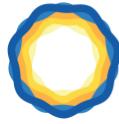


DOCKETED	
Docket Number:	23-OPT-01
Project Title:	Fountain Wind Project
TN #:	263364
Document Title:	California Wildlife FoundationCalifornia Oaks Comments - Fountain Wind Project, Docket Number 23-OPT-01, Staff AssessmentDraft Environmental Impact Report
Description:	N/A
Filer:	System
Organization:	California Wildlife Foundation/California Oaks
Submitter Role:	Public
Submission Date:	5/27/2025 11:03:10 AM
Docketed Date:	5/27/2025

Comment Received From: California Wildlife Foundation/California Oaks
Submitted On: 5/27/2025
Docket Number: 23-OPT-01

**Fountain Wind Project, Docket Number 23-OPT-01, Staff
AssessmentDraft Environmental Impact Report**

Additional submitted attachment is included below.



California Institute
for Biodiversity



Shasta
Environmental
Alliance

May 27, 2025

Kaycee Chang, Supervisor
Siting, Transmission, and Environmental Protection Division
California Energy Commission
715 P Street
Sacramento, CA 95814

Transmitted via the "Submit e-comment" link at:

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

RE: Fountain Wind Project, Docket Number 23-OPT-01, Staff Assessment/Draft Environmental Impact Report

Dear Ms. Chang:

California Wildlife Foundation/California Oaks, California Institute for Biodiversity, Californians for Western Wilderness, Endangered Habitats League, River Ridge Institute, and Shasta Environmental Alliance are writing as members of California Oaks Coalition in support of the Staff Recommendation to not certify the Fountain Wind Project. Members of California Oaks Coalition are united by the vital roles of oaks in sequestering carbon, maintaining healthy watersheds, providing habitat, and sustaining cultural values.


Oaks growing at the site, along with wildlife and cultural values that they support, would be impacted if the Fountain Wind Project were to advance. Two letters, sent in October 2020 and June 2021, respectively, when Shasta County was considering the project, describe some of the impacts that should be analyzed and mitigated if the project is certified. We attach these two letters for reference, so they can be part of the record and addressed in the Final Environmental Impact Report.



California Wildlife Foundation/California Oaks, 201 University Avenue, H-43 Berkeley, CA 94710, (510) 763-0282

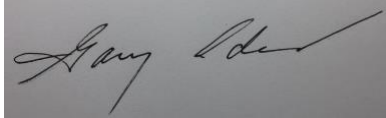
Thank you for your consideration of our input and for all of the work you and your colleagues have put into the Staff Assessment.

Sincerely,



Janet Cobb

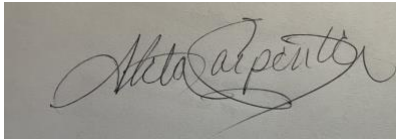
Executive Officer, California Wildlife Foundation/California Oaks



Gary Adest, PhD, President, River Ridge Institute, info@river-ridge.net



Daniel Gluesenkamp, PhD, Executive Director, California Institute for Biodiversity,
daniel@calalive.org



Aleta Carpenter, Interim President, Shasta Environmental Alliance



Michael J. Painter, Coordinator, Californians for Western Wilderness, mike@caluwild.org



Dan Silver, MD, Executive Director, Endangered Habitats League, dsilverla@me.com

CALIFORNIA WILDLIFE FOUNDATION
428 13th Street, Suite 10A
Oakland, CA 94612



WWW.CALIFORNIAWILDLIFEFOUNDATION.ORG
tel 510.208.4436
fax 510.268.9948



October 21, 2020

Lio Salazar, Senior Planner
Shasta County Department of Resource Management,
Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001

Via email: fw.comments@co.shasta.ca.us, lsalazar@co.shasta.ca.us

RE: Draft Environmental Impact Report (DEIR) for the proposed project identified as the Fountain Wind Project (Use Permit 16-007)

Dear Mr. Salazar:

California Wildlife Foundation/California Oaks, Californians for Western Wilderness (caluwild.org), Endangered Habitats League (ehleague.org), River Ridge Institute (riverridgeinstitute.org), and Shasta Environmental Alliance (ecoshasta.org) are writing as members of California Oaks Coalition regarding the Draft Environmental Impact Report (DEIR) for the proposed project identified as the Fountain Wind Project. Members of California Oaks Coalition are united by the vital roles of oaks in sequestering carbon, maintaining healthy watersheds, providing habitat, and sustaining cultural values.

