

DOCKETED

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Applicable Law, Ordinance, Regulation, or Standard	Project Consistency
Federal	
Federal Aviation Administration (FAA) 14 CFR Part 77	<p>The FAA’s Federal Aviation Regulations (FAR) establish standards and notification requirements for objects affecting navigable airspace.</p> <p>The Project’s proposed turbine locations received determinations of no hazard to air navigation on July 1, 2021. The FAA determined that the turbines would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities.</p>
Clean Water Act, Section 404 (waters of the US)	<p>Section 404 of the CWA authorizes the U.S. Army Corps of Engineers (USACE) to regulate the discharge of dredged or fill material to waters of the U.S., including wetlands.</p> <p>The Project may result in both temporary and permanent direct impacts to wetlands and other waters of the US. Therefore, the Project would seek a Clean Water Act Section 404 authorization from the USACE, likely through the application of an existing Nationwide Permit. A pre-construction notification has not yet been filed.</p>
Endangered Species Act (take authorization)	<p>The FESA prohibits the unlawful “take” of any fish or wildlife species listed as threatened or endangered, including the destruction of habitat that could hinder species recovery.</p> <p>Based on extensive studies, the Project is not expected to result in take of federally listed species, which either do not occur on the Project site or can be avoided via avoidance and minimization measures.</p>
Migratory Bird Treaty Act (MBTA) (16 U.S.C. §703 et seq.)	<p>The MBTA makes it unlawful to intentionally pursue, hunt, take, capture, or kill migratory birds anywhere in the United States.</p> <p>The Project Site is not anticipated to result in violations of the MBTA. Although it is located within the Pacific Flyway and numerous species of birds are known to migrate through the region, the Project is designed such that all energized Project components, including the above-ground collection lines, would be constructed in accordance with the current suggested practices of the Avian Power Line Interaction Committee. The Project further includes turbine design elements to reduce collision hazards for avian species, such as approved tower lighting and the absence of guy wires.</p>
Bald and Golden Eagle Protection Act (16 U.S.C. §§668-668c)	<p>The Bald and Golden Eagle Protection Act (16 U.S.C. §§668-668c) makes it illegal to kill any bald eagle or golden eagle without a permit.</p>

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	<p>The project is not anticipated to result in incidental take of bald or golden eagles. No bald eagle nests were found within two miles of the Project Area, and the Project has been redesigned to eliminate turbines north of HWY 299, which are the nearest to the Shasta River Valley. No golden eagle nests were found during two years of aerial nest searches, and avian use surveys documented only three observations of golden eagles in 914 hours of survey effort over two years. Typical golden eagle nesting habitat, such as rocky outcroppings or exposed cliffs, may be found in the surrounding region, but is generally absent from the Project Site. Given the relatively low use of the Project Site by bald and golden eagles, and the low percentage of preferred habitat types within the Project boundary, impacts to golden and bald eagles are anticipated to be less than significant. If take of eagles occurs, the Project would coordinate with the USFWS to reduce eagle hazards due to Project operation and provide compensatory mitigation, if needed, to address the loss of eagles consistent with federal guidance.</p>
<p>Clean Air Act, CAAQS and NAAQS</p>	<p>Under the Clean Air Act (CAA), the USEPA has identified criteria pollutants and has established NAAQS to protect public health and welfare, including for ozone, CO, NO₂, PM₁₀, PM_{2.5}, and lead. California has adopted more stringent ambient air quality standards (i.e., CAAQS) for most of the criteria air pollutants.</p> <p>Project emissions during construction are not expected to result in a cumulatively considerable net increase of ozone or NO_x emissions, but may result in a cumulatively considerable net increase of PM₁₀ emissions, for which the Project region is non-attainment of State ambient air quality standards. The Project would be required to mitigate emissions to the extent feasible, in accordance with federal and state law.</p> <p>Project emissions during operation are not expected to result in a cumulatively considerable net increase of criteria pollutants.</p>
<p>State</p>	
<p>Z'Berg-Nejedly Forest Practice Act</p>	<p>The Z'Berg-Nejedly Forest Practice Act of 1973 (Public Resources Code §§4511-4360.2) and its implementing regulations, the Forest Practice Rules (14 Cal. Code Regs. §895 et seq.), govern the management of privately owned forestlands in California.</p> <p>Existing commercial and pre-commercial timber would be harvested, treated, and/or removed from the Project Site to allow development of the Project during this first phase of Project implementation. A Timber Harvesting Plan (THP) would be drafted in accordance with requirements set forth in the Forest Practice Act (Pub. Res. Code §4582) and the Forest Practice Rules (CAL FIRE, 2019). The THP would specify the location of timber to be harvested, how it would be harvested, and environmental Best</p>

