

DOCKETED

Docket Number:	23-OPT-01
Project Title:	Fountain Wind Project
TN #:	250448
Document Title:	land_use_fwp_responses
Description:	N/A
Filer:	Caitlin Barns
Organization:	Stantec Consulting Services, Inc.
Submitter Role:	Applicant Consultant
Submission Date:	6/1/2023 1:58:40 PM
Docketed Date:	6/1/2023

Data Request Identifier	Request Source	Topic	Reviewer	Siting Regulations	Information	Opt-In Page Number And Section Number	Adequate	Information Required To Make OPT Conform With Regulations	Response Date	Applicant Response	Status
LU-001	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (g) (1)	...provide a discussion of the existing site conditions, the expected direct, indirect and cumulative impacts due to the construction, operation and maintenance of the project, the measures proposed to mitigate adverse environmental impacts of the project, the effectiveness of the proposed measures, and any monitoring plans proposed to verify the effectiveness of the mitigation.	TN 248288: DEIR Forestry Resources; Section 3.8.3.2; pages 3.8-3 to 3.8-4 TN 248289-1: FEIR Vol 1; Section 1.2.3.2; page 1-16 TN 248312: Timber Conversion Permit; page 25 TN 248322: Executive Summary and Project Description; Section 4.4.1.2; page 9	No	Please provide details on timber conversion activities for a comprehensive Forestry analysis. The DEIR Forestry Resources Section 3.8 did not discuss the direct or indirect impacts associated with the quantity of timber that would be removed, the process for removing the timber, where the timber would be shipped and processed, and site treatment activities following timber removal. The information regarding quantity of timber to be removed and the removal/treatment procedures was not included in the 2020 DEIR Project Description. While the 2021 Timber Conversion Permit (TCP) included additional details on the proposed timber conversion activities, none of these specific timber-related activities were analyzed under CEQA in the 2020 DEIR or 2021 FEIR. Furthermore, as stated in page 25 of the Timberland Conversion Permit (TCP), the applicant did not prepare an analysis of Timber Supply Depletion for consideration in the CEQA document. A Timber Supply Depletion analysis was to be prepared at a later date as part of the Timber Harvest Plan (THP).	1-Jun	Timber removal activities are required to install the turbines and other project features. However, this timber removal would occur with or without the project since the project is being proposed on land under active timber harvest and zoned and permitted for timber harvest. As such, timber removal activities are part of the baseline conditions. CEQA does not require an analysis of a reduction of baseline activities unless that reduction would itself result in significant environmental impacts, which is not the case here.	submitted
LU-002	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (g) (3) (A)	A discussion of existing land uses and current zoning at the site, land uses and land use patterns within one mile of the proposed site and within one-quarter mile of any project-related linear facilities. Include:	TN 248288: DEIR Description of Project and Alternatives; Section 2.2; pages 2-3 to 2-5 TN 248288: DEIR Intro to Environmental Analysis; Section 3.1.4.10 (Land Use and Planning); page 3.1-19 TN 248322: Executive Summary and Project