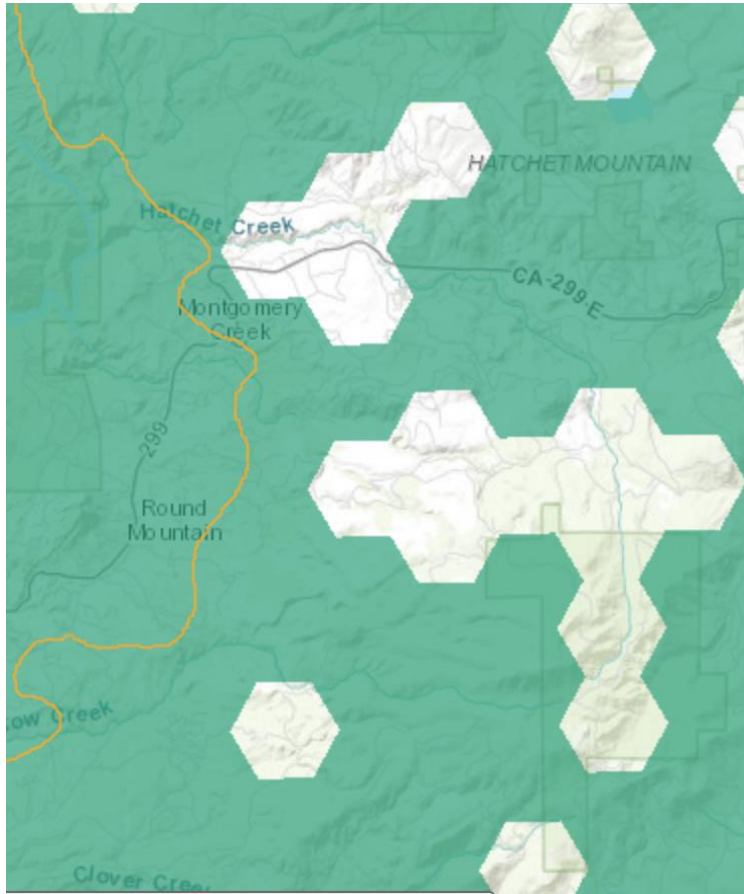
Unfortunately, our review of the DEIR found many deficiencies, which are described below.

Inadequate impact area and oak analysis

Figure 3.4-1, Natural Vegetation Communities Found within the Project Site presented on page 3.4-5 of the DEIR, and reproduced in Attachment 1 of this letter, only shows vegetation communities proximate to turbines and roads. It is ludicrous to assume that project impacts are limited to the *immediate* vicinity of the project infrastructure. The DEIR's Project Overview (ES.2.1.) states: "The Fountain Wind Project is a renewable wind energy generation development proposed on approximately **4,464** acres in unincorporated Shasta County (Project Site)," whereas page 1 of the Executive Summary of Appendix C, Biological Resources, states: "The proposed Project encompasses approximately **32,600** acres (50.9 square miles) of private land in central Shasta County." By confining the analysis to 4,464 acres rather than 32,600 acres, many of the project impacts are not properly assessed. The removal of habitat to accommodate project infrastructure will impact habitat connectivity over an area greater than 4,464 acres.

Table 3.4-1, Natural Vegetation Communities Present and Area within Project Site and Alternatives, lists the project site as 4,373.1 acres, and it shows project impacts on 5.5 acres of oaks (California Black Oak Woodland) under Alternative 1 and no impacts under Alternative 2. The DEIR must identify all of the impacted oaks on the site and address the retention requirements addressed in the discussion of the California Board of Forestry and California Fish and Game Commission Joint Policy on Hardwoods, which follows on page 3 of this letter.

