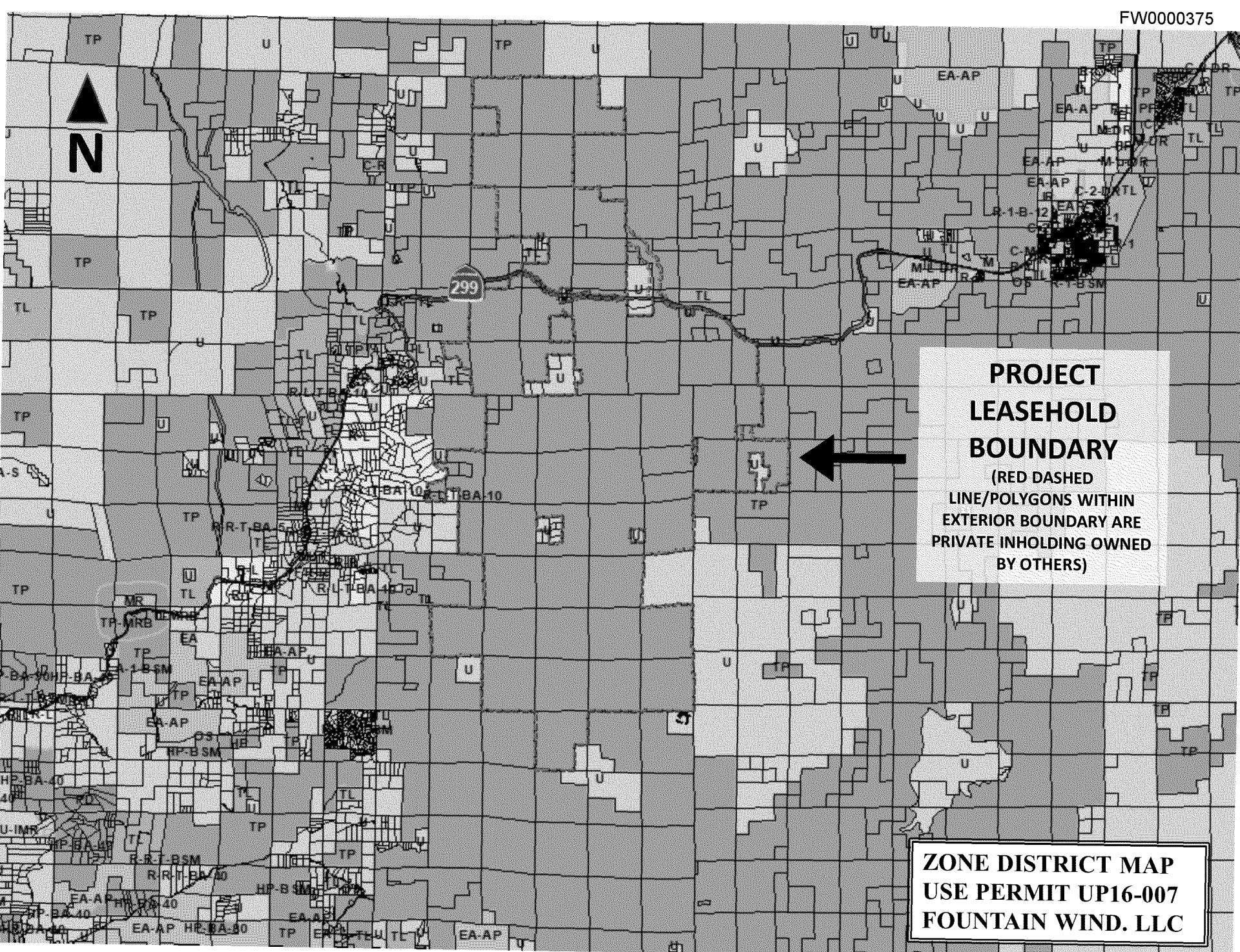


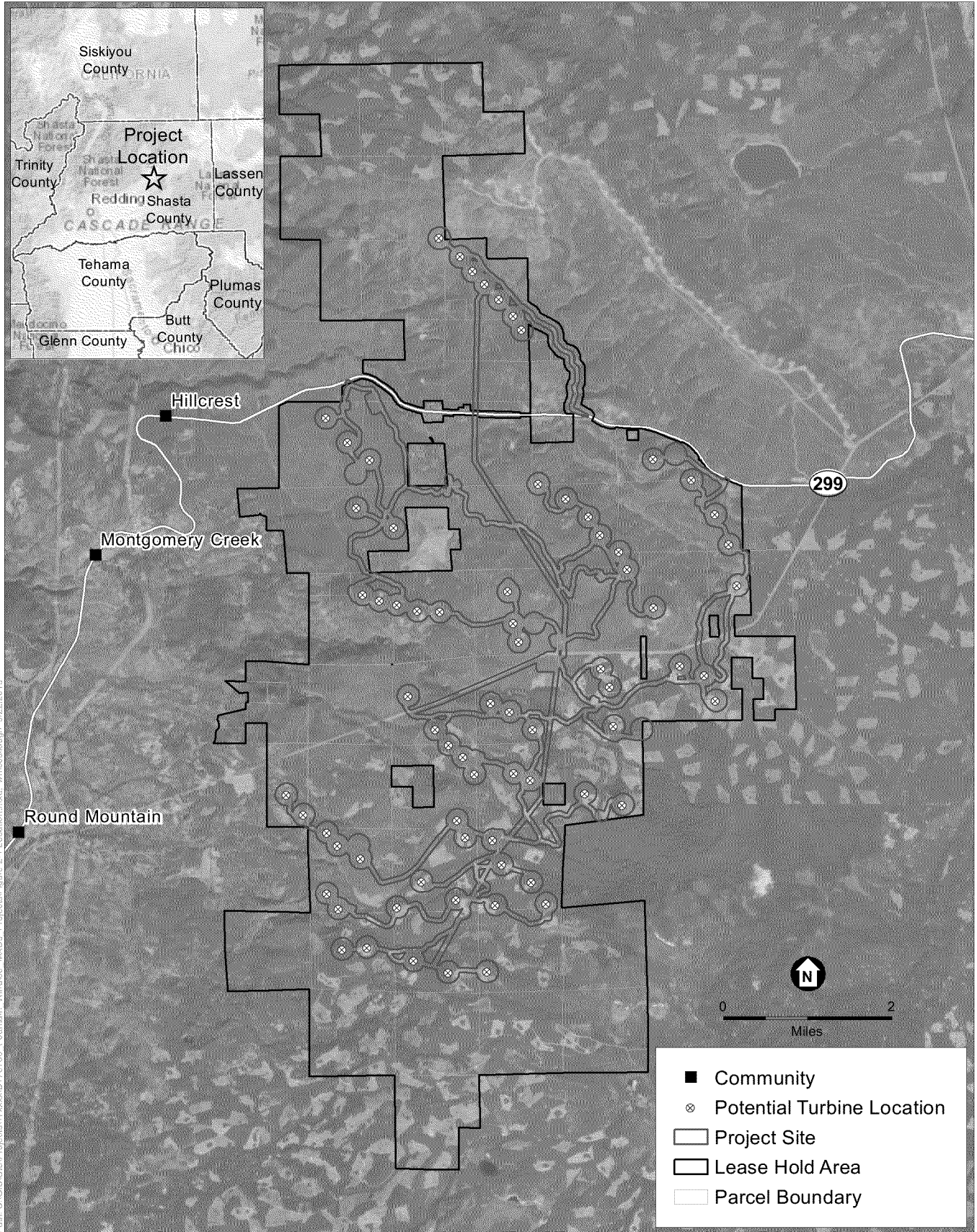
LOCATION MAP
USE PERMIT UP16-007
FOUNTAIN WIND. LLC



(RED DASHED
LINE/POLYGONS WITHIN
EXTERIOR BOUNDARY ARE
PRIVATE INHOLDING OWNED
BY OTHERS)

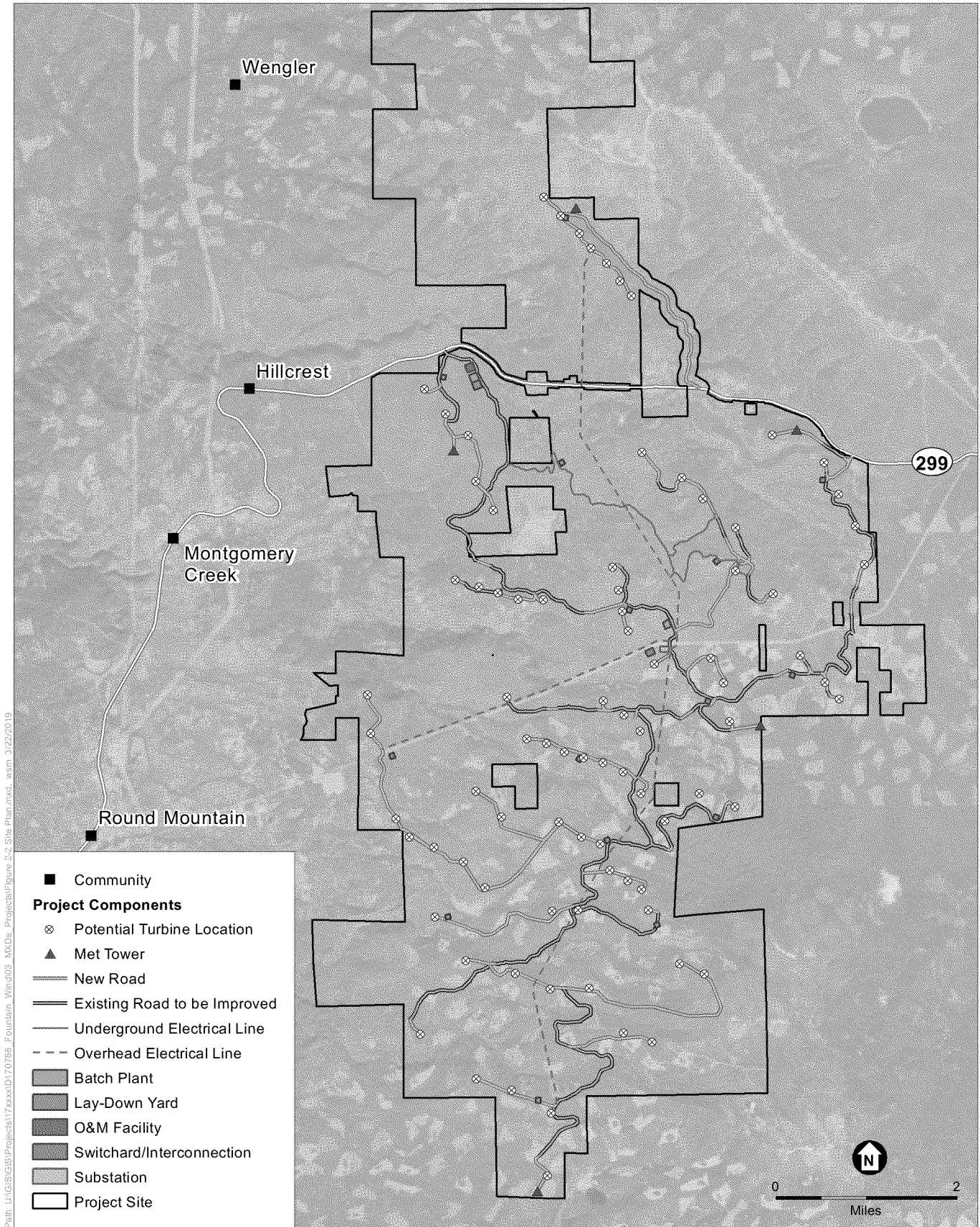
**GENERAL PLAN MAP
USE PERMIT UP16-007
FOUNTAIN WIND. LLC**





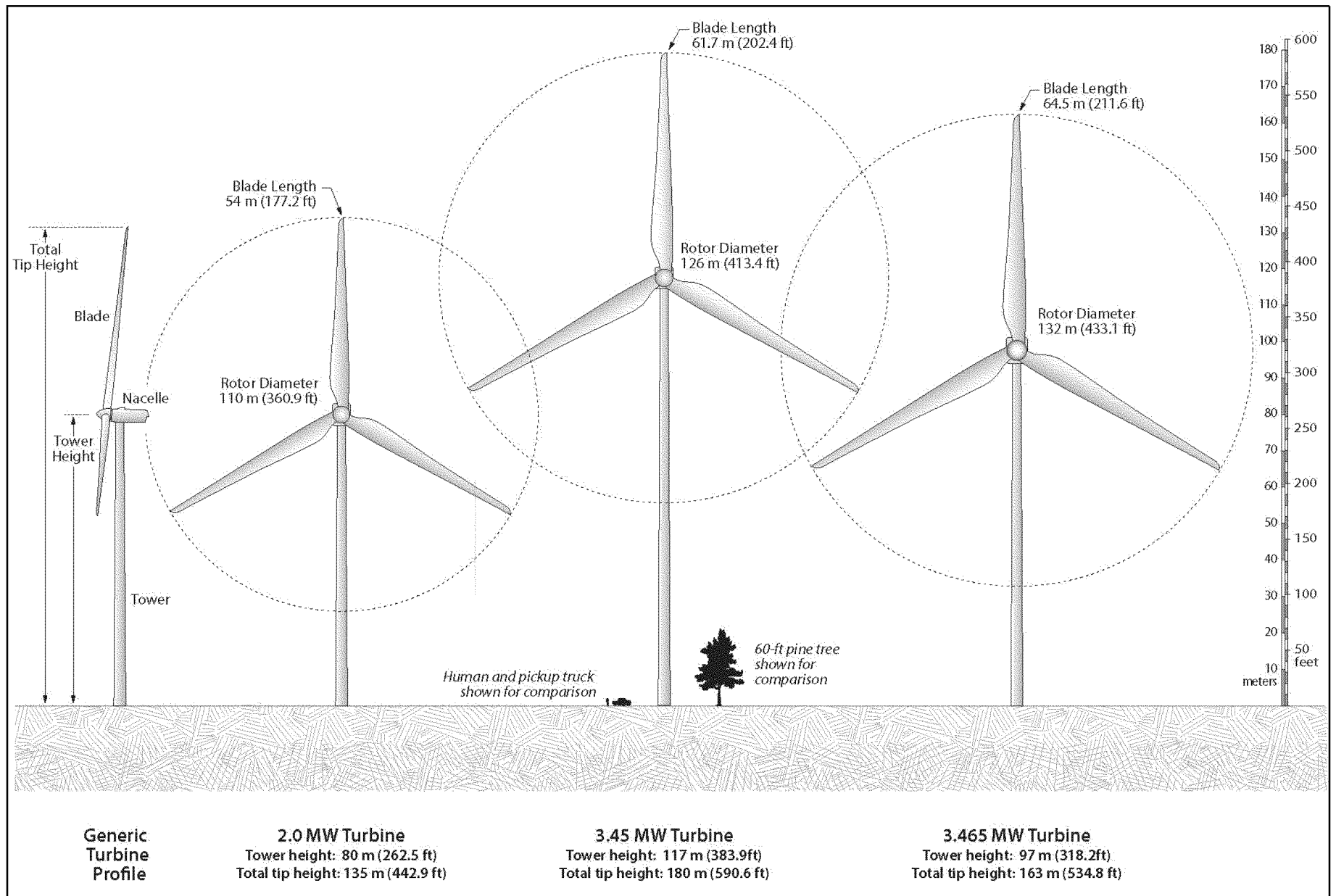
Fountain Wind Project

Figure 2-1
Project Location



Fountain Wind Project

Figure 2-2
Project Site Plan



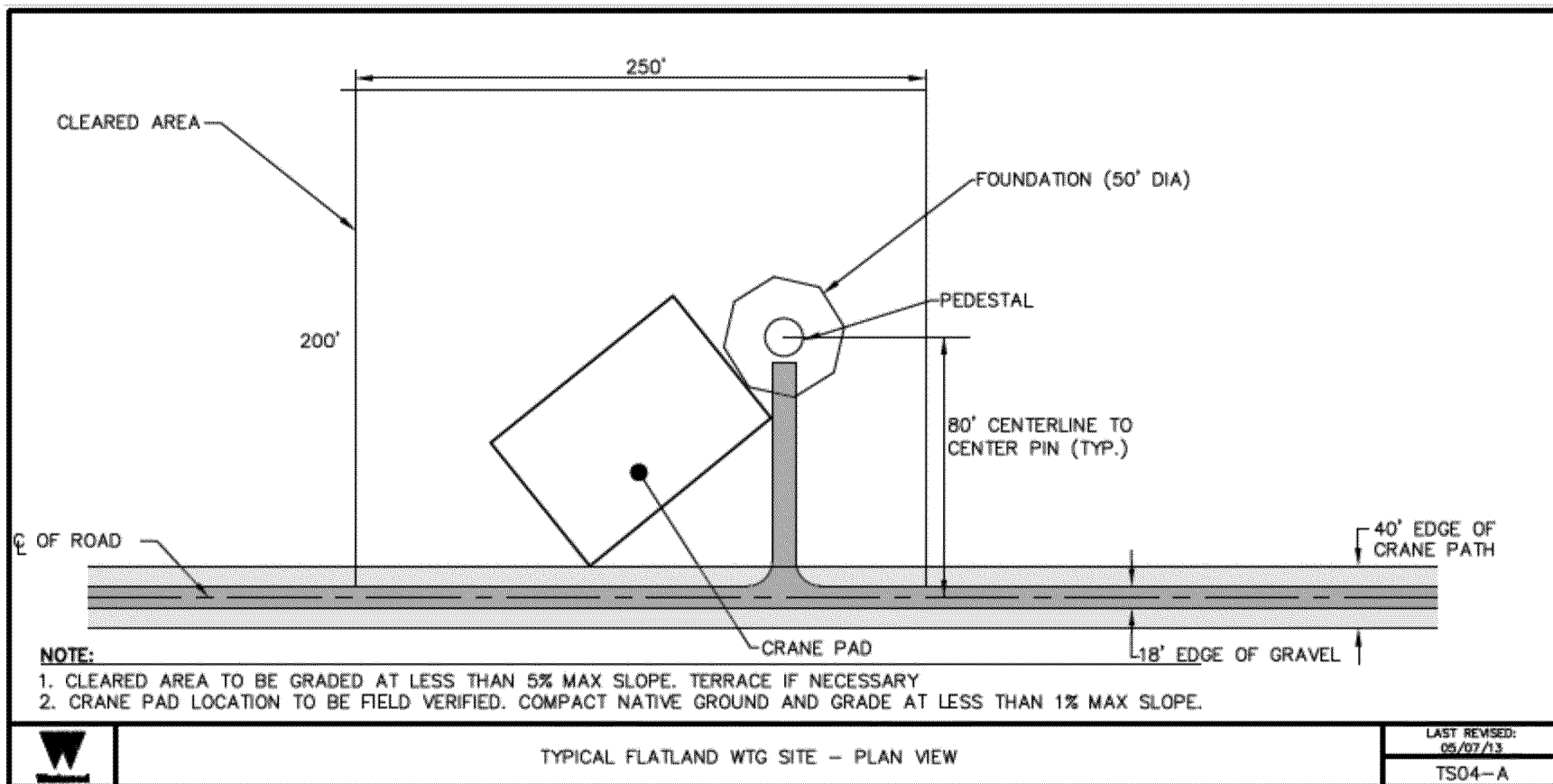
SOURCE: Pacific Wind Development, LLC.