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	<p>Management Practices (BMPs) that would be implemented during harvesting.</p>
<p>Clean Water Act, Section 401 (water quality certification)</p>	<p>Under Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity that may result in any discharge into navigable waters (such as a Section 404 permit) must provide the licensing or permitting agency with a certification that the discharge would comply with the applicable CWA provisions.</p> <p>The Project may result in both temporary and permanent direct impacts to wetlands and other waters of the US. Therefore, the CEC will coordinate with Central Valley RWQCB regarding discharges of waste that could affect water quality. No applications have yet been filed with the Central Valley RWQCB.</p>
<p>Porter-Cologne Act (waste discharge requirements and/or NPDES permits)</p>	<p>Under the Porter-Cologne Act, the SWRCB and RWQCBs have the responsibility for granting Waste Discharge Requirements (WDRs) or National Pollutant Discharge Elimination System (NPDES) permits for discharges to waters of the State.</p> <p>The applicant will coordinate with Central Valley RWQCB regarding discharges to waters of the State.</p>
<p>Fish & Game Code §1600 et seq. (streambed alteration)</p>	<p>CDFW regulates activities that would interfere with the natural flow of, or substantially alter, the channel, bed, or bank of a lake, river, or stream under Fish and Game Code Sections 1600 to 1616.</p> <p>The CEC will coordinate with CDFW regarding potential Project impacts to the channel, bed, or bank of a lake, river, or stream. An application for a Lake and Streambed Alternation Agreement was filed with CDFW on May 13, 2021 .</p>
<p>California Endangered Species Act</p>	<p>The California Endangered Species Act (CESA) prohibits the take of endangered and threatened species.</p> <p>Based on extensive studies, the Project is not expected to result in take of state listed species, which either do not occur on the Project site or can be avoided via minimization and avoidance measures.</p>
<p>California Public Utilities Commission, General Order 131-D</p>	<p>The CPUC regulates the planning and construction of electric generation, transmission lines, and substations by public utilities pursuant to General Order 131-D.</p> <p>The Project may require minor modifications or upgrades to PG&E's existing 230 kV line, as well as upgrades to PG&E facilities including the construction and/or reconfiguration of utility line structures and transmission line circuits involving four to six new transmission poles. The Applicant would construct the switching station and PG&E would construct the electrical connections to its facility. All components would be built in accordance with General Order 131-D.</p>

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<p>California Scenic Highway Program</p>	<p>The Scenic Highway Program is designed to protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to the highways.</p> <p>The nearest designated state scenic highway to the Project Site is a 3.3-mile section of SR 151 located approximately 28 miles from the western edge of the Project Site. Eligible State Scenic Highways near the Project Site include SR 89 (approximately 11 miles away), SR 299 east of SR 89 (approximately 11 miles away), and SR 44 (approximately 17 miles away). The Project would not reduce the visual quality of views from scenic highways because it would not contrast with existing visual conditions, but rather would blend in with and extend existing forms along the ridgeline.</p>
<p>California Register of Historical Resources</p>	<p>The California Register is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (Pub. Res. Code §5024.1[a]).</p> <p>Based on the results of the previous analysis, the Project site contains one cultural resource that qualifies for listing in the California Register. The Project would avoid the resource, if feasible, and otherwise mitigate any impacts to the resource in accordance with state law.</p>
<p>Assembly Bill (AB) 52</p>	<p>Assembly Bill (AB) 52 added provisions to the Public Resources Code regarding the evaluation of impacts on tribal cultural resources under CEQA, and requirements to consult with California Native American tribes as defined in Government Code Section 65352.4.</p> <p>The CEC will comply with AB 52 and consult with responding Native American Tribes as part of its review of the project. Based on previous consultation, the applicant understands that local tribes have ties to the area, which they describe as a place of refuge, ceremony, healing, prayer, fasting, hunting, gathering, and other sacred traditional uses.</p>
<p>Senate Bill 100 and related state law</p>	<p>SB 100 provides that 100 percent of all electricity in California must be obtained from renewable and zero-carbon energy resources by December 31, 2045. Relatedly, California has adopted Renewables Portfolio Standards to increase the percentage that retail sellers of electricity, including investor-owned utilities and community choice aggregators, must provide from renewable resources.</p> <p>The Project would assist the state in meeting its goals under SB 100 and related laws. As a renewable energy project, the project will offset GHG emissions generated by fossil-fuel power plants to the extent that it serves demand that otherwise would be served with a</p>