The screenshot below was created utilizing the Department of Fish and Wildlife's Areas of Conservation Emphasis mapping tool (<https://apps.wildlife.ca.gov/ace/>). The green hexagons are mapped as oak:



The DEIR, including its Appendix C, discusses oaks in other plant communities, but not in a sufficiently robust fashion. For example, Page 3.4-6 of the DEIR contains general language about black oak in White Fir–Douglas-Fir Forest Alliances. Page 9 of Appendix C, Biological Resources, states: "...2.2% of the Project Area is covered by small amounts of deciduous forest (334.85 acres [0.52 mi²])," but does not identify hardwoods growing in other plant communities. This is relevant because the Forest Practices Act has the following requirement for the Northern Forest District, which includes Shasta County, for black oak and Oregon white oak:

Post-harvest deciduous oak retention for the maintenance of habitats for mule deer and other hardwood-associated wildlife shall be guided by the Joint Policy on Hardwoods between the California Board of Forestry and California Fish and Game Commission (5/9/94). To sustain wildlife, a diversity of stand structural and seral conditions, and tree size and age classes of deciduous oaks should be

retained in proportions that are ecologically sustainable. Regeneration and recruitment of young deciduous oaks should be sufficient over time to replace mortality of older trees. Deciduous oaks should be present in sufficient quality and quantity, and in appropriate locations to provide functional habitat elements for hardwood-associated wildlife.

Further, the Joint Policy on Hardwoods states:

- A. The hardwood resources of California should be managed for the long-term perpetuation of their local and broader geographic representation and to continue to provide for their inherent natural and biological values and processes. These values and processes may include, but are not limited to, regeneration, plant species composition, vegetation structure and age class distribution, water quality, and other biotic and abiotic resources. Management should also address soil resources, air quality, rangeland improvement practices, recreational opportunities, and other benefits.
... hardwood harvesting and other land uses should be conducted in a sustainable manner which secures regeneration of all hardwood species, enhances the protection of fish, wildlife and plants of hardwood habitats, allows adequate recruitment of other native vegetation in hardwood habitats and meets state and federal water quality standards...

The map in Attachment 2 of this letter, Figure FW-1, *Deer Ranges*, shows much of the project site is a *fall holding area* for deer. If the project were to go forward, the environmental analysis and associated mitigation approach would need to address the requirements discussed in the Joint Hardwood Policy. The DEIR has a number of discussions of deer populations, with discussion of possible interactions with project infrastructure. It needs to also include analysis of proposed project impacts on hardwoods with consideration for deer populations given that the habitat fragmentation impacts extend from the roadways, turbine towers, and other associated infrastructure. Any other hardwood impacts in the 32,600-acre footprint of the project should also be assessed, and mitigation—the DEIR currently has no mitigation for hardwood impacts—should also be calculated based on the project’s full impacts.

Page 3.4-34 of the DEIR describes Shasta County’s oak canopy retention guidance. Unfortunately, the statement, below, that these guidelines are considered in the analysis, is incorrect given that the DEIR only describes a small percentage of the oaks on the site, includes no discussion of any plans to retain oaks, no discussion of current oak canopy, and does not include any mitigation measures for impacts to oaks:

Oak Woodland Voluntary Management Guidelines The County adopted these voluntary guidelines in 1995 to encourage retention of an average canopy of 30 percent or more when harvesting oaks, including trees of a variety of species, ages, and conditions, as well as brush piles, hollow trees and other habitat components. The guidelines recommend the clustering of buildings, protection of residuals, and replacement of removed trees when building occurs among oaks. Development, including roads, cuts and fills, foundations and septic systems should be carefully planned to avoid impacts. The guidelines also recommend landowners consider replacing trees unavoidably removed during construction, and contact a specialist for help maintaining large or specimen trees. Because oak woodland habitat is present within the Project Site, these guidelines are considered in the analysis.