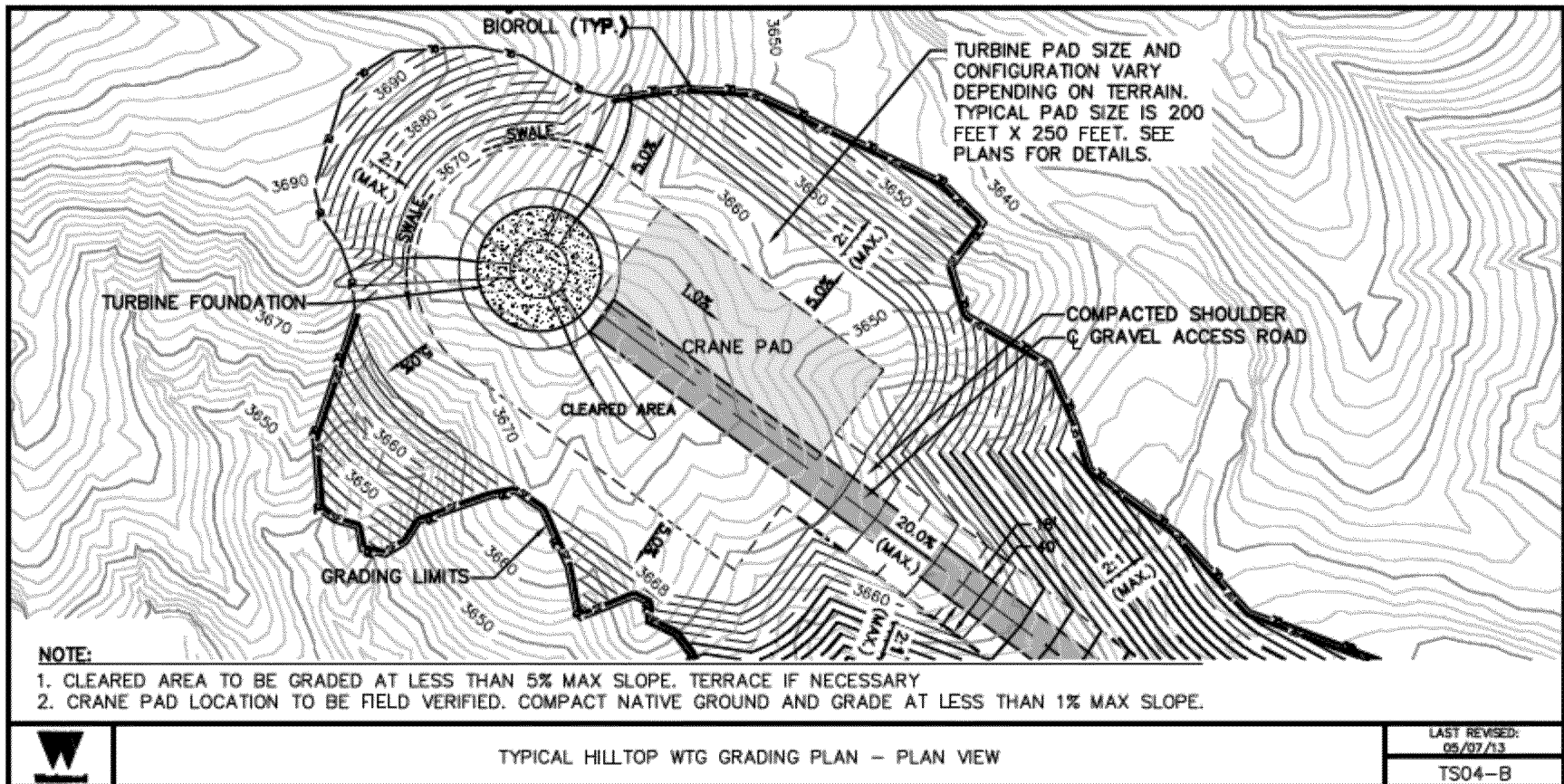
**WIND TURBINE ELEVATION
USE PERMIT UP16-007
FOUNTAIN WIND LLC**

Fountain Wind

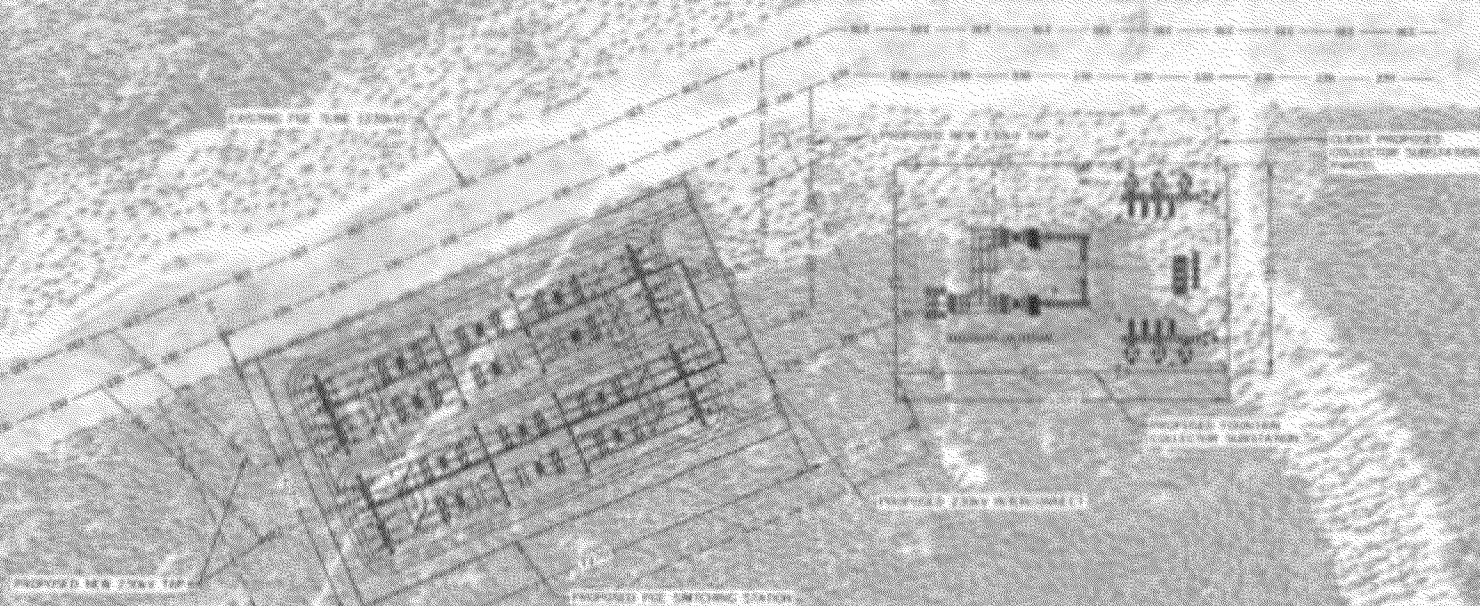
Figure 2-4
Typical Wind Turbine



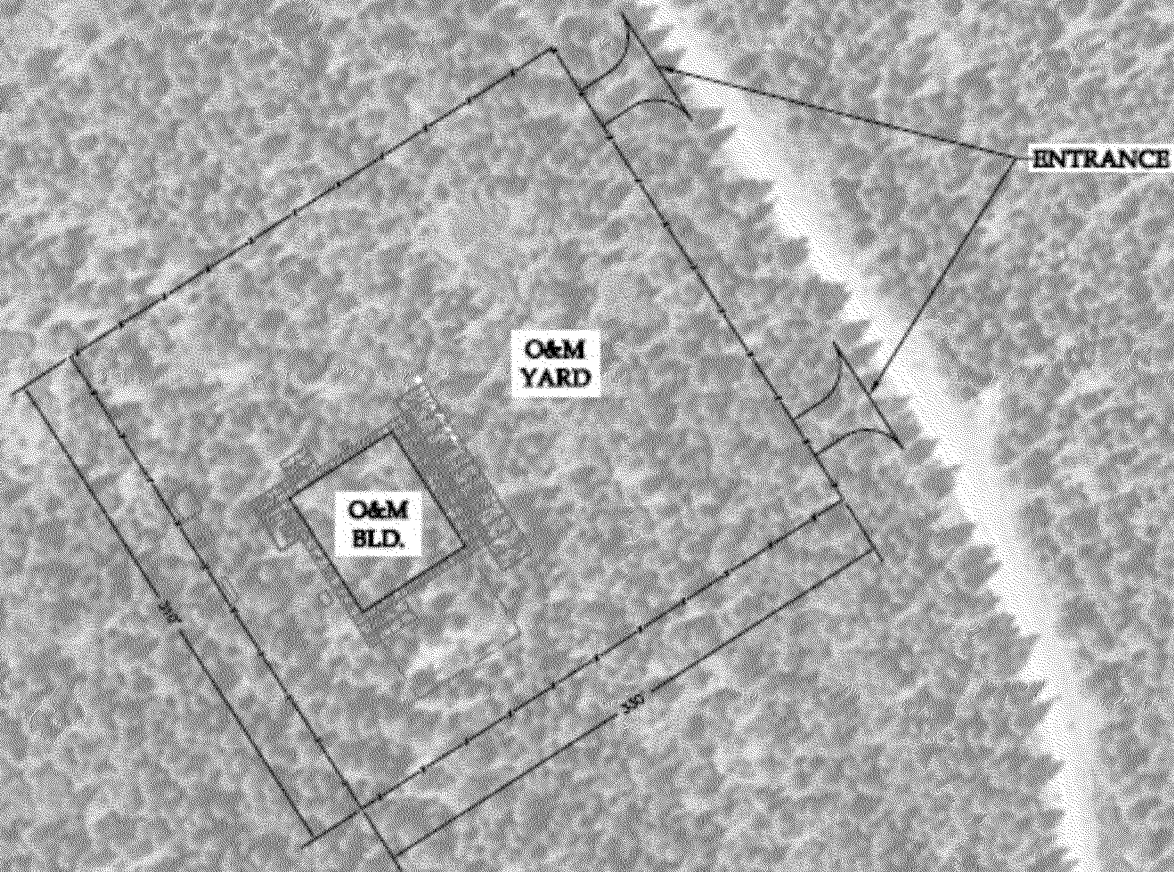
**TYPICAL FLATLAND
WIND TURBINE GENERATOR
SITE PLAN
USE PERMIT UP16-007
FOUNTAIN WIND. LLC**



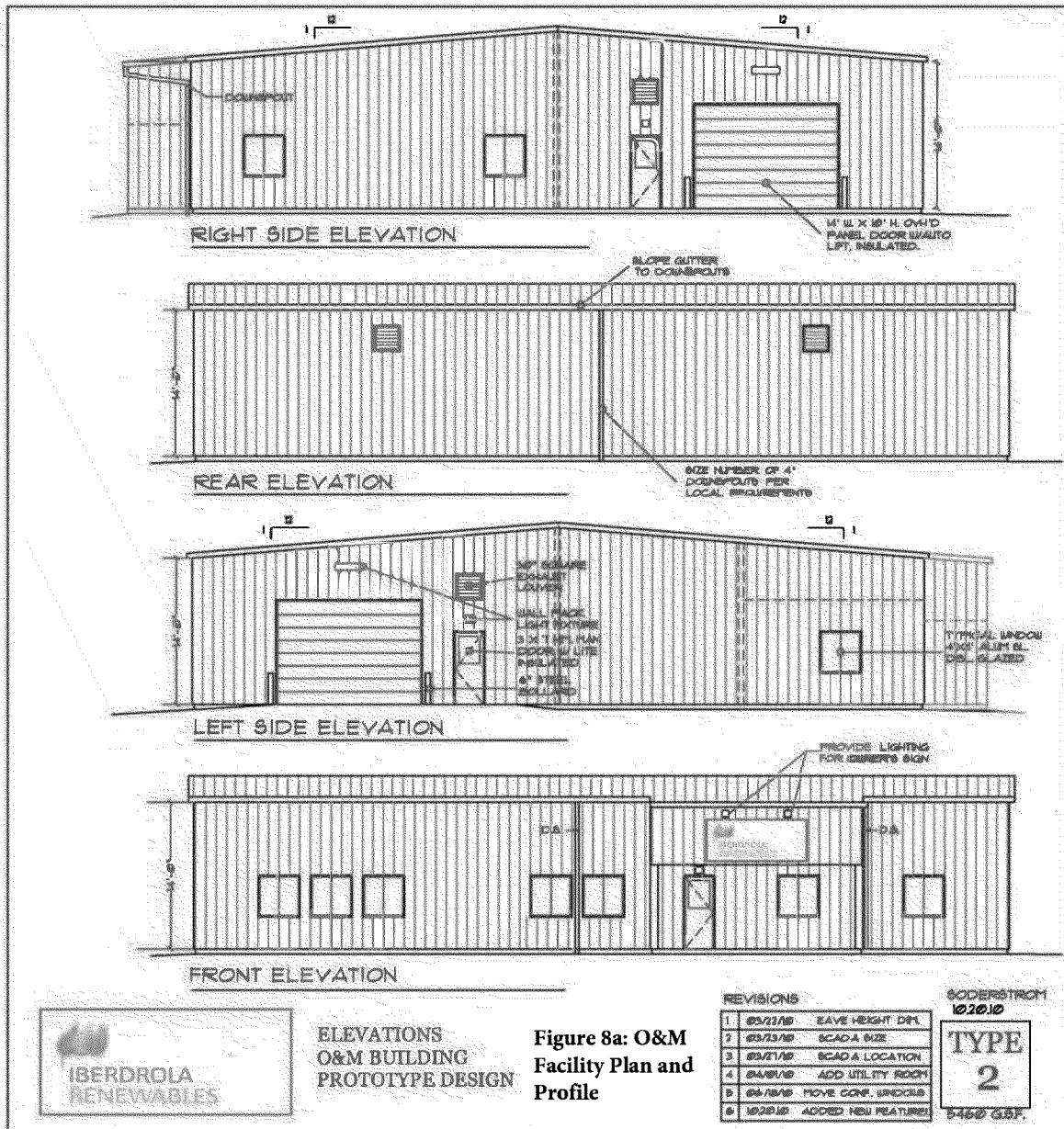
**TYPICAL HILLTOP
WIND TURBINE GENERATOR
SITE PLAN
USE PERMIT UP16-007
FOUNTAIN WIND, LLC**