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	<p>fossil-fuel powered source. The Project is expected to provide a potential net offset of 227,917 MT CO₂e per year if the electricity generated by the Project were to be used in place of electricity generated by fossil-fuel sources.</p>
<p>PG&E Emergency Response Plan and Fire Prevention Plan</p>	<p>PG&E’s Emergency Response Plan describes and formalizes PG&E’s in-place plans and protocols for response to emergencies. The Fire Prevention Plan summarizes PG&E’s fire prevention and safety procedures and programs.</p> <p>PG&E’s Fire Prevention Plan would be applied to the PG&E interconnection facilities required for the Project, pursuant to CPUC GO 166. The implementation of operational risk management programs identified in PG&E’s Fire Prevention Plan and Wildfire Safety Plan would reduce the risk of an ignition during operation. Relevant programs include enhanced weather monitoring, Utility Standard S1464, the Wood Pole Test and Treat Program, Pro-Active Responses to Fire Incidents, enhancements to PG&E’s Storm Outage Prediction Model, the Wildfire Reclosing Disable Program, and the implementation of the PSPS program (PG&E, 2018). The Project also would also be subject to the CPUC vegetation management and clearance requirements (GO 95, GO 165, and GO 166) as well as the portions of the Public Resources Code that identify clearance requirements and requirements for work in SRAs. Compliance with the above operational and vegetation clearance requirements would effectively manage the risk of exposing surrounding communities to exacerbated risk of the uncontrolled spread of a wildfire during construction and operation of the PG&E infrastructure.</p>
<p>2018 Strategic Fire Plan for California</p>	<p>The Strategic Fire Plan outlines goals and objectives to implement CAL FIRE’s overall policy direction and vision. The 2018 Plan demonstrates CAL FIRE’s focus on: (1) fire prevention and suppression activities to protect lives, property, and ecosystem services; and (2) natural resource management to maintain the State’s forests as a resilient carbon sink to meet California’s climate change goals and to serve as important habitat for adaptation and mitigation.</p> <p>The CAL FIRE Shasta-Trinity Unit has access to firefighting aircraft which drop either fire retardant or water in strategic locations to fight spreading fires. Within the Project Site, peaks and buttes present existing obstacles for aerial firefighting. Due to the spacing between rows of turbines, aerial firefighting operations (particularly the use of helicopters) will still be possible throughout the project area, and the full suite of aerial firefighting assets, including air tankers and helicopters, can be effectively used along and within the perimeters of the project area. The Project also would coordinate with CAL FIRE to facilitate aerial fire-fighting planning.</p>