Cultural, environmental justice, and climate impacts

The black oaks on the proposed project site are also living cultural resources for the Pit River Tribe. Acorns have been gathered as a major food source for thousands of years.

CWF/CO shares the Pit River Tribe's concerns, which were articulated at a scoping meeting about the project and reported in the *Redding Record Searchlight* (<https://www.redding.com/story/news/local/2019/01/25/eastern-shasta-county-theres-skepticism-fountain-wind-project/2671702002/>), that the site will scar land that has been part of the tribe for many years.

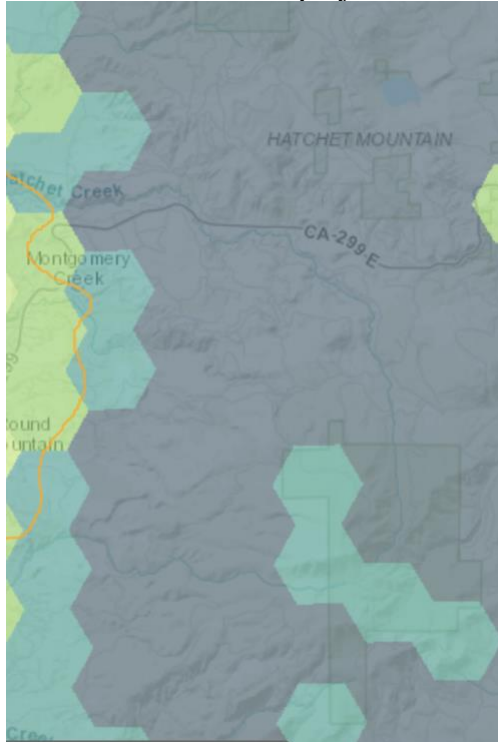
Pit River Tribe also raised the issue of extractive energy production in a low opportunity area to produce energy to be used elsewhere. The *Record Searchlight* reported:

Brandy McDaniels, cultural information officer with the Pit River tribe, said projects like Fountain Wind take advantage of economically depressed areas like eastern Shasta County, and in the end, the power that is produced is transmitted to other areas.

"This means if a city wants the power, they need to generate it and not put it in our backyard," she said.

CWF/CO appreciates the need for California to adhere to climate goals, but a project such as Fountain Wind is an ill-conceived approach. As Ms. McDaniels observed, the sustainable path is for energy to be produced close to where it is needed (see: <https://www.vox.com/energy-and-environment/2018/11/30/17868620/renewable-energy-power-grid-architecture>).

Lastly, most of the proposed project area is mapped with Terrestrial Climate Resiliency ranking of 5 (high) as designated by the dark hexagons in the graphic presented below, created with Department of Fish and Wildlife's Areas of Conservation Emphasis mapping tool. The purported climate benefits of the project are diminished if climate resilient habitat is destroyed:



Violation of California Environmental Quality Act

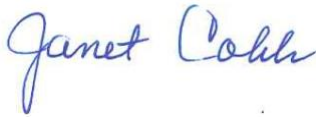
The DEIR violates the California Environmental Quality Act (CEQA) because it does not provide a preferred alternative and thus does not provide the public with a stable project to review.¹

Fire danger

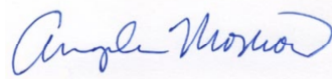
The catastrophic Fountain Fire in 1992, very high fire severity hazard zone designation by CAL FIRE, the extent and severity of the 2020 fire season in the western United States, and the implication of transformer boxes in a number of California's largest fires further underscore the problematic nature of the Fountain Wind proposal.

Thank you for your consideration of our comments. We welcome your inquiry should additional input be helpful. The project should not be approved.