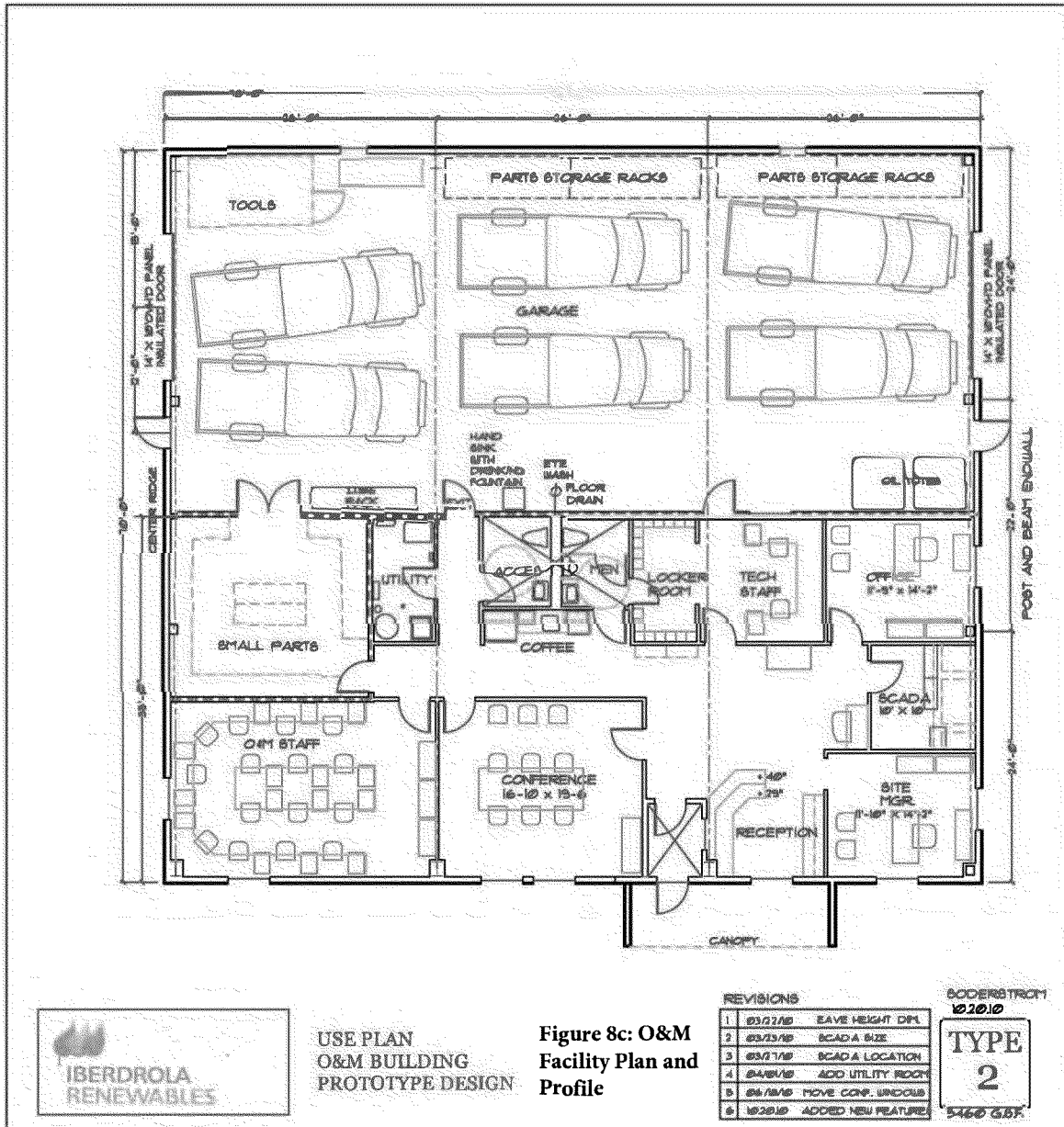
**SUBSTATION AND SWITCH YARD
POINT OF INTERCONNECTION
SITE PLAN
USE PERMIT UP16-007
FOUNTAIN WIND. LLC**



**TYPICAL O&M FACILITY
SITE PLAN
USE PERMIT UP16-007
FOUNTAIN WIND. LLC**



**O&M BUILDING
ELEVATION
USE PERMIT UP16-007
FOUNTAIN WIND. LLC**



**O&M BUILDING
FLOOR PLAN
USE PERMIT UP16-007
FOUNTAIN WIND. LLC**

To: Gouvea, Bret@CALFIRE[Bret.Gouvea@fire.ca.gov]
Cc: Fooks, Brett@Energy[Brett.Fooks@energy.ca.gov]
From: Marshall, Paul@Energy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61CB4E8BB20942218AD6DE6BE399A1AB-MARSHALL, P]
Sent: Fri 5/5/2023 9:15:47 AM (UTC-07:00)
Subject: Fountain Wind Project

Hi Bret,

My name is Paul Marshall. I am staff at the California Energy Commission helping with the licensing review of the subject project. I recently reviewed the Shasta County Planning Commission report in which you provided some comments regarding potential impacts from the project and how they could be managed. We have also received comments from a group of aerial firefighters for our licensing process that indicated there was some significant concern about the project and firefighting capability.

Our commissioner that is lead on this case is interested in meeting with you to discuss your comments/thoughts on the project. We are hoping you could be available to discuss the project. If so, could you let me know when you might be available in the next few weeks? We would appreciate it. I anticipate we can do a zoom meeting if that works for you.

Thanks for your consideration,

Paul Marshall

To: Ohara, Sean@CALFIRE[Sean.Ohara@fire.ca.gov]
Cc: Fooks, Brett@Energy[Brett.Fooks@energy.ca.gov]
From: Marshall, Paul@Energy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61CB4E8BB20942218AD6DE6BE399A1AB-MARSHALL, P]
Sent: Thur 5/11/2023 12:35:13 PM (UTC-07:00)
Subject: Fountain Wind documents
[Staff recommendation to the Planning Commission \(2\).pdf](#)
[FountainWind-PittRiver Stephen Allen Fitch Comments - Air Attack Issues.pdf](#)

Hi Sean, here are the documents I mentioned re: the subject project. One is the comment letter we received for our licensing case. The other is the Shasta County Planning Commission report from 2021. Pg. 8 -10 has a summary of the input the previous fire chief provided.

Please let me know what you think after your review and we can figure out a path forward. Thanks

To: Payne, Leonidas@Energy[leonidas.payne@energy.ca.gov]
From: Barns, Caitlin[Caitlin.Barns@stantec.com]
Sent: Mon 5/8/2023 3:37:48 PM (UTC-07:00)
Subject: updated response spreadsheet
[fwp response spreadsheet 2023-0508.xlsx](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lon,

Attached please see the updated response spreadsheet with responses for geohazards (one pending), soils, project overview (one pending), and worker safety. Also updated status for BIO-057-59 as we discussed.

Thanks!
Caitlin

Caitlin Barns (she/her)
Senior Biologist
BC 2037 Ecosystems Group Leader
601 SW 2nd Avenue, Suite 1400
Portland, Oregon 97204
503-207-4368

Out of the office May 8-12



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To: Abulaban, Abdel-Karim@Energy[Abdel-Karim.Abulaban@energy.ca.gov]
Cc: Payne, Leonidas@Energy[leonidas.payne@energy.ca.gov]; Ackerman, James@Energy[james.ackerman@energy.ca.gov]
From: Barns, Caitlin[Caitlin.Barns@stantec.com]
Sent: Wed 5/17/2023 12:51:00 PM (UTC-07:00)
Subject: RE: question from FW applicant re water permits
RWQCB Letter-c.pdf

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Hi Karim, in reviewing the RWQCB letter again (see p. 7 of the attached), they request a NOI for the WDR for timber management activities. We will provide a NOI for this permit as well, per RWQCB request.

Thanks,
Caitlin

From: Abulaban, Abdel-Karim@Energy <Abdel-Karim.Abulaban@energy.ca.gov>
Sent: Monday, May 15, 2023 4:07 PM
To: Barns, Caitlin <Caitlin.Barns@stantec.com>
Cc: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>; Ackerman, James@Energy <james.ackerman@energy.ca.gov>
Subject: Re: question from FW applicant re water permits

Hi Caitlin,
I agree and confirm.

Thanks.
Karim

From: Barns, Caitlin <Caitlin.Barns@stantec.com>
Sent: Monday, May 15, 2023 3:58 PM
To: Abulaban, Abdel-Karim@Energy <Abdel-Karim.Abulaban@energy.ca.gov>
Cc: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>; Ackerman, James@Energy <james.ackerman@energy.ca.gov>
Subject: RE: question from FW applicant re water permits

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Hi Karim, thanks for the quick response. Can you confirm I have the assignments right below based on the RWQCB's list of permits?

- 401 – Notice of Intent will suffice
- 404 – Notice of Intent will suffice
- Industrial General Permit – Notice of Intent will suffice
- Waste Discharge Requirements for Timberland Management on Non-Federal and Federal Lands – completeness determination from RWQCB following application submittal
- Waste Discharge Requirements – not applicable (we will not need this because we'll apply for a Section 401 certification)

Thanks!
Caitlin

From: Abulaban, Abdel-Karim@Energy <Abdel-Karim.Abulaban@energy.ca.gov>
Sent: Friday, May 12, 2023 11:51 AM
To: Barns, Caitlin <Caitlin.Barns@stantec.com>
Cc: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>; Ackerman, James@Energy <james.ackerman@energy.ca.gov>
Subject: Re: question from FW applicant re water permits

Good morning Caitlin,

This is Karim Abulaban, Sr. Engineer-Water Resources and the supervisor of the Water Unit.

For Construction General Permits, a NOI would suffice, but if we are talking about Waste Discharge Requirements then we need proof that the Region Water Quality Control Board has accepted the application because WDRs usually have more specific requirements about the characteristics of the wastewater.

Hope this answers your question.

Regards,
Karim

Abdel-Karim Abulaban

Sr. Engineer, Water Resources

California Energy Commission

Direct: 916.776.7978 | **Fax:** 916.654.3882

Abdel-Karim.abulaban@energy.ca.gov

From: Barns, Caitlin <Caitlin.Barns@stantec.com>
Sent: Thursday, May 11, 2023 3:59 PM
To: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Subject: water permits

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Hi Lon,

I have a quick question for your water team – there are a list of permits required by the RWQCB in their response letter. Given that these are typically preconstruction items, what does CEC need from us in order to deem these items complete? Would a Notice of Intent to File suffice for each?

Let me know if we should schedule a call to discuss.

Thanks,
Caitlin

Caitlin Barns (she/her)
Senior Biologist
BC 2037 Ecosystems Group Leader
 601 SW 2nd Avenue, Suite 1400
 Portland, Oregon 97204
 503-207-4368



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Atención: Este correo electrónico proviene de fuera de Stantec. Por favor, tome precauciones adicionales.

To: Joel Thompson[jthompson@west-inc.com]
Cc: Hilliard, Jon@Energy[jon.hilliard@energy.ca.gov]
From: Watson, Carol@Energy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=84E32D50C7DC47D89812B468A50090ED-WATSON, CAR]
Sent: Wed 5/17/2023 9:12:29 AM (UTC-07:00)
Subject: RE: [EXTERNAL] clarification on NSO/CSO range
DRAFT ROC USFWS Aspen West.docx

Hi, Joel,

I left you a voice message yesterday RE Fountain Wind. I work as a liaison biologist for the project on the Energy Commission end, with our Aspen contractors. I'd like to prepare the preceeding emails for docketing, which allows both public, agencies, and interested parties a window into our proceedings and our current thought process and activities. The format is called a Record of Conversation, or ROC, and, as I mentioned we'd docket this to our CEC website. Can you please look this over and give it your approval before I more forward?

Thank you and please reach out with any questions; if you have edits, please do in track changes.

Best,

Carol

Carol Watson
 Staff Biologist
 Siting, Transmission & Environmental Protection Division
 California Energy Commission
 715 P Street
 Sacramento, CA 95814
 Cell: #702.370.1019



From: Chris Huntley <Chuntley@aspeneg.com>
Sent: Tuesday, May 16, 2023 11:28 AM
To: Joel Thompson <jthompson@west-inc.com>; Jordan, Christine J <christine_jordan@fws.gov>
Cc: Eyes, Stephanie A <stephanie_eyes@fws.gov>; Jones, Jennifer <jennifer_jones@fws.gov>; Watson, Carol@Energy <Carol.Watson@energy.ca.gov>; Hilliard, Jon@Energy <jon.hilliard@energy.ca.gov>; Leane Dunn <LDunn@aspeneg.com>; Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Subject: RE: [EXTERNAL] clarification on NSO/CSO range

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Joel et al,

Thanks for including me in this correspondence. I am looping in CEC into this chain.

Best,

Chris

From: Joel Thompson <jthompson@west-inc.com>
Sent: Monday, May 15, 2023 9:19 PM
To: Jordan, Christine J <christine_jordan@fws.gov>

Cc: Eyes, Stephanie A <stephanie_eyes@fws.gov>; Jones, Jennifer <jennifer_jones@fws.gov>; Chris Huntley <Chuntley@aspeneg.com>

Subject: Re: [EXTERNAL] clarification on NSO/CSO range

Thank you Christine... all your added info is appreciated and confirms we are on the same page. I do have access to the CNDDDB data, which we've reviewed, and I'm definitely aware of the closest site as we checked on that in 2021, just to the east. Clearing up those few oddball references in the database would be great though, if that's something you all can work on with Kate...

Thanks again to all three of you for the responses.

Hope you all have a great week.
Joel

On Wed, May 10, 2023 at 2:07 PM Jordan, Christine J <christine_jordan@fws.gov> wrote:

Good Afternoon Joel and Stephanie,

Yes that is all correct regarding that specific area being a hybrid/introgression zone. There have been several genetic analyses on NSOs near Pondosa/McCloud Flats, and other areas in the transition zone (by Dennis Rock, and many others). *That work dropped off many years ago though.* You are both likely familiar with the attached paper (Miller et al. 2017).

1. For the initial turbines on Hatchet Mountain, it was northern spotted owl (NSO) impacts.
2. Then south of Highway 299 is where the extension (or new project?) is proposed.

Just a few more clarifications:

- The California Cascades Recovery Unit for the NSO is south of the Pit River (*along Highway 299*). So that is really where the Service considers the “range” to be/end for the NSO but again, it is a hybrid/transition zone.
- There are confirmed NSO (and CSO) on the Modoc National Forest to the east and north of the NSO California Cascades Recovery Unit (genetics confirmed, etc.).
- So while the NSO range boundary definition remains Highway 299 (*and the California Cascades physiographic province/Recovery Unit*), hybridization is occurring and NSOs are likely dispersing south/southeast and east.
- But for the recognized Range of the NSO, it is the bounding of Highway 299.

I did take a look at the March 2023 CNDDDB data for spotted owls in this general area. Joel, do you have access to that dataset through a private account?

- NSO detections are mapped north of Highway 299, and CSO detections are mapped south of Highway 299. [though some NSO and CSO are also mapped on the Modoc NF, as they are there too]
- There are a few 2019 and 2021 detections of NSO and CSO mapped oddly, however. One NSO is mapped south of 299, and two CSOs are mapped north of 299.

- Our Field Offices can follow up with Kate Keiser on those three points though.

Thank you for reaching out on this Joel. This may be information overload, but we wanted to be responsive.

Please let us know if you have any additional questions,

-Christine

Christine J. Jordan
Wildlife Biologist
U.S. Fish and Wildlife Service
Yreka, CA
530-841-3111 Office
530-842-4517 Fax
christine_jordan@fws.gov

From: Joel Thompson <jthompson@west-inc.com>
Sent: Tuesday, May 9, 2023 8:18 AM
To: Eyes, Stephanie A <stephanie_eyes@fws.gov>
Cc: Jones, Jennifer <jennifer_jones@fws.gov>; Jordan, Christine J <christine_jordan@fws.gov>
Subject: Re: [EXTERNAL] clarification on NSO/CSO range

Thank you Stephanie...

That range delineation is the one I've been using in discussions with folks. I appreciate your input on the matter. Hopefully this will satisfy the folks questioning the range delineations.

Have a great rest of your week,

Joel

On Mon, May 8, 2023 at 5:48 PM Eyes, Stephanie A <stephanie_eyes@fws.gov> wrote:

Hi Joel -

I meant approximately March 2024 for the final listing date for CSO!

Stephanie

From: Eyes, Stephanie A <stephanie_eyes@fws.gov>
Sent: Monday, May 8, 2023 11:33 AM
To: Joel Thompson <jthompson@west-inc.com>; Jones, Jennifer <jennifer_jones@fws.gov>
Cc: Jordan, Christine J <christine_jordan@fws.gov>
Subject: Re: [EXTERNAL] clarification on NSO/CSO range

Hi Joel -

We recently completed our review of CSO and uploaded the official range of CSO on the following webpage: <https://ecos.fws.gov/ecp/species/7266>

This whole area around the Pit River is kind of a hybrid zone, so we didn't include it in the official range due to the uncertainties. However, you are correct that most experts say south of Pit River is CSO, and your project location fits that. If your project will be completed prior to ~ March 2023, there is no requirement to communicate with USFWS unless the project is jeopardy. If you have questions regarding post-listing for CSO, I will direct you to my supervisor, Rick Kuyper at richard_kuyper@fws.gov

Thanks for reaching out to us because the CSO versus NSO in this particular area can be somewhat complicated until

both species are listed.