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	<p>Further, in accordance with applicable firebreak clearance requirements (Pub. Res. Code §4292; 14 Cal. Code Regs. §1254), the Applicant would trim or remove flammable vegetation in the area surrounding power lines to reduce potential fire and other safety hazards. Also, in accordance with tree and power line clearance requirements (Pub. Res. Code §4293; 14 Cal. Code Regs. §1256), the Applicant would regularly inspect vegetation and trim trees to manage fire and safety hazards and ensure electrical reliability for all Project collector lines constructed overhead.</p> <p>Finally, the project and its infrastructure will be nearly devoid of woody vegetation, which will serve to break up the continuity of the existing dense vegetation, reduce the severity of wildfires and improve the survivability of the existing young pines. Project access roads and turbine pads also effectively create numerous, permanent fuelbreaks. Some access roads will be located along ridgelines where fire suppression can be highly effective. The roadways and travel corridors that will provide access to the turbines and related infrastructure will also serve to greatly increase access throughout the project area for wildfire suppression purposes, therefore decreasing response times for suppressing and containing wildfires.</p>
<p>California Vehicle Code and California Department of Transportation</p>	<p>The Project would comply with oversized load/vehicle requirements and obtain encroachment permits where necessary.</p>
<p>Local</p>	
<p>Shasta County General Plan and Zoning Code</p>	<p>The County General Plan and Zoning Code establish use and development regulations for land within the County and under its jurisdiction.</p> <p>The Shasta County General Plan designates the Project Site as Timber (T). The zoning designations are Timber Production (TP) (approximately 4,457 acres) and Unclassified (U) (approximately 6 acres). In staff reports to the Planning Commission and Board of Supervisors, Shasta County planning staff opined in 2021 that the Project as proposed at that time was consistent with local laws and regulations, including the General Plan and the zoning ordinance.</p> <p>In July 2022, the County prohibited large-scale wind projects in all zoning districts in the County. Prior to that prohibition, the TP district conditionally allowed the construction of “gas, electrical, water, or communication transmission facility, or other public improvements, in accordance with Government Code Section 51152,” and the U zone district conditionally permitted wind energy systems.</p>

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	<p>Additionally, 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. General Plan Policy 6.2.4, T-d, allows power generation facilities in timberlands.</p> <p>Although the Project previously was consistent with the County's land use regulations, the County now prohibits large-scale wind energy projects.</p>
<p>Shasta County Fire Safety Standards</p>	<p>The Shasta County Fire Safety Standards address access, road widths, bridges, building construction, and hydrant and water systems.</p> <p>The project and its infrastructure will serve to break up the continuity of the existing dense vegetation, reducing the severity of wildfires. Project access roads and turbine pads also effectively create numerous, permanent fuelbreaks. These roadways and travel corridors will serve to greatly increase access throughout the project area for wildfire suppression purposes. Additionally, new permanent water tanks will be distributed throughout the project, increasing both the amount and the accessibility of water within the project footprint for fire suppression. The project also will maintain a fire coordinator during construction who will be responsible for training all construction personnel on fire prevention, identification, reporting, and response, and who will have a direct line of communication to appropriate authorities.</p>
<p>Western Shasta Community Wildfire Protection Plan</p>	<p>The Western Shasta Resource Conservation District (WSRCD) has established a Community Wildfire Protection Plan (CWPP) to reduce the destruction and associated costs from wildfire by creating shaded fuel breaks, increase homeowner and fire department access and egress, watershed restoration and public information and education on developing Firewise Communities.</p> <p>Only a small southern portion of the Project Site would be located within the CWPP designated area in Cow Creek. The majority of the northern portion of the Project Site would be undesignated within the CWPP. In any event, as discussed above, the project and its infrastructure will be nearly devoid of woody vegetation, which will</p>

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	serve to break up the continuity of the existing dense vegetation, reduce the severity of wildfires and improve the survivability of the existing young pines. The infrastructure, along with adjacent shaded fuel breaks, help reduce the risk of wildfire to the landowner's existing timber stands, adjacent timber owner's properties, and neighboring inholding properties. The roadways and travel corridors that will provide access to the turbines and related infrastructure will also serve to greatly increase access throughout the project area for wildfire suppression purposes and for wildfire evacuation or other emergencies.
Shasta County Air Quality Management District	The Project would comply with all requirements to obtain an Authority to Construct or Permit to Operate.
Building, Grading, Electrical Codes	The Project would comply with local and state building, grading and electrical codes.
Shasta County Hazardous Materials Program, CUPA	The Project would prepare a Hazardous Materials Business Plan for handling hazardous materials above threshold quantities.