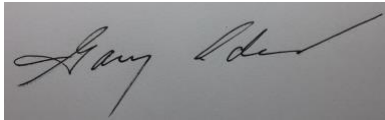
Sincerely,



Janet Cobb
Executive Officer, California Wildlife Foundation



Angela Moskow
Manager, California Oaks Coalition



Gary Adest, Ph.D., President, River Ridge Institute, info@river-ridge.net



David Ledger, President, Shasta Environmental Alliance, dledger@sbcglobal.net



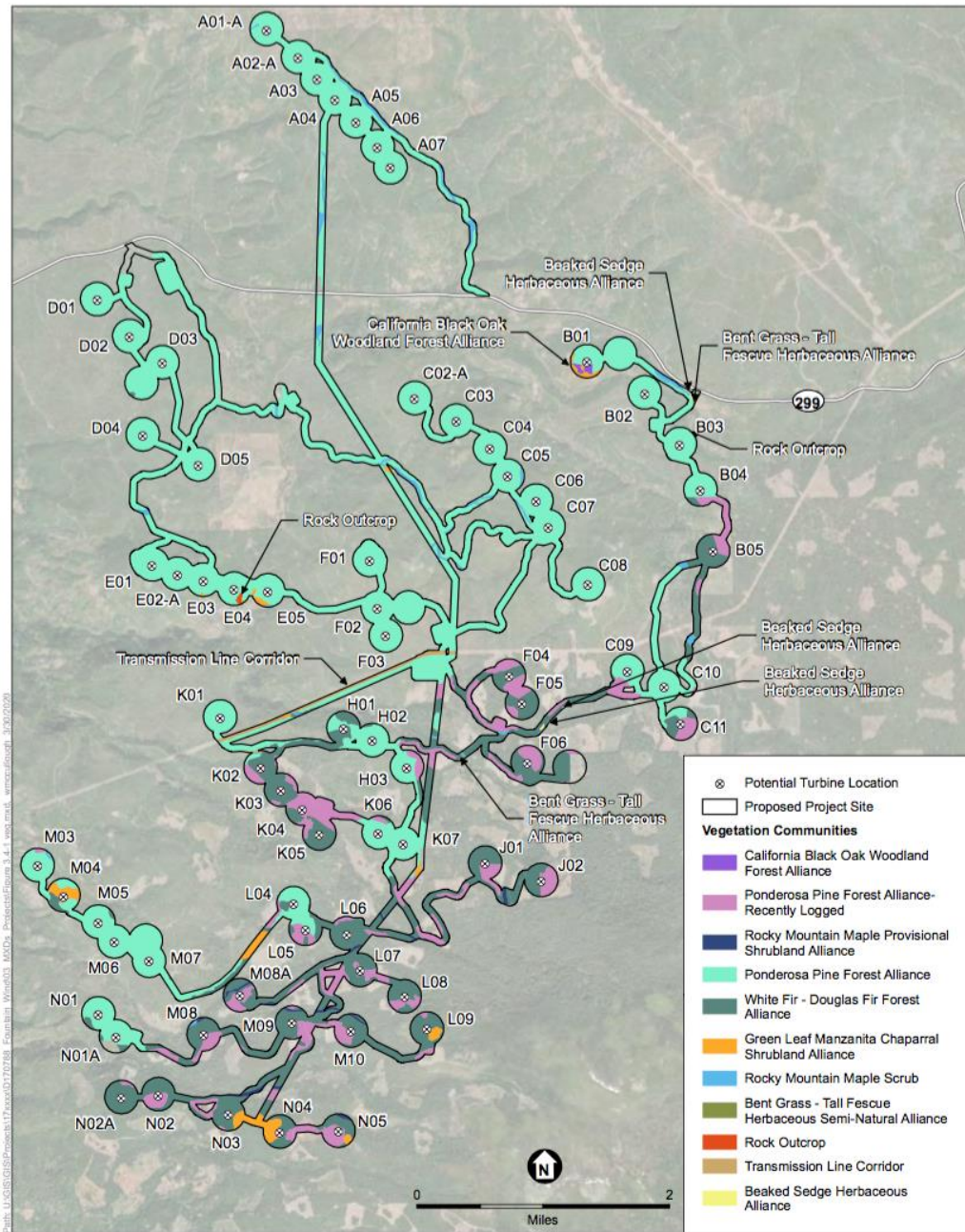
Michael J. Painter, Coordinator, Californians for Western Wilderness,
mike@caluwild.org



Dan Silver, Executive Director, Endangered Habitats League, dsilverla@me.com

¹ See: <https://www.californialandusedevelopmentlaw.com/2017/11/22/failure-to-identify-preferred-alternative-dooms-eir/> and <https://www.lcwlegal.com/news/environmental-impact-report-that-describes-alternate-projects-under-consideration-does-not-satisfy-ceqa>.