Stephanie Eyes
U.S. Fish and Wildlife Service
Fish and Wildlife Biologist
Sierra/Cascades Division
Sacramento, CA
916-414-6588

From: Joel Thompson <jthompson@west-inc.com>
Sent: Friday, May 5, 2023 8:49 AM
To: Jones, Jennifer <jennifer_jones@fws.gov>
Cc: Jordan, Christine J <christine_jordan@fws.gov>; Eyes, Stephanie A <stephanie_eyes@fws.gov>
Subject: Re: [EXTERNAL] clarification on NSO/CSO range

Thank you Jen. Any confirmation from you Christine or Stephanie, would also be appreciated.

For reference, the project area is loosely based around the point in the attached KMZ, south of HWY 299 (Fountain Fire area). I'm aware of some CSO in the area (and their review status), but want to verify that I don't need to worry about NSO in this location.

Thank you all.
Joel

On Fri, May 5, 2023 at 7:01 AM Jones, Jennifer <jennifer_jones@fws.gov> wrote:
Hi Joel, great to hear from you! How I miss those RTV days and tree climbing...

That sounds right to me, but I'm cc'ing a couple of my colleagues with the FWS to double check. One works with NSO and the other with CSO to cover our bases.

In the meantime, do you have a map handy you can send us? If not, no worries, your description gives good detail.

Stephanie and Christine, let us know if Joel's thought process is correct for NSO/CSO.

Jen

Jennifer Jones
Branch Manager, Forest Resources
US Fish and Wildlife Service
1829 S. Oregon St. Yreka, CA 96097
Main office: (530) 842-5763
Direct: (530) 841-3109
Cell: (530) 340-2390 (please use this number while I telework due to Covid-19)
FAX: (530) 842-4517

From: Joel Thompson <jthompson@west-inc.com>
Sent: Thursday, May 4, 2023 2:38 PM
To: Jones, Jennifer <jennifer_jones@fws.gov>
Subject: [EXTERNAL] clarification on NSO/CSO range

responding.

Hello Jennifer.

I am working on a project in Shasta County that sits near the Hatchet Ridge Wind farm, between Burney and Montgomery Creek and south of HWY 299. The project will ultimately have some timber removal along a few road right of ways (~25-50 ish acres total), and one of the folks reviewing the project has raised the concern over impacts to NSO due to the habitat modifications. As I understand it, and have tried to explain to him, this is in the range of CSO, not NSO, and any habitat mods should be evaluated as impacts to CSO.. Furthermore, any SPOW response to surveys in this area would be treated as CSO, not NSO...

I know that the forest practice rules specify the Pit River as the boundary between CSO/NSO for management purposes. USFWS range maps also show NSO range stopping North of 299, with some overlap with CSO in this region...

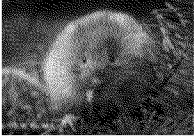
Am I interpreting things correctly? In this area, south of HWY 299, we would not need to consult with USFWS on impacts to NSO?

BTW... Rich Klug and Kori Hutchison both pointed me toward you as the person to ask for clarification, from a USFWS perspective.

Your input on the matter would be greatly appreciated, assuming you are the right person to ask.

Thank you very much.

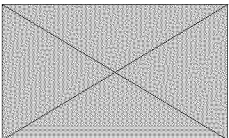
Long time no see :)



Joel

--

Joel Thompson
Senior Biologist / PNW Branch Manager



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 2725 NW Walnut Blvd
 Corvallis, OR 97330
 (307) 214-2799
jthompson@west-inc.com
www.west-inc.com

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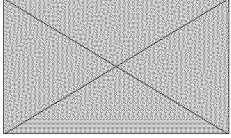
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Joel Thompson
Senior Biologist / PNW Branch Manager



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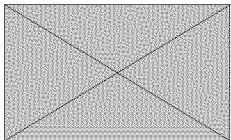
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Joel Thompson
Senior Biologist / PNW Branch Manager



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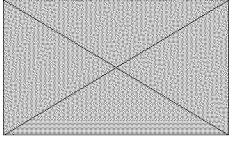
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Joel Thompson
Senior Biologist / PNW Branch Manager



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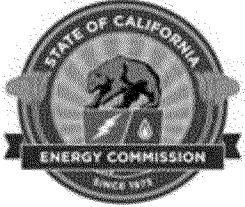
To: Caitlin.Barns@stantec.com[Caitlin.Barns@stantec.com]
Cc: Payne, Leonidas@Energy[leonidas.payne@energy.ca.gov]
From: Ackerman, James@Energy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3CC35DE240CF4253AF9CC7D3D2CBB643-ACKERMAN, J]
Sent: Fri 5/12/2023 5:38:17 PM (UTC-07:00)
Subject: RE: Fountain Wind (23-OPT-01) Soils-03

Ms. Burns: I am seeing the shading for the various levels of the K-Factor on the Figure Soils-003 you uploaded to the Fountain Wind docket.

Thank you for your efforts in getting this resolved.

Have a good weekend.

James Ackerman, PG #6493
Engineering Geologist
California Energy Commission
Siting, Transmission and Environmental Protection Division
Direct: (530) 878-4966
Email: james.ackerman@energy.ca.gov



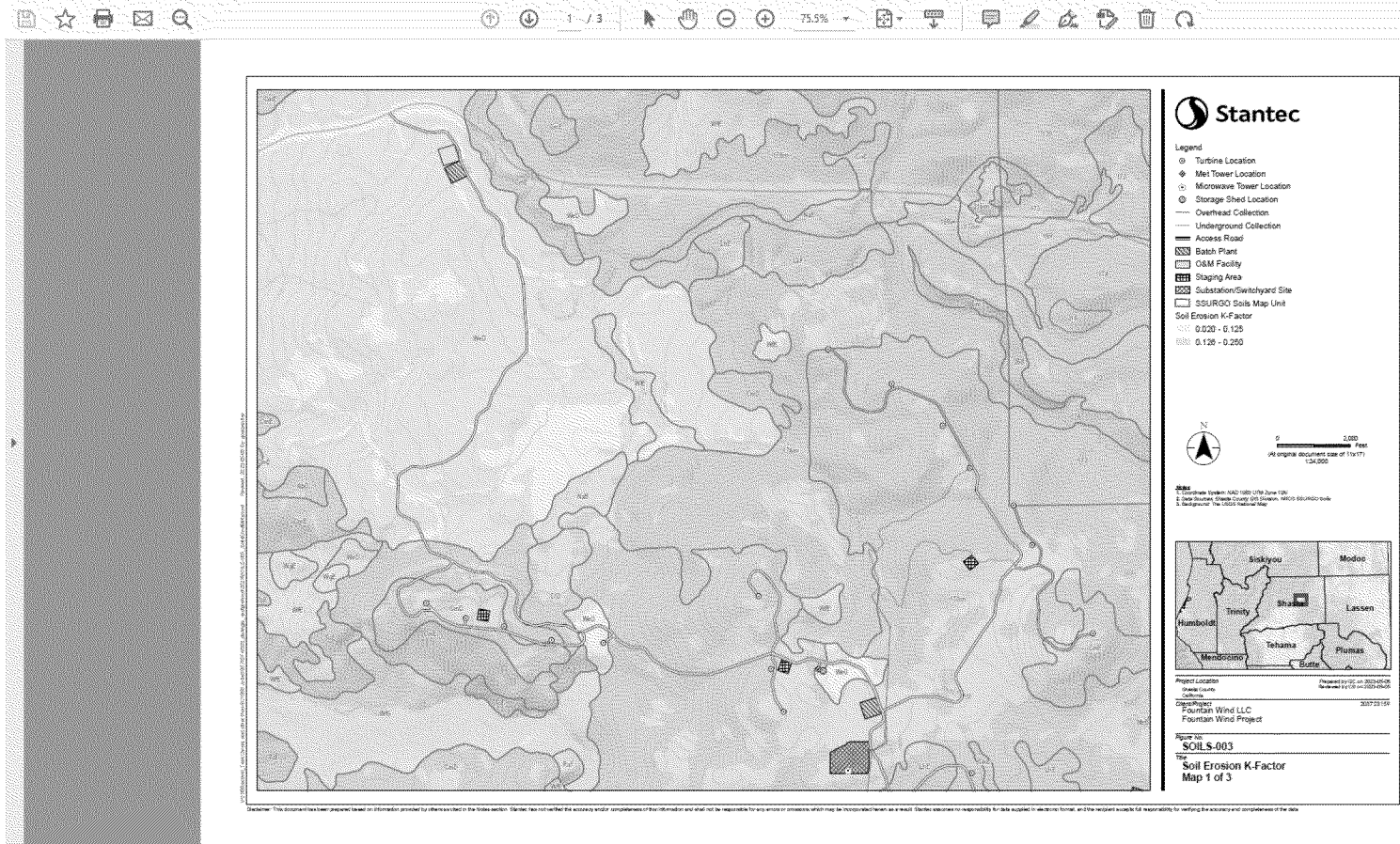
From: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Sent: Friday, May 12, 2023 4:57 PM
To: Ackerman, James@Energy <james.ackerman@energy.ca.gov>
Subject: Fwd: Fountain Wind (23-OPT-01) Soils-03

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From: Barns, Caitlin <Caitlin.Barns@stantec.com>
Sent: Friday, May 12, 2023 1:42 PM
To: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Subject: RE: Fountain Wind (23-OPT-01) Soils-03

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I reuploaded the figure to the docket. Let me know if for some reason it doesn't look like this:



From: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>

Sent: Friday, May 12, 2023 9:18 AM

To: Barns, Caitlin <Caitlin.Barns@stantec.com>

Subject: Fountain Wind (23-OPT-01) Soils-03

Reply from James Ackerman re Soils-03...

From: Ackerman, James@Energy <james.ackerman@energy.ca.gov>

Sent: Thursday, May 11, 2023 3:47 PM

To: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>

Subject: RE: Fountain Wind (23-OPT-01) Data Adequacy/Data Request tracking--input needed by COB Tues May 16

Lon: I have no idea how Ms. Burns can make that statement.

As an example, below are screen shots of the same portion of Figure 2 (Soils Map, TN250058) and Figure 3 (Soil Erosion K-Factor Map, TN250060).

The Soil Erosion K-Factor is included in the legend (as I said in my last email), however this shading is not included within the map and both maps are the same.

I did review all the Figure 3 maps and the K-Factor shading seen in the legend is not shown on any of the maps.

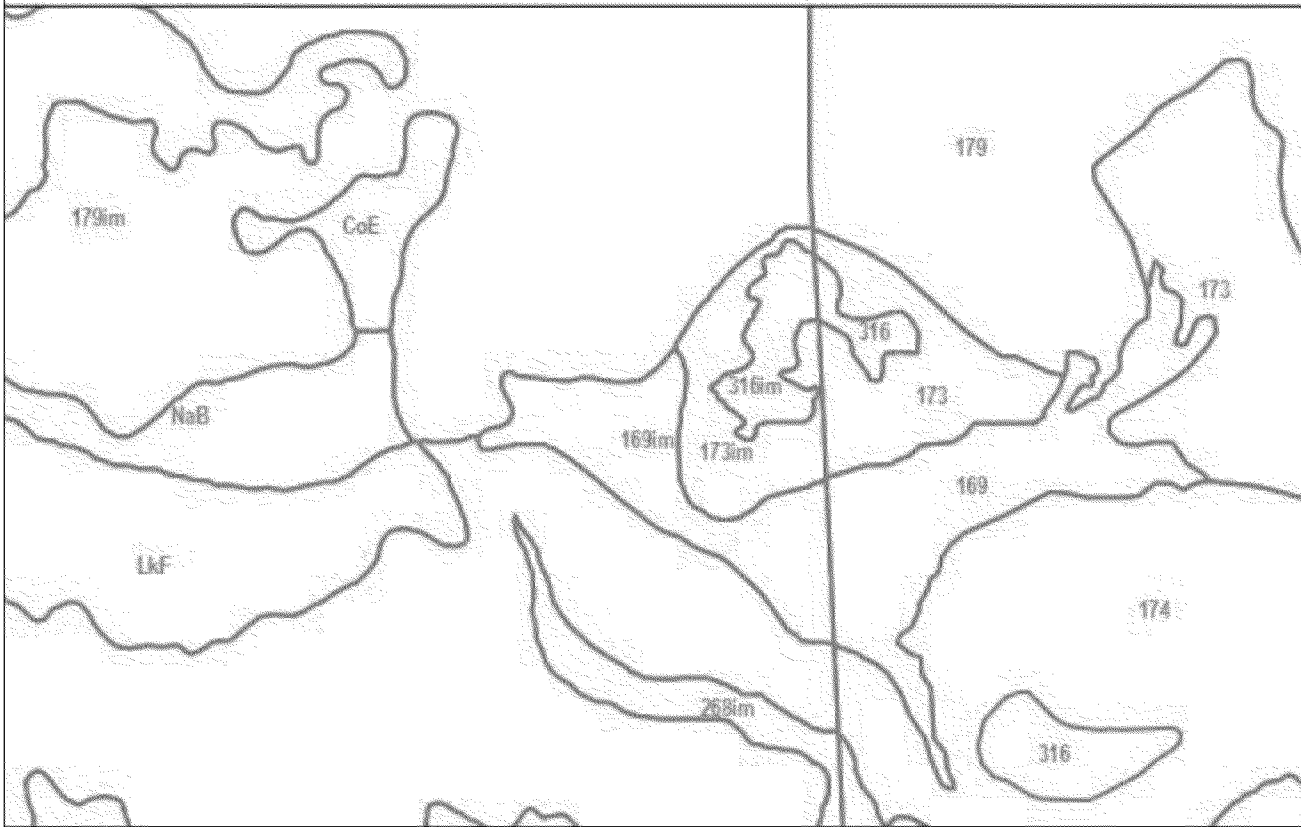
It might be helpful if Ms. Burns could identify exactly where the K-Factor shading is displayed on the Figure 3 maps.

TN250058

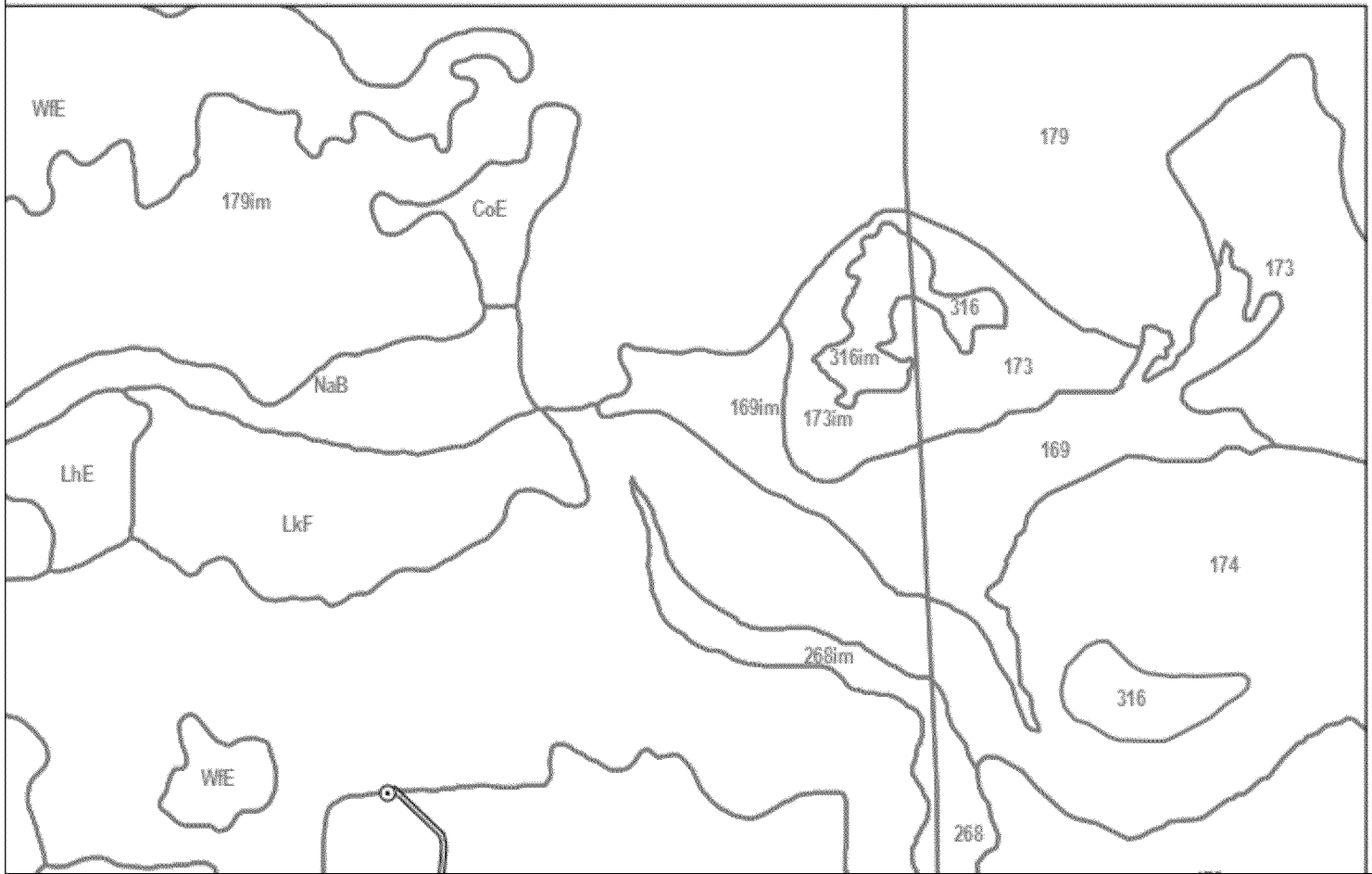


Legend

- Turbine Location
- Met Tower Location
- Microwave Tower
- Storage Shed
- Overhead Cable
- Underground Cable
- Access Road
- Batch Plant
- O&M Facility
- Staging Area
- Substation/Symbol
- SSURGO Symbol
- Soils Farmland Class
- Prime farmland



TN250060



James Ackerman, PG #6493
 Engineering Geologist
 California Energy Commission
 Siting, Transmission and Environmental Protection Division
 Direct: (530) 878-4966
 Email: james.ackerman@energy.ca.gov



From: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Sent: Thursday, May 11, 2023 3:17 PM
To: Ackerman, James@Energy <james.ackerman@energy.ca.gov>
Subject: Re: Fountain Wind (23-OPT-01) Data Adequacy/Data Request tracking--input needed by COB Tues May 16

Reply from Caitlin on Soils-03:

I looked again at the Soils-003 figure (erosion K factors) and they are indeed on the figure. They're a little hard to see but each soil map unit is colored a shade of orange that corresponds to the K-Factor identified in the key. Let me know if this is sufficient.