Attachment 1



SOURCE: WEST Rare Plant & Natural Vegetation Communities Report; 2018/2019

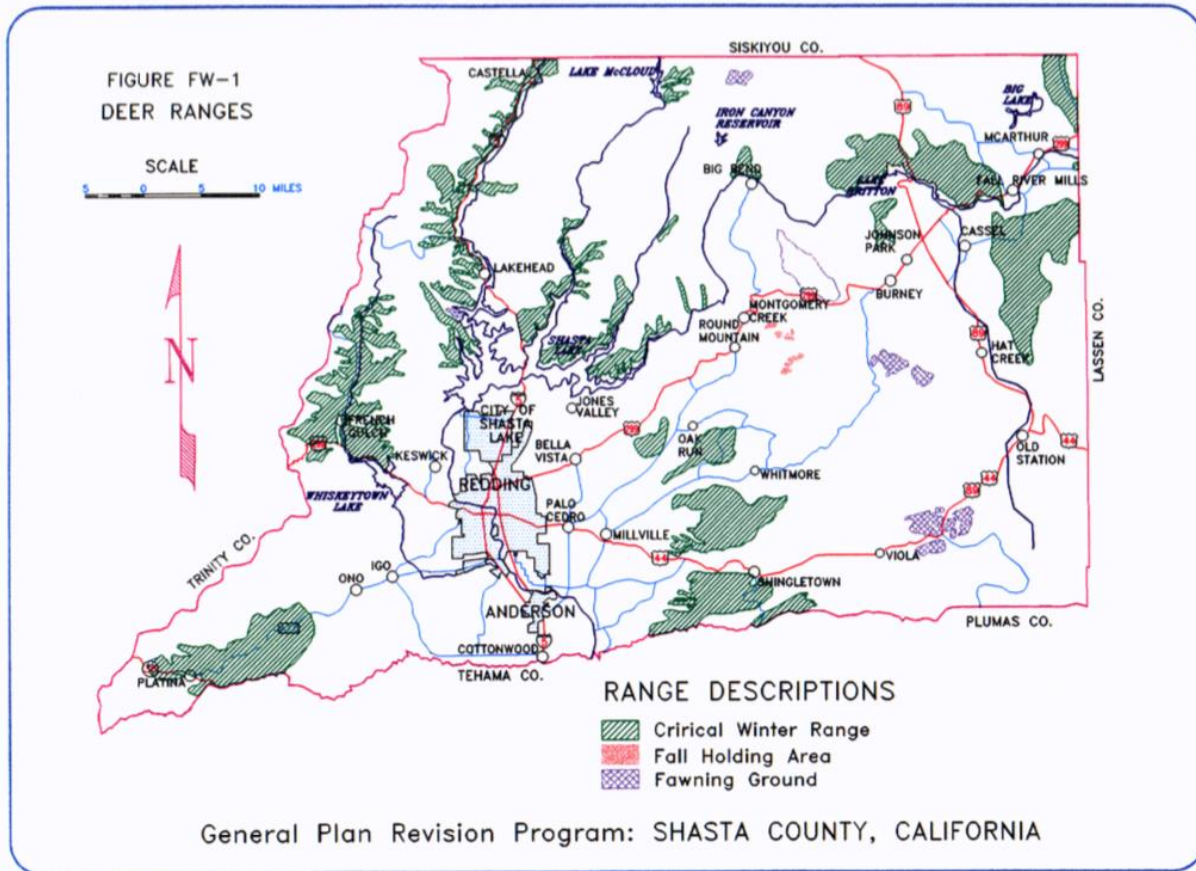
Fountain Wind Project

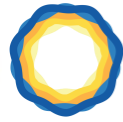
Figure 3.4-1
Natural Vegetation Communities Found within the Project Site



3.4-5

Attachment 2





California Institute
for Biodiversity



Shasta
Environmental
Alliance

June 17, 2021

Shasta County Planning Commission
Shasta County Department of Resource Management, Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001

Via email: fw.comments@co.shasta.ca.us, lsalazar@co.shasta.ca.us

RE: Final Environmental Impact Report (FEIR) for the proposed project identified as the Fountain Wind Project (Use Permit 16-007)

Dear Commissioner Kerns and fellow members of the Shasta County Planning Commission:

California Wildlife Foundation/California Oaks (www.californiawildlifefoundation.org), California Institute for Biodiversity (<https://calalive.org/>), Californians for Western Wilderness (caluwild.org), Endangered Habitats Conservancy (ehleague.org), River Ridge Institute (riverridgeinstitute.org), and Shasta Environmental Alliance (ecoshasta.org) are writing as members of California Oaks Coalition regarding the Final Environmental Impact Report (FEIR) for the proposed project identified as the Fountain Wind Project. Members of California Oaks Coalition are united by the vital roles of oaks in sequestering carbon, maintaining healthy watersheds, providing habitat, and sustaining cultural values.

Our review of the FEIR found deficiencies, which are described below.

The FEIR must identify address the retention requirements of the California Forest Practices Act and the California Board of Forestry and California Fish and Game Commission Joint Policy on Hardwoods, which were articulated in the October 21, 2020 letter by California Wildlife Foundation/California Oaks, Californians for Western Wilderness, Endangered Habitats



Conservancy, River Ridge Institute, and Shasta Environmental Alliance submitted in response to the Draft Environmental Impact Report (DEIR). FEIR response P30-3 states (emphasis added with boldface type):

The County acknowledges receipt of this copy of Figure FW-1, *Deer Ranges*, from the County's General Plan. The Draft EIR (at pages 3.4-15, 3.4-27, 3.4-67, 3.6-2, 3.6-16) discloses and considers that the Project Site has suitable habitat for deer fawning and that mammals found in mixed conifer forest include deer. **In any conflict among the protection of habitat resources and the timber land use classification, General Plan Policy FW-b instructs that the timber land use classification "shall prevail in a manner consistent with State and Federal laws."**

Unfortunately, the response does not properly address the California Forest Practices Act requirement for the Northern Forest District, which includes Shasta County, for black oak and Oregon white oak:

Post-harvest deciduous oak retention for the maintenance of habitats for mule deer and other hardwood-associated wildlife shall be guided by the Joint Policy on Hardwoods between the California Board of Forestry and California Fish and Game Commission (5/9/94). To sustain wildlife, a diversity of stand structural and seral conditions, and tree size and age classes of deciduous oaks should be retained in proportions that are ecologically sustainable. Regeneration and recruitment of young deciduous oaks should be sufficient over time to replace mortality of older trees. Deciduous oaks should be present in sufficient quality and quantity, and in appropriate locations to provide functional habitat elements for hardwood-associated wildlife.

Below is the pertinent language from California's Joint Policy on Hardwoods, which was also included in the October 21, 2020 letter. Emphasis is added in boldface type to highlight the timberland requirements for hardwoods:

- A. The hardwood resources of California should be managed for the long-term perpetuation of their local and broader geographic representation and to continue to provide for their inherent natural and biological values and processes. These values and processes may include, but are not limited to, regeneration, plant species composition, vegetation structure and age class distribution, water quality, and other biotic and abiotic resources. Management should also address soil resources, air quality, rangeland improvement practices, recreational opportunities, and other benefits.
... hardwood harvesting and other land uses should be conducted in a sustainable manner which secures regeneration of all hardwood species, enhances the protection of fish, wildlife and plants of hardwood habitats, allows adequate recruitment of other native vegetation in hardwood habitats and meets state and federal water quality standards...