Let me know if this prompts any changes to what you put in the disposition column for that item.

--Lon

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To: Paul Hellman[phellman@co.shasta.ca.us]
From: Payne, Leonidas@Energy[/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa9d25dde24e40429efa06c4eed35807-Payne, Leon]
Sent: Wed 5/17/2023 7:43:38 AM (UTC-07:00)
Subject: Re: Fountain Wind Project

Yes, Paul, I am happy to set up the meeting.

I have already inquired with our budget/accounting folks about the procedures associated with cost reimbursement—if we have any written guidance on that I will send it out to you as soon as I receive something.

As for the rest, it would be helpful if you could provide more specifics on what you mean by "the several procedural issues" and "other parameters regarding the CEC's decision making process concerning the Project." I want to make sure that I'm inviting the right CEC folks who can answer any questions that Shasta County may have, and I also want to make sure we have a clear agenda so that everyone is on the same page.

I'll get to work on identifying dates/times as soon as I hear back from you.

Lon Payne—Project Manager
California Energy Commission

From: Paul Hellman <phellman@co.shasta.ca.us>
Sent: Tuesday, May 16, 2023 8:18 PM
To: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Subject: Fountain Wind Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lon,

The County of Shasta is continuing to evaluate and prepare to respond to the application for the Fountain Wind Project submitted to the CEC. I am writing to request a meeting with yourself and any other CEC staff that you would like to include to discuss the several procedural issues, cost reimbursement and other parameters regarding the CEC's decision making process concerning the Project. I would like to include one or two members of my staff, one or two County Counsel staff members, and Outside Counsel. If you are amenable, please provide some dates and times that would work for you and your team.


Sincerely,
Paul Hellman, Director
Shasta County Department of Resource Management
(530) 225-5114
<https://www.co.shasta.ca.us/index/drm>

To: Negar Vahidi[NVahidi@aspeneg.com]; Tatiana Inouye[TInouye@aspeneg.com]
Cc: Kerr, Steven@Energy[Steven.Kerr@energy.ca.gov]
From: Payne, Leonidas@Energy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AA9D25DDE24E40429EFA06C4EED35807-PAYNE, LEON]
Sent: Thur 5/25/2023 11:01:01 AM (UTC-07:00)
Subject: Fountain Wind Project (23-OPT-01) Alt-01 response preview

Following on the heels of the initial list of alternatives the applicant plans to propose, today I got a preview of the applicant's upcoming response to Alt-01.

They are going to say that the material we consulted in our DA review (TN 248288: DEIR Description of Project and Alternatives; pages 2-1 to 2-40) was not all the relevant info.

Quoting Caitlin directly: "The information required to respond to ALT-01 was submitted in the original application, specifically: pp. i through iii of Project Description and Executive Summary entitled "Site Selection" (TN #248322). The numerous reasons why this site was selected and others were not pursued are explained there. Key reasons include wind speed, available transmission capacity, available site control, disturbed habitat (land is managed timberlands), low population density, ability to avoid/minimize significant biological impacts; ability to avoid/minimize significant archeological impacts, existing access road, proximity of existing wind project (Hatchet Ridge). The reviewer references the DEIR as the source of their information on site selection and alternatives. We are pointing out that the project description we submitted as part of the original Opt-in application (not from the DEIR) has a detailed section on site selection and criteria used to screen the current project layout."

Please take a look at the additional material and update the disposition column for that item, with a note that the official response on this item hasn't been docketed yet. Link to the tracker is here:  [FW DA DR response tracker.xlsx](#)

Just a heads up—I am also working to get them to expedite their response to Alt-02, concerning project objectives, because I expect that response will be useful for our internal discussions re Alts which Eric K would like to get started sooner rather than later.

Lon Payne—Project Manager
 California Energy Commission

To: Payne, Leonidas@Energy[leonidas.payne@energy.ca.gov]
From: Barns, Caitlin[Caitlin.Barns@stantec.com]
Sent: Thur 5/25/2023 1:26:27 PM (UTC-07:00)
Subject: RE: Fountain Wind Project, Shasta County

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lon, we acknowledge PO-14 and LU-008 incorrectly list the Project's leasehold APNs. The parcels Bruce identified are indeed non-participating parcels. We are working to update both documents (and double-checking all previously submitted) but will need more than just today to finalize. I'll keep you updated on the process.

Thanks,
 Caitlin

From: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Sent: Thursday, May 25, 2023 10:11 AM
To: Barns, Caitlin <Caitlin.Barns@stantec.com>
Subject: Fw: Fountain Wind Project, Shasta County

Caitlin—this inquiry came in via the general Siting email address, but it's specific to Fountain Wind. Please look into it and draft up a quick reply, including any corrected figures, as necessary. I'll get that information to the right people internally, and I'll also work with the person submitting the question to see if they want their initial email docketed along with your response and any updated figures.

If you have a specific estimate of how long it might take to work up a response package, please send that my way—that will be useful information to have if they follow-up with me directly.

Lon Payne—Project Manager
 California Energy Commission

From: BruceMartha Webb <webbfarm@gmail.com>
Sent: Wednesday, May 24, 2023 11:42 AM
To: Energy - STEP Siting <STEPsiting@energy.ca.gov>
Cc: Tita Mallory <dogwoodacresllc@gmail.com>
Subject: Fountain Wind Project, Shasta County

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Leonidas Payne, Project Manager-

Dear Sir:

I am a member of Dogwood Acres LLC which owns several parcels within the subject project lease area. I subscribe to the automated email notifications for this project. My review of certain project documents indicates that private inholdings within the lease area are incorrectly shown as owned by the lessor. Specifically, Assessor's Parcels 029-210-024, 025, 026, 027, 028 and 032 are all privately held parcels. Parcels 024, 025, 026, and 027 are owned by Dogwood Acres LLC. Parcel 028 is owned by Carol and Rick Forster, who are also members of Dogwood Acres LLC. Parcel 032 is also privately held. These parcels are incorrectly represented as owned by the lessor (Roseburg Resources or Shasta Cascade Timberlands LLC) on several project documents submitted to your office, including Figure PO-014 and Memo LU-008 although there may be others.

Please require the applicant or their consultant to correct these discrepancies. The discrepancies may lead to incorrect assumptions about the potential siting of turbines, planned or required road improvements, access rights and the adequacy of buffer distances from private lands. Dogwood Acres LLC would appreciate a response to this email message with an indication the misrepresentations have been corrected

If you wish to discuss this matter I can be reached at 530-515-5324.

Thank you,
Bruce Webb for Dogwood Acres LLC

Caution: This email originated from outside of Stantec. Please take extra precaution.

Attention: Ce courriel provient de l'extérieur de Stantec. Veuillez prendre des précautions supplémentaires.

Atención: Este correo electrónico proviene de fuera de Stantec. Por favor, tome precauciones adicionales.

To: Payne, Leonidas@Energy[leonidas.payne@energy.ca.gov]
From: BruceMartha Webb[webbfarm@gmail.com]
Sent: Thur 5/25/2023 3:16:16 PM (UTC-07:00)
Subject: Re: Fw: Fountain Wind Project, Shasta County

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Mr. Payne-

Could you please inform me whether the Energy Commission has determined if the Fountain Wind application for Opt In is complete? We would also appreciate knowing if the Energy Commission as lead agency pursuant to CEQA will require a new DEIR, or if a Subsequent or Supplemental EIR pursuant to PRC 15162 or 15163 will be prepared, or if an Addendum pursuant to PRC 15164 will be prepared.

Thank You,
 Bruce Webb for Dogwood Acres LLC

On Thu, May 25, 2023 at 10:15 AM Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov> wrote:

Thanks for bringing this to my attention. I've directed the applicant to look into it and I have asked them to develop a response including any corrected figures that might be necessary to get into the project docket.

Lon Payne—Project Manager
 California Energy Commission

From: BruceMartha Webb <webbfarm@gmail.com>
Sent: Wednesday, May 24, 2023 11:42 AM
To: Energy - STEP Siting <STEPsiting@energy.ca.gov>
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Please require the applicant or their consultant to correct these discrepancies. The discrepancies may lead to incorrect assumptions about the potential siting of turbines, planned or required road improvements, access rights and the adequacy of buffer distances from private lands. Dogwood Acres LLC would appreciate a response to this email message with an indication the misrepresentations have been corrected

If you wish to discuss this matter I can be reached at 530-515-5324.

Thank you,
 Bruce Webb for Dogwood Acres LLC

To: Payne, Leonidas@Energy[leonidas.payne@energy.ca.gov]
From: Paul Hellman[phellman@co.shasta.ca.us]
Sent: Thur 5/25/2023 2:00:14 PM (UTC-07:00)
Subject: RE: Fountain Wind Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lon,

Thanks for responding so quickly. Shasta County would like the CEC's feedback on the following items and is proposing the below agenda:

1. AB 205. As you know, the Shasta County Planning Commission and Shasta County Board of Supervisors each denied the project prior to the enactment of AB 205. We would like to discuss the CEC's jurisdiction over projects that have been previously denied and allowing applicants two bites at the apple.
2. County's Review Process. If the process moves forward, we'd like to discuss how the CEC envisions the County's level of participation and any information needed from us.
3. Cost reimbursement. The law allows Shasta County to be reimbursed for the costs of reviewing and commenting on the application and CEC documents. The County anticipates that a full opportunity to review and participate will involve considerable resources, which include outside expertise. We'd like to discuss the CEC's reimbursement process, and obtain examples of cost reimbursement requests and approvals.
4. County Wind Ordinance. The County has enacted an ordinance prohibiting large wind energy systems. Any approval by the CEC would require preemption of the ordinance, if that's legal. The County would like to discuss what information would be taken into account for this determination.
5. County Permitting Authority. We would like to discuss the scope of the CEC's certification authority under AB 205 and whether the CEC believes that its authority preempts all local agency discretionary and ministerial permitting and approvals (with the exception of the Shasta County Air Quality Management District since AB 205 addresses local air quality management districts taking final action on facilities within 90 days of CEC certification), particularly local officials with health and safety jurisdiction.
6. Application Completion Status. We'd like to see what the status of the application is and when a completion determination is anticipated. We'd like to also discuss staff's current review and determinations on the applicant's community benefits agreement plan and analysis of net positive economic benefit.
7. General / Miscellaneous. Depending on the meeting's discussion and time permitting, the County might have additional questions and would also do its best to provide helpful information and answers to questions, if any, that you or others may have.

Sincerely,

Paul Hellman, Director

Shasta County Department of Resource Management

(530) 225-5114

<https://www.co.shasta.ca.us/index/drm>

From: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>

Sent: Wednesday, May 17, 2023 7:44 AM

To: Paul Hellman <phellman@co.shasta.ca.us>

Subject: Re: Fountain Wind Project



EXTERNAL SENDER: Do not follow links or open attachments unless you recognize the sender and know the content is safe.

Yes, Paul, I am happy to set up the meeting.

I have already inquired with our budget/accounting folks about the procedures associated with cost reimbursement—if

we have any written guidance on that I will send it out to you as soon as I receive something.

As for the rest, it would be helpful if you could provide more specifics on what you mean by "the several procedural issues" and "other parameters regarding the CEC's decision making process concerning the Project." I want to make sure that I'm inviting the right CEC folks who can answer any questions that Shasta County may have, and I also want to make sure we have a clear agenda so that everyone is on the same page.

I'll get to work on identifying dates/times as soon as I hear back from you.

Lon Payne—Project Manager
California Energy Commission

From: Paul Hellman <phellman@co.shasta.ca.us>
Sent: Tuesday, May 16, 2023 8:18 PM
To: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Subject: Fountain Wind Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lon,

The County of Shasta is continuing to evaluate and prepare to respond to the application for the Fountain Wind Project submitted to the CEC. I am writing to request a meeting with yourself and any other CEC staff that you would like to include to discuss the several procedural issues, cost reimbursement and other parameters regarding the CEC's decision making process concerning the Project. I would like to include one or two members of my staff, one or two County Counsel staff members, and Outside Counsel. If you are amenable, please provide some dates and times that would work for you and your team.

Sincerely,
Paul Hellman, Director
Shasta County Department of Resource Management
(530) 225-5114
<https://www.co.shasta.ca.us/index/drm>

To: Payne, Leonidas@Energy[leonidas.payne@energy.ca.gov]
From: Barns, Caitlin[Caitlin.Barns@stantec.com]
Sent: Thur 5/25/2023 3:26:22 PM (UTC-07:00)
Subject: RE: Fountain Wind KMZs
Fountain Wind revised 2022-0907.kmz
WR-007 Water24k.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lon, ConnectGen related that your bio team requested the most up-to-date project disturbance limits on the Tuesday call. Please use the kmz I submitted to you as part of the visual submittal on 5/9, which is attached again for reference. A good map to use (until we submit the project overview map with the project description) is WR-007_Water (TN# 250302), also attached.

Thanks,
 Caitlin

From: Barns, Caitlin
Sent: Tuesday, May 9, 2023 11:32 AM
To: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Subject: RE: Fountain Wind KMZs

Hi Lon, see attached for 1) KOP locations (from DEIR) and 2) revised (48-turbine) layout, both for visual.

Thanks,
 Caitlin

From: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Sent: Tuesday, May 9, 2023 11:17 AM
To: Barns, Caitlin <Caitlin.Barns@stantec.com>
Subject: Re: Fountain Wind KMZs

yes, send to me and I'll get them in the right folder.

From: Barns, Caitlin <Caitlin.Barns@stantec.com>
Sent: Tuesday, May 9, 2023 11:15 AM
To: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Subject: Re: Fountain Wind KMZs

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I definitely submitted them (along with the jpegs)—they are small enough to email, should I just resend to you and Steve Kerr?

Get [Outlook for iOS](#)

From: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Sent: Tuesday, May 9, 2023 10:32:04 AM
To: Barns, Caitlin <Caitlin.Barns@stantec.com>
Subject: Fw: Fountain Wind KMZs

Is it possible these kmz files haven't been sent to us yet?

From: Michael Clayton <mc.mca@comcast.net>
Sent: Tuesday, May 9, 2023 10:23 AM
To: Kerr, Steven@Energy <Steven.Kerr@energy.ca.gov>
Cc: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Subject: Fountain Wind KMZs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the

sender and know the content is safe.

Hi Steve,

As far as I can tell, I have not actually received the Fountain Wind kmz files that are referenced in the May 2 Submittal of Files via Kiteworks (Doc TN249950-1). There are two kmz files listed at the end of the Memo but I haven't received them nor found access to them yet, either through Kiteworks or Aspen's SharePoint server. Maybe I missed a transmittal somewhere.

Michael

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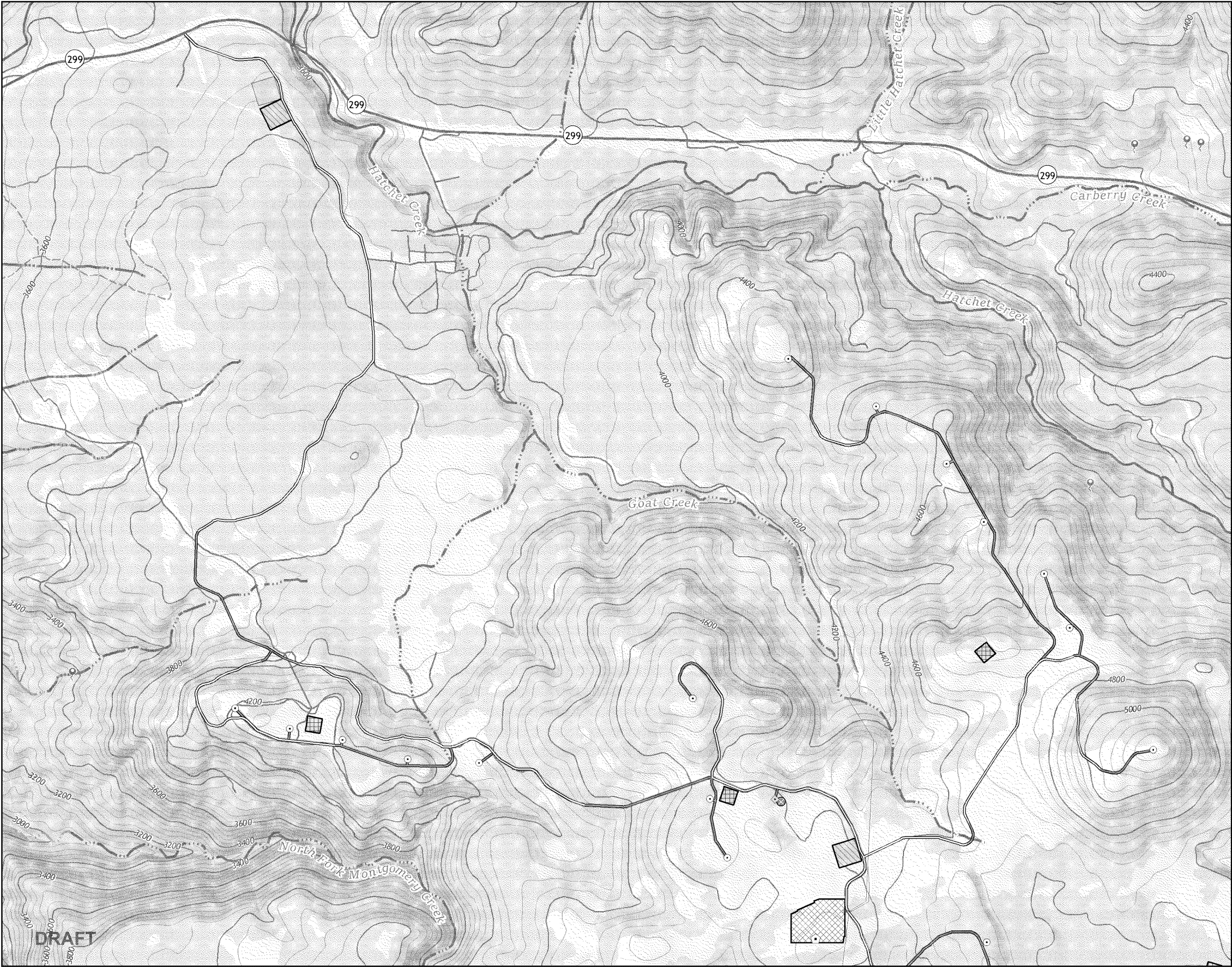
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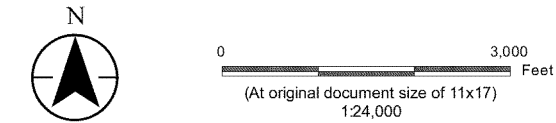
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V:\1850\active\Task Owner and other Non-BC\1856 Jobs\185703\43\03_data\gis_cadd\gis\mxd\2023\WR-007_Water24.mxd Revised: 2023-05-19 By: granpenier

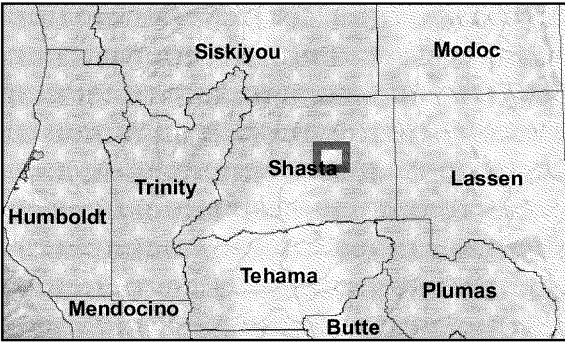


Legend

- Turbine Location
- Met Tower Location
- Microwave Tower Location
- Storage Shed Location
- Overhead Collection
- Underground Collection
- Existing Access Road
- New Access Road
- Batch Plant
- O&M Facility
- Staging Area
- Substation/Switchyard Site
- Spring
- Perennial Stream
- Intermittent Stream
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- 100' Contour
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- Local Road
- 4WD Road/Trail



- Notes**
- Coordinate System: NAD 1983 UTM Zone 10N
 - Data Sources: Shasta County GIS Division
 - Background: The USGS Topo Map Vector Data



Project Location
Shasta County
California

Prepared by GC on 2023-05-04
TR Review by DA on 2023-05-05
IR Review by CB on 2023-05-05

Client/Project
Fountain Wind LLC
Fountain Wind Project

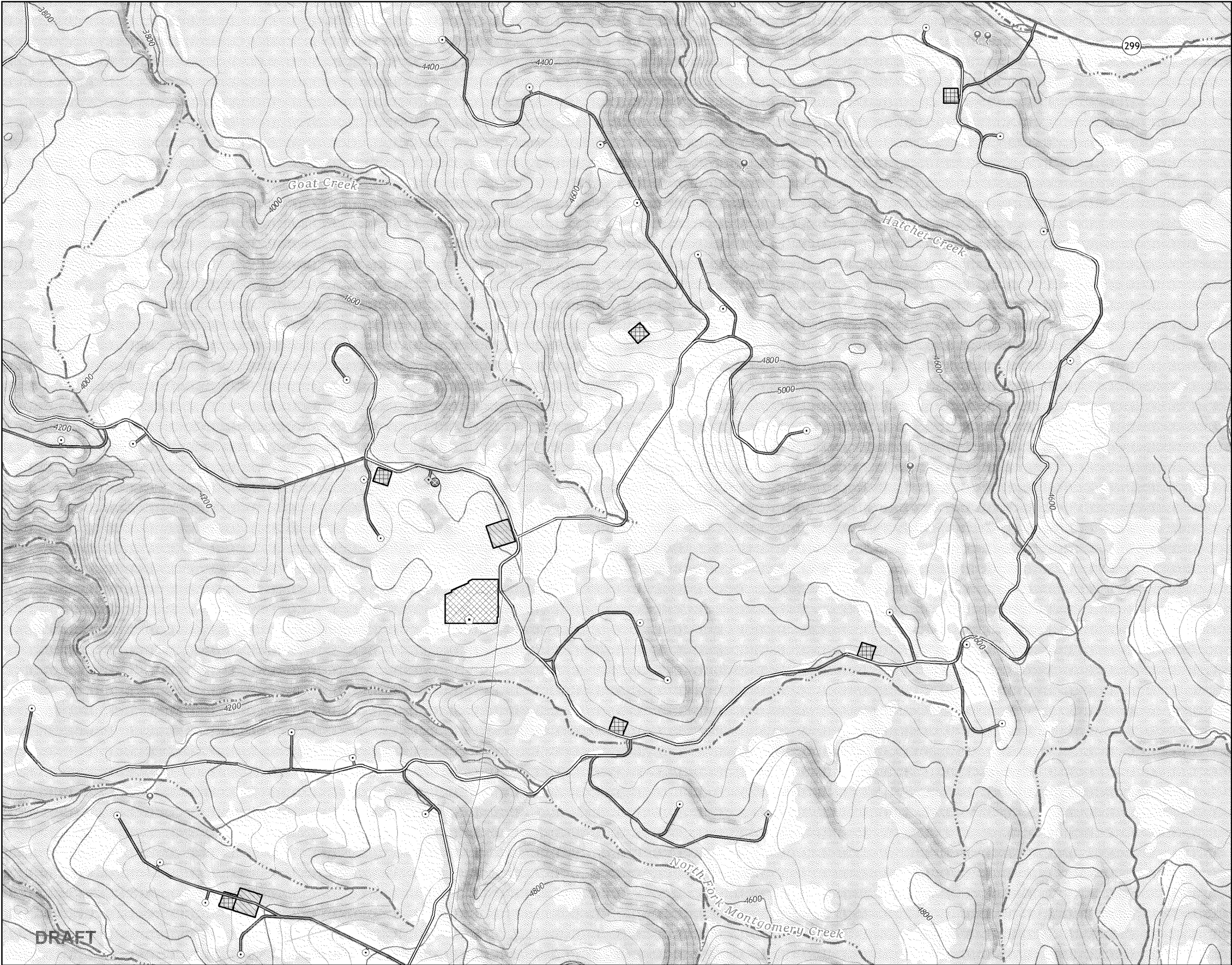
203723159

Figure No.
WR-007

Title
Streams and Waterbodies
Map 1 of 3

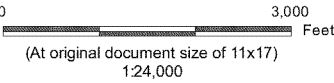
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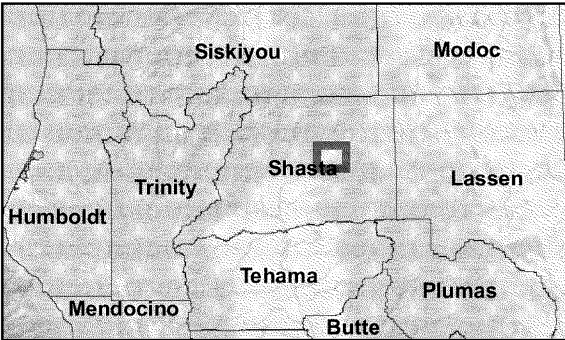


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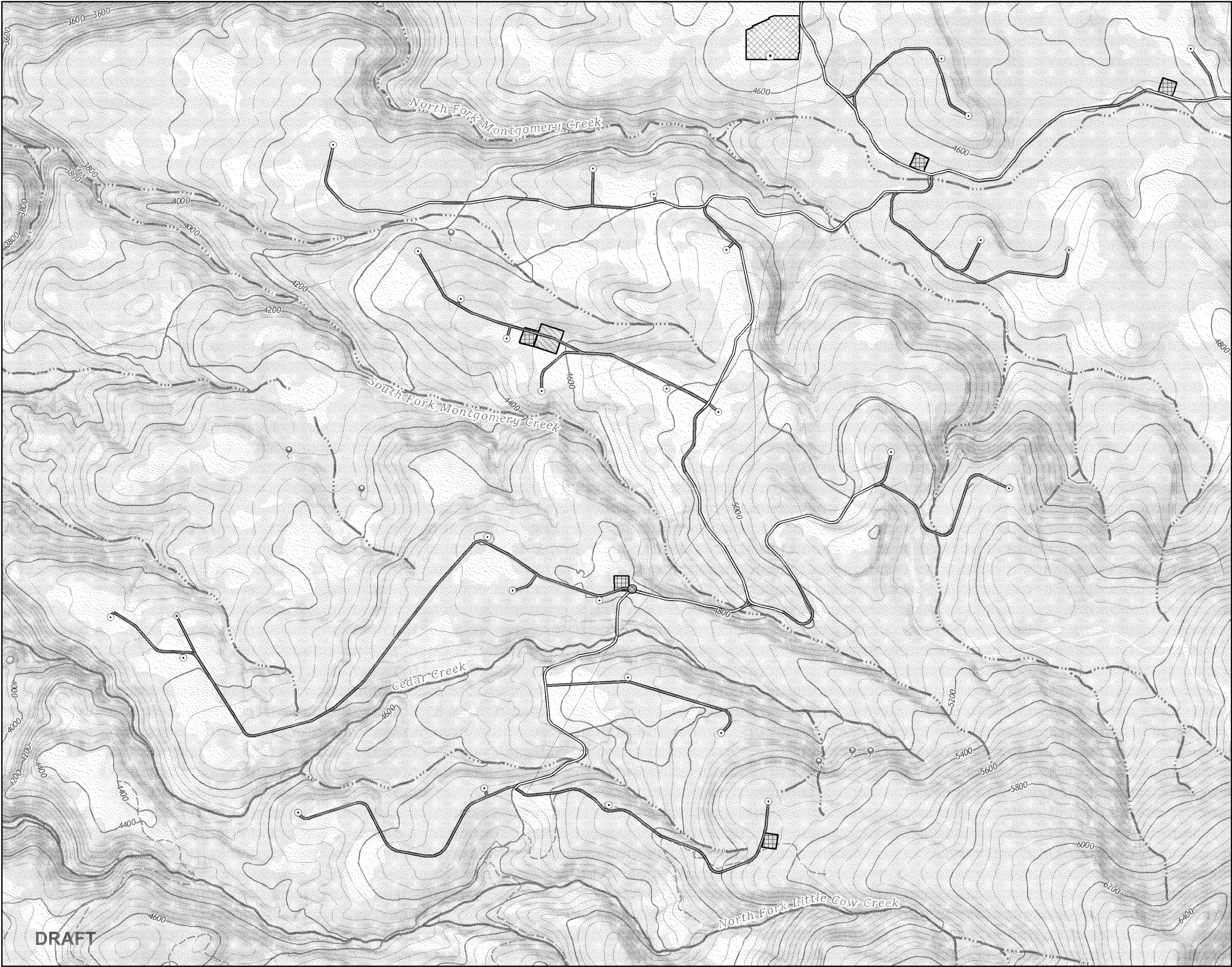
Prepared by GC on 2023-05-04
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203723159

Figure No. **WR-007** **DRAFT**

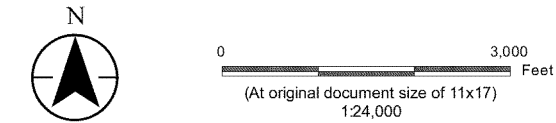
Title **Streams and Waterbodies**
Map 2 of 3

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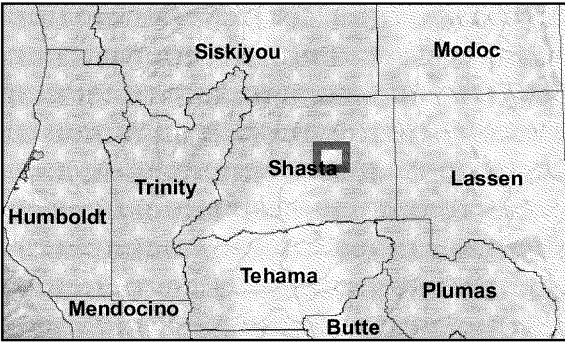


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California

Prepared by GC on 2023-05-04
TR Review by DA on 2023-05-05
IR Review by CB on 2023-05-05

Client/Project
Fountain Wind LLC
Fountain Wind Project

203723159

Figure No.
WR-007

Title
Streams and Waterbodies
Map 3 of 3

DRAFT

To: Watson, Carol@Energy[Carol.Watson@energy.ca.gov]; Chris Huntley[Chuntley@aspeneg.com]; Leane Dunn[LDunn@aspeneg.com]
Cc: Hilliard, Jon@Energy[jon.hilliard@energy.ca.gov]
From: Payne, Leonidas@Energy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AA9D25DDE24E40429EFA06C4EED35807-PAYNE, LEON]
Sent: Fri 5/26/2023 9:37:23 AM (UTC-07:00)
Subject: Fw: Fountain Wind KMZs
[Fountain Wind revised 2022-0907.kmz](#)
[WR-007 Water24k.pdf](#)

Caitlin sent this to me yesterday. Let me know if this is what you were looking for.