The FEIR is deficient in that it contains no discussion of plans to address these hardwood retention requirements mandated by state forestry law. Further, the FEIR is deficient in that it does not assess project impacts on all of the oaks at the site. The October 21, 2020 letter included a map created with Department of Fish and Wildlife's Areas of Conservation Emphasis mapping

tool (<https://apps.wildlife.ca.gov/ace/>), which showed extensive areas of the project site that include oak habitat. It is understood that vegetation community mapping for the site identified Alliances, as delineated in *A Manual of California Vegetation*. Ponderosa Pine Forest and Woodland Alliance may include three species of oak (black oak, canyon live oak, and interior live oak) and White Fir-Douglas Fir Forest and Woodland Alliance may include two species of oak (black oak and canyon live oak), with black oak noted as part of this landscape on page 3.4-6 of the DEIR. Areas mapped as these two alliances should also record oak habitat because the hardwood retention requirements cited above must be addressed in the environmental documentation.

Many of the vertebrate species identified in the DEIR Table 3.4-3, **Special-Status Wildlife Species with Potential to Occur within the Project Site** (**amphibians:** southern long-toed salamander, Shasta salamander, California red-legged frog, foothill yellow-legged frog; **reptile:** western pond turtle; **birds:** American peregrine falcon, bald eagle, California horned lark, California spotted owl, Cooper's hawk, golden eagle, ferruginous hawk, northern goshawk, sharp-shinned hawk, Vaux's swift, yellow warbler, olive-sided flycatcher, Lewis' woodpecker; and **mammals:** American badger, pallid bat, Townsend's big-eared bat, spotted bat, western red bat, western mastiff bat), are listed in the California Habitat Relationship System (database version 9.0) as oak-dependent, i.e., species that utilize oak habitat for reproduction, cover, or feeding.

The FEIR notes, in response P30-1: "The Project would not result in adverse impacts to movement of any native resident or migratory fish or wildlife species or interfere with established native resident or migratory wildlife corridors." Project impacts on fish and wildlife cannot be fully assessed until *all* oak impacts of the project are understood. Further, as discussed in the October 21, 2020 letter, the narrow analysis, which was confined to the approximately 4,464 acres associated with removal of habitat to accommodate project infrastructure is inadequate. While it may be correct that construction activities will remove approximately 4,464 acres of the site's natural area, the much larger area of approximately 32,600 acres is fragmented and thus may impact movement corridors, etc.

This also has implications for living cultural resources for the Pit River Tribe. The statement in response T4-1 in the FEIR—"The Project's impacts on acorn production are not expected to be significant because the construction and operation of the Project would not require the removal of many oaks and would leave large areas of deciduous forest intact"—does not reflect project impacts on *all* oaks and associated acorn production.

Lastly, it is also unclear why there are no mitigation measures for oak impacts. Response P30-2 in the FEIR includes the statement: "The Draft EIR treats black oak woodland as a sensitive vegetation community. Therefore, under the county's Oak Woodland Voluntary Management Guidelines. Among other recommendations, the guidelines recommend the replacement of removed trees when building occurs among oak woodland habitat."

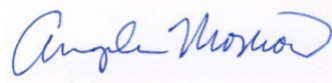
Shasta County has a choice. The natural and cultural values of the landscape support local communities, including the Pit River Tribe, that have clearly stated their opposition to this project. The landscape also supports tourism associated with county and state parks, national forests, and night sky viewing and superlative fly fishing and birdwatching on these and other lands. Approval of this project continues a shift towards energy extraction that will not benefit local communities and will degrade the natural and cultural landscape.

Thank you for your consideration of our input.

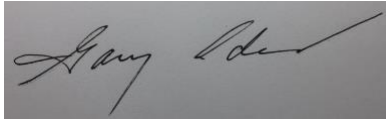
Sincerely,



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