--Lon

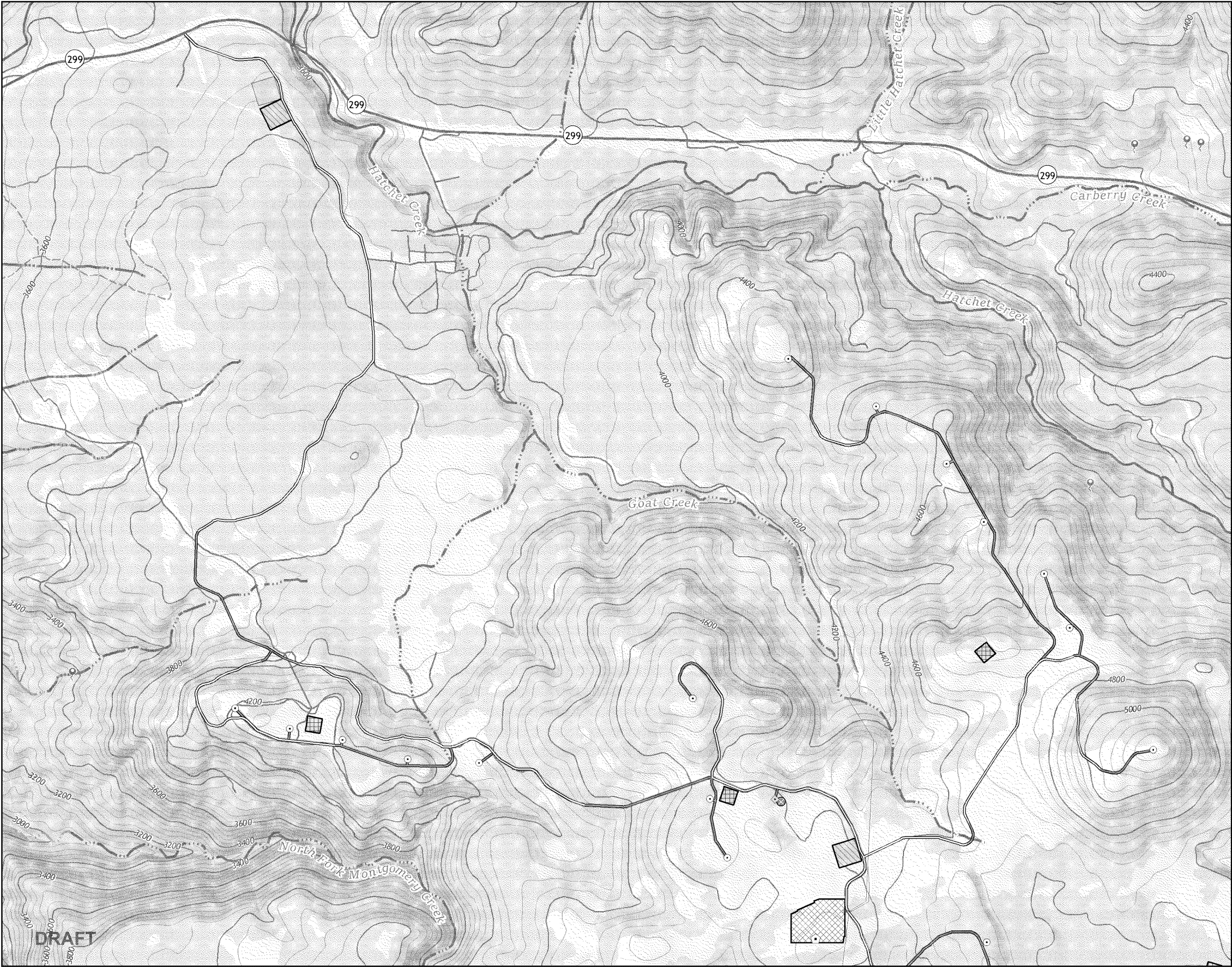
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Sent: Thursday, May 25, 2023 3:26 PM
To: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Subject: RE: Fountain Wind KMZs

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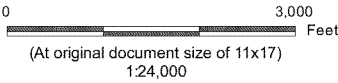
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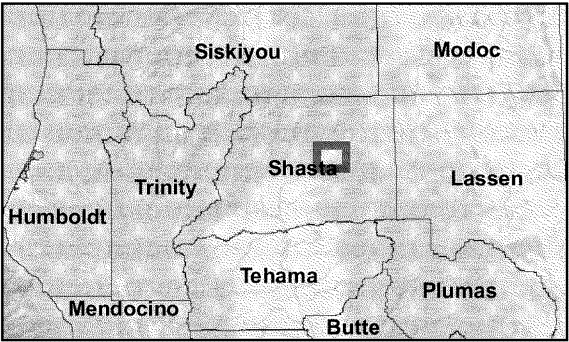


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Client/Project
Fountain Wind LLC
Fountain Wind Project

203723159

Figure No.

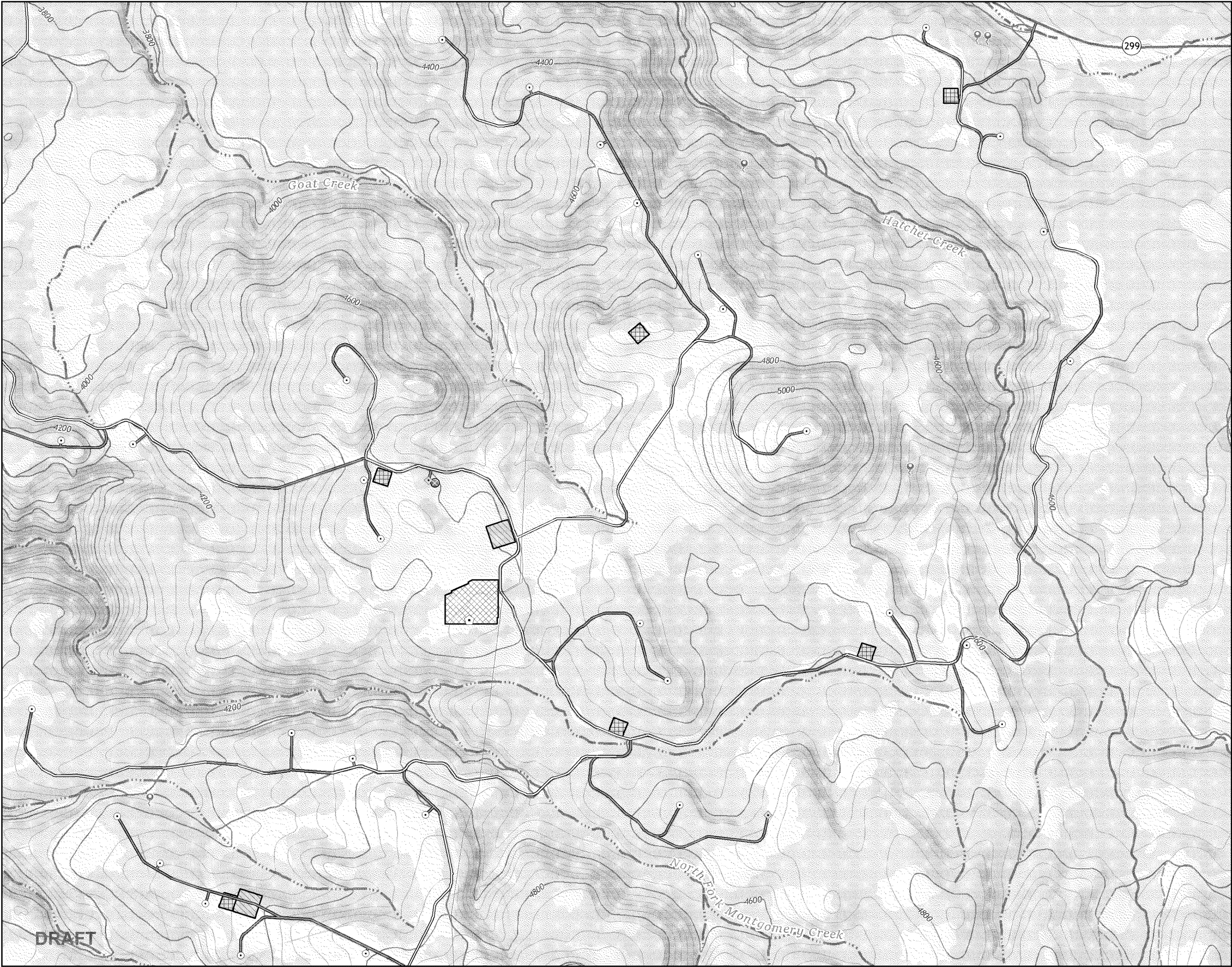
WR-007

DRAFT

Title

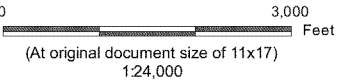
**Streams and Waterbodies
Map 1 of 3**

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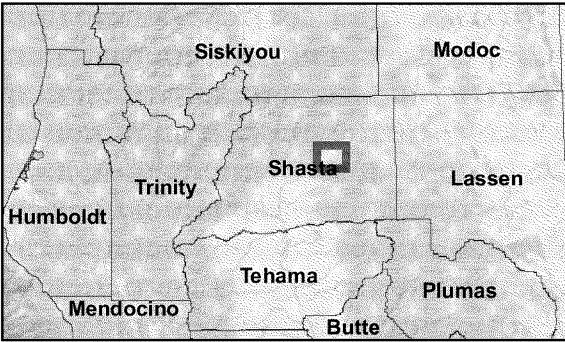


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Shasta County
California

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Prepared by GC on 2023-05-04
TR Review by DA on 2023-05-05
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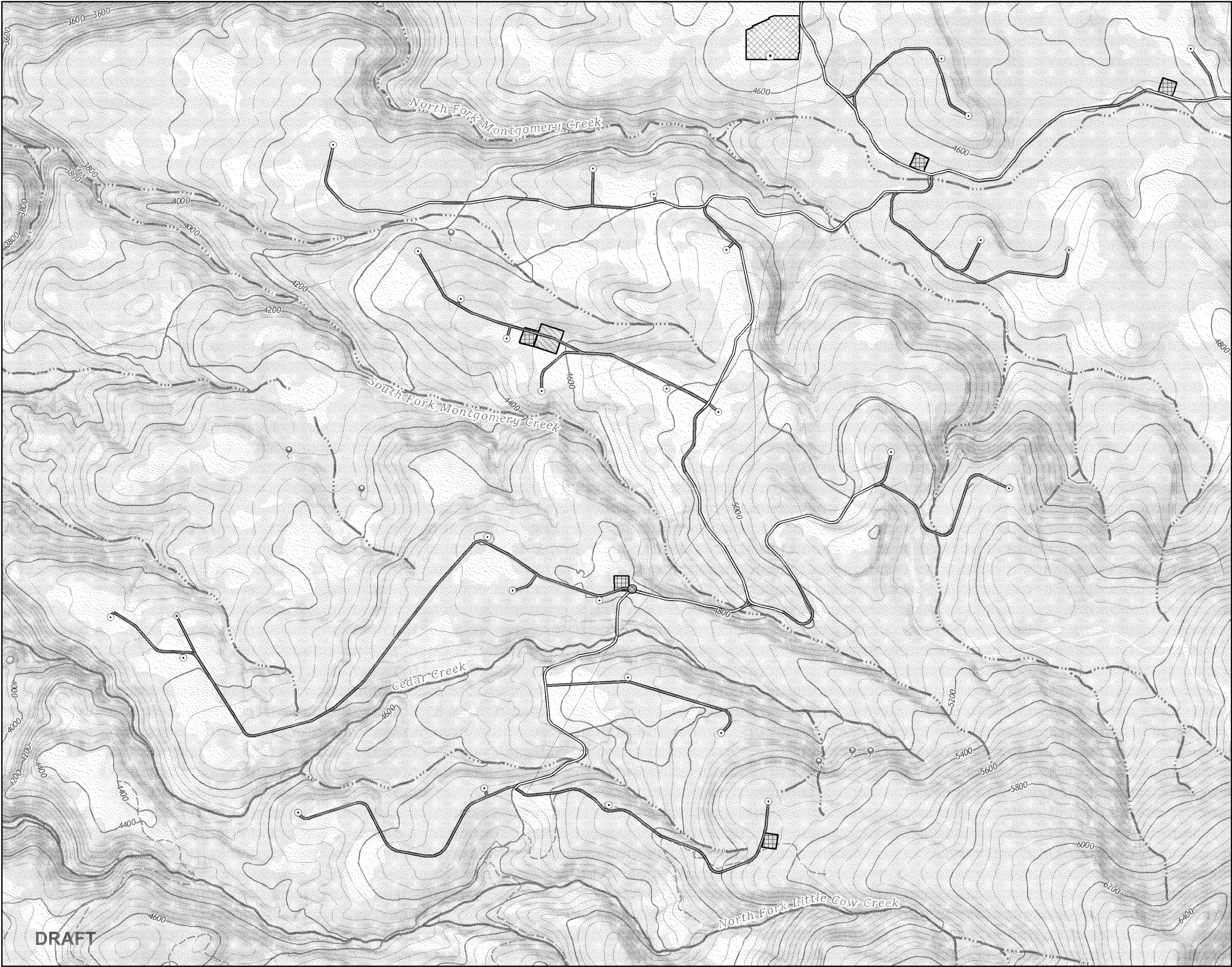
203723159

Figure No.
WR-007

Title
Streams and Waterbodies
Map 2 of 3

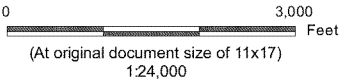
DRAFT

V:\1856\active\Task Owner and other Non-BC1856 Jobs\185703\43\03_data\gis_cadd\gis\mxd\2023\WR-007_Water24.mxd Revised: 2023-05-19 By: granpenier

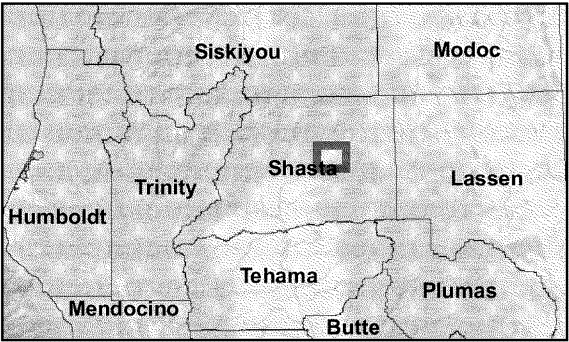


Legend

- Turbine Location
- ◇ Met Tower Location
- ⬠ Microwave Tower Location
- ⊗ Storage Shed Location
- Overhead Collection
- - - Underground Collection
- == Existing Access Road
- New Access Road
- ▨ Batch Plant
- O&M Facility
- ▩ Staging Area
- ▤ Substation/Switchyard Site
- ⦿ Spring
- Perennial Stream
- - - Intermittent Stream
- ⋯ 20' Contour
- - - 100' Contour
- Secondary Highway
- Local Road
- - - 4WD Road/Trail



- Notes**
1. Coordinate System: NAD 1983 UTM Zone 10N
 2. Data Sources: Shasta County GIS Division
 3. Background: The USGS Topo Map Vector Data



Project Location

Shasta County
California

Prepared by GC on 2023-05-04

TR Review by DA on 2023-05-05

IR Review by CB on 2023-05-05

Client/Project

Fountain Wind LLC
Fountain Wind Project

203723159

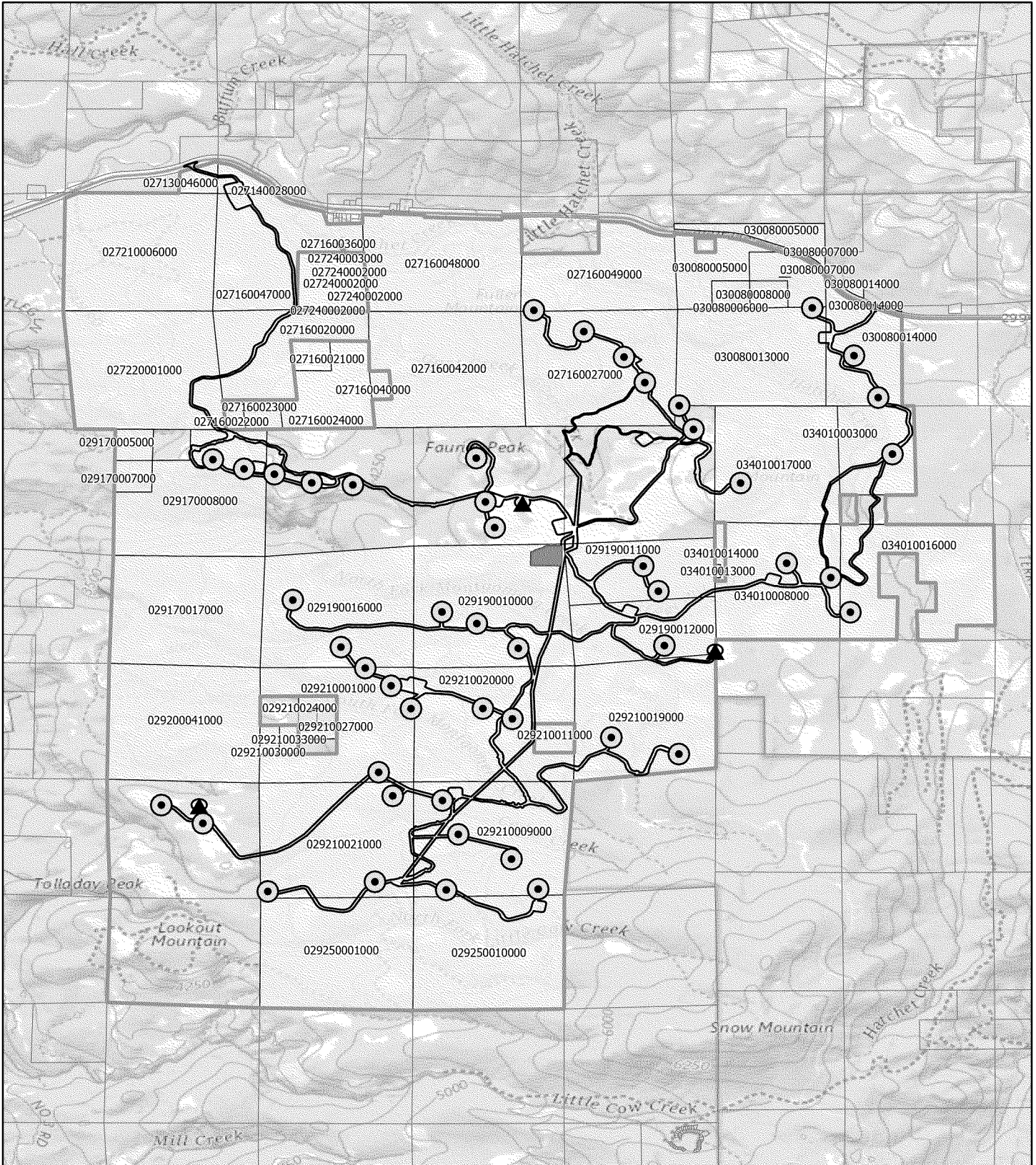
Figure No.

WR-007

DRAFT

Title

Streams and Waterbodies
Map 3 of 3



Fountain Wind Parcels

- | | |
|---------------------------------|-----------------------|
| Lease Hold Area | Shasta County Parcels |
| Project Site | Tower Locations |
| Substation or Switching Station | Turbine Locations |
| Fountain Wind Parcels | |

N
0 0.5 1 Miles

To: Payne, Leonidas@Energy[leonidas.payne@energy.ca.gov]
From: Barns, Caitlin[Caitlin.Barns@stantec.com]
Sent: Fri 5/26/2023 11:46:22 AM (UTC-07:00)
Subject: updated tracker
[fountain wind data response tracker 2023-0526.xlsx](#)

Hi Lon,

Here's the updated tracker with responses for AQ, HAZ, land use (though updates to docketed materials and TN#s are forthcoming because of the APN updates), MORS, waste management, water resources, and wildfire.

I'll send you an updated land use tracker once we make those updates.

Thanks,
Caitlin

Caitlin Barns (she/her)
Senior Biologist
Regional Group Leader: Ecosystems
601 SW 2nd Avenue, Suite 1400
Portland, Oregon 97204
503-207-4368



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To: Sofi, Ardalan@Energy[ardalan.sofi@energy.ca.gov]
From: Turner, Michael@Energy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=935D0FC8D435418DA34FD4251FF83A5A-TURNER, MIC]
Sent: Tue 6/20/2023 8:44:43 AM (UTC-07:00)
Subject: Fountain Wind Blasting
[TN248292-1 20230103T130619 Prelim Geotech Report.pdf](#)

Hi Ardalan, yes the prelim geotech report does mention blasting. Page 18 and 20

Excavation Considerations

It is anticipated that excavations within the upper residual soil and decomposed basalt at the proposed WTG foundations can be accomplished with conventional large earthmoving equipment. However, excavations penetrating basalt bedrock may require the use of specialized heavy-duty equipment and/or **blasting**. WTG foundation locations with shallow (within 10 feet or less) bedrock (Vp less than 3,000 feet per second) included E-01, M-10 and N-02. The Rock Quality Designation (RQD) for the HQ coring performed at these locations ranged from 0 to 15 with compressive strengths ranging from 15,295 to 17,650 pounds per square inch. The contractor should anticipate such conditions and plan their work accordingly.

Excavation

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. These recommendations are strictly suggestions to the contractor. Our boring and geophysical data along with local experience and equipment performance handbooks shall be used to come up with the most effective way to excavate the proposed foundations. Appropriate excavating equipment shall be utilized on this site for the given soil conditions identified. The Caterpillar Performance Handbook should be used in conjunction with the Vp velocity profiles provided as part of the Geophysical report (attached) when deciding on the means and methods to advance excavations into the subsurface materials. The competency of the rock across each site can vary, hence the contractor shall plan his work accordingly.

Thanks,
Mike
916-539-7196

To: Khoshmashrab, Shahab@Energy[Shahab.Khoshmashrab@energy.ca.gov]
From: Sofi, Ardalan@Energy[ardalan.sofi@energy.ca.gov]
Sent: Tue 6/20/2023 9:08:29 AM (UTC-07:00)

I talked to Mike a couple of minutes ago about blasting in the fountain wind project. He mentioned that only drilling and excavation would be required for the project's construction. However, they might use blasting to widen the roads. Therefore the applicant wants to have the ability to do blasting, and they want to keep it as an option. He didn't recall if the applicant mentioned blasting in the Geotech report. He would check the geotechnical report again and later let us know.

To: Payne, Leonidas@Energy[leonidas.payne@energy.ca.gov]
From: Barns, Caitlin[Caitlin.Barns@stantec.com]
Sent: Thur 6/22/2023 12:07:23 PM (UTC-07:00)
Subject: RE: FWP | land use data responses
[LU-002 LandUses1mile.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Response to LU-002 is docketed and attached.

Thanks,
Caitlin

From: Barns, Caitlin
Sent: Wednesday, June 21, 2023 3:57 PM
To: Payne, Leonidas@Energy <leonidas.payne@energy.ca.gov>
Subject: FWP | land use data responses

Hi Lon,

Attached are the data responses related to land use that we will discuss on Monday. We are finishing up the figure (LU-002) and will have that to you tomorrow. LU-001 is dependent upon a timber consultant and that info will take a little while longer but we wanted to get the rest to you asap.

I submitted these via the docket also and will upload the figure when I have it.

Thanks,
Caitlin

Caitlin Barns (she/her)
Senior Biologist
601 SW 2nd Avenue, Suite 1400
Portland, Oregon 97204
503-961-2728
caitlin.barns@stantec.com



Vacation alert: I am out of the office July 12-21

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From: Payne, Leonidas@Energy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AA9D25DDE24E40429EFA06C4EED35807-PAYNE, LEON]

Attendees: NVahidi@aspeneg.com; Tatiana Inouye; Irene Kaufman; Eileen Allen; Barns, Caitlin (Caitlin.Barns@stantec.com); DeCarlo, Lisa@Energy; Kerr, Steven@Energy; Hull, Robbie C.; Lance Olenius; Mudge, Annie E.

Importance: Normal

Subject: Fountain Wind land use technical discussion

Start Time: Mon 6/26/2023 11:00:00 AM (UTC-07:00)

End Time: Mon 6/26/2023 12:30:00 PM (UTC-07:00)

Required Attendees: DeCarlo, Lisa@Energy; Kerr, Steven@Energy

Optional Attendees: NVahidi@aspeneg.com; Tatiana Inouye; Irene Kaufman; Eileen Allen; Barns, Caitlin (Caitlin.Barns@stantec.com); Hull, Robbie C.; Lance Olenius; Mudge, Annie E.

Caitlin provided the following discussion topics:

- Land Use figure for LU-002 is OK – discuss difference between “Project Area” and “Project Site Boundary”
- Parcel mergers are not required. No non-linear components will straddle parcel lines.
- Lease extension has been negotiated; memorandum will be provided as soon as it is available.
- List of Cumulative projects after 2019 is not available using publicly available information.
- Information about police and fire response times is not available using publicly available information
- Shasta County staff’s proposed conditions of approval have been provided.

CEC sent disposition info for recently submitted Land Use items to Caitlin on Friday June 23. Negar and Tatiana from our Land Use technical team are not available for the Monday call time. Caitlin acknowledged and responded: Hi Lon, we’d like to keep the call even in light of these responses and the absence of Negar and Tatiana. We can discuss some broader strategy regarding land use rather than details.

See you at 11.

To: Coster, Lynn@Waterboards[Lynn.Coster@Waterboards.ca.gov]
Cc: Payne, Leonidas@Energy[leonidas.payne@energy.ca.gov]; Abulaban, Abdel-Karim@Energy[Abdel-Karim.Abulaban@energy.ca.gov]
From: Ackerman, James@Energy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3CC35DE240CF4253AF9CC7D3D2CBB643-ACKERMAN, J]
Sent: Thur 7/6/2023 1:25:17 PM (UTC-07:00)
Subject: Applicant Responses to RWQCB Data Adequacy Comments, Fountain Wind Energy Project
[FWP DA tracker Jul5 applicant update condensed RWQCB-Comments.xlsx](#)

Lynn: Please find attached a copy of the data-adequacy tracker for the proposed Fountain Wind Energy project in eastern Shasta County (CEC Docket no. 23-Opt-01) with RWQCB comments.

The applicant has recently responded to data adequacy comments in column K of the tracker highlighted in purple.

Please determine whether the applicant's response is adequate or note what is deficient in Column P (CEC Deposition No. 3).

Reference documents can be found in the project docket on the CEC website using the following link:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OPT-01>

Please respond by Friday, July 14, 2023.

Contact me if you have any questions.

James Ackerman, PG #6493
Engineering Geologist
California Energy Commission
Siting, Transmission and Environmental Protection Division
Direct: (530) 878-4966
Email: james.ackerman@energy.ca.gov



To: Rob Stahl[rstahl@co.shasta.ca.us]; mscant@co.shasta.ca.us[mscant@co.shasta.ca.us]
From: Barns, Caitlin[Caitlin.Barns@stantec.com]
Sent: Wed 7/5/2023 3:11:58 PM (UTC-07:00)
Subject: FWP | backup generator ATC application

Hi Rob and Monika,

A few months ago in April we had a conference call to discuss your information needs for an Authorization to Construct for a backup generator proposed to be installed for the Fountain Wind Project in Shasta County near Burney. The complete and signed application is provided at the link below. To whom should we submit the filing fee?

Login Information

Browser link: <https://tmpsftp.stantec.com>

Login name: s0712155848

Password: 5859769

The Project's Opt-in Application with the California Energy Commission is contingent upon the AQMD providing confirmation that the backup generator application is complete for your purposes. Please let me know if you require further information or whether we can consider the generator application complete.

Thank you!
Caitlin

Caitlin Barns (she/her)

Senior Biologist

Regional Group Leader: Ecosystems

601 SW 2nd Avenue, Suite 1400

Portland, Oregon 97204

503-207-4368

Vacation Alert: I am out of the office July 12-21



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SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT**AIR QUALITY MANAGEMENT DISTRICT****1855 PLACER STREET, SUITE 101, REDDING, CALIFORNIA 96001 PHONE (530)225-5674/FAX (530)225-5237****aqmd.shastacounty.gov****APPLICATION FOR AUTHORITY TO CONSTRUCT/PERMIT TO OPERATE****INSTRUCTIONS****PERMIT NUMBER****-PO-**

Each applicant for an Authority to Construct shall provide to the District the following:

- A. One application form for each emission unit or multi-component system at the facility.
- B. A \$75 one time filing fee for each application or a \$15 transfer of ownership * or name change fee made payable to the Shasta County AQMD. (*Furnish a copy of the sales agreement or a signed statement from the seller.)
- C. Adequate drawings of each emissions unit, including plot plan and area map indicating receptors within 1/4 mile of the facility. Any public or private school with an outer boundary within 1000 feet of the emissions unit must be included on the map.
- D. A signature of a responsible member of the organization on each application.
- E. An annual permit fee must be paid before a Permit to Operate is granted. The District shall notify the applicant of the appropriate amount due following an initial inspection of the permitted device(s).

Print Clearly

1. Business Name: Fountain Wind LLC
2. Email: hwoltag@connectgenllc.com
3. Assessor's Parcel Number: 029-190-010 (see figures) Telephone: 281.520.6995 Fax: _____
4. Type of Business: renewable energy generation
5. Mailing Address: 1001 McKinney Street, Suite 700 Houston, TX 77002
6. Address of Equipment: 40.823144°, -121.821985°
7. Equipment Description (use additional sheets if required): A 268 horsepower Generac emergency generator fueled by propane.
8. Application to: (check one):
 Operate Existing Equipment _____
 New Construction ☒
 Change of Location _____
 Modification _____
 Exempt Equipment _____
 Change of Ownership* _____
9. Type of Organization:
 Corporation ☒
 Partnership _____
 Individual Owner _____
 Government Agency _____
- (Copy of agreement **or** statement attached? Yes _____ No ☒)
10. Planned construction dates: Start: April 2025 End: December 2025
11. Is a plot plan attached? Yes: ☒ No: _____
12. Is this emission unit within 1000 feet from the outer boundary of any public or private school? Yes: _____ No: ☒
13. Name of Owner(s)/Principles: Henry Woltag
14. Signature of Applicant: _____ Date: _____
15. Print Signer's Name: _____ Title: _____

BY SIGNING THIS APPLICATION, THE APPLICANT/PROPERTY OWNER AGREES TO DEFEND, INDEMNIFY, AND HOLD THE SHASTA COUNTY AIR QUALITY MANAGEMENT DISTRICT HARMLESS FROM ANY CLAIM, ACTION, OR PROCEEDING BROUGHT TO ATTACK, SET ASIDE, VOID OR ANNUL THE DISTRICT'S APPROVAL OF THIS APPLICATION, ISSUANCE OF ANY ASSOCIATED PERMIT, AND ANY ENVIRONMENTAL REVIEW ASSOCIATED WITH THE PROPOSED PROJECT.

Other Division Review**Air Quality Fees Collected**

General Plan/Zoning:			Type	Date	Amount	Receipt #	Rec'd By
Use requires use permit:	Yes No		Filing				
Use requires building permit:	Yes No		Permit				
Planning:	Building:						
Date:	Date:						

SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT
AIR QUALITY MANAGEMENT DISTRICT
 1855 PLACER STREET, SUITE 101, REDDING, CA 96001
 VOICE (530)225-5674/FAX (530)225-5237

SUPPLEMENTAL INFORMATION: INTERNAL COMBUSTION ENGINE
 (specifically natural gas-fired or propane-fired engines used for electricity generation)

Provide the following data, specifications, drawings, and plans for each engine as a supplement to the standard application form. This information requested should be submitted complete and accurate to ensure expedient review and evaluation.

1. **Facility Information**

Company Name: Fountain Wind LLC

2. **Equipment Location Drawing**

The drawing or sketch submitted must be dimensioned and must show the following:

- a) The property involved and outlines of all buildings. Identify property lines plainly.
See attached map.
- b) Location and identification of the internal combustion engine on the property.
The genset will be located within the substation and switchyard depicted on the map.
- c) Location of the property with respect to streets and all adjacent properties within 1000'.
Also, identify use type of the adjacent properties.
No receptors within 0.25 mi and no schools within 1,000 ft. Nearest receptor is 2 mi NW.

3. **List the Equipment Driven by the Engine (or generator)**

~~substation control building and project's telemetry, communication and control equipment~~

4. **Engine Specifications**

- a) Engine Manufacturer: Generac Industrial Power
- b) Model Number: RG060
- c) Identification/Serial Number: 3004556017
- d) Horsepower: 268 bhp
- e) Power Rating: 60 kw
- f) Total Displacement: 146.46 in³
- g) Fuel Type: propane natural gas or propane

SUPPLEMENTAL (cont)4. **Engine Specifications** (cont)

- h) Fuel Usage Rate (maximum): 1.47 cuft/hour _____ cuft/year
- i) Fuel Storage Tank: 65 cuft capacity
aboveground or underground
- j) Emission Data: Data must include: criteria pollutant emission rates, stack height, stack diameter, stack exhaust flow rate, and stack exhaust temperature. Submittal of the engine manufacturers specifications manual is recommended (if available).

5. **Engine Operation**

- a) Maximum Operating Schedule: 16 hrs/day 1 days/week 3 weeks/year
- b) Average Operating Schedule: 0.167 hrs/day 1 days/week 52 weeks/year

6. **Describe Periodic Maintenance Procedures**

The genset will be used as a backup generator at the site. Other than use as a backup, the engine will be operated a a maximum of 61 hours per year for testing (0.167 hours/day). Periodic testing of emergency gensets is typically conducted monthly.

7. **Generator Specifications (if applicable)**

- a) Generator Manufacturer: Generac Industrial Power
- b) Model Number: RG060
- c) Power Rating: 60 kw

8. **Filer Information**

Filer's Printed Name: Sara Parsons

DocuSigned by:
Signature: sara parsons Date: 7/5/2023
7E3636F16E82493...

NOTICE: After the Authority to Construct is granted, any deviation from approved plans is not permitted without first securing additional approval from the Air Pollution Control Officer. As stated in the Health and Safety Code Sections 41510, 41511, and 42304, the Air Quality Management District shall make random audits on submitted data to insure the appropriateness of such data. The willful submission of false or inaccurate data constitutes a misdemeanor per Health and Safety Code Section 42400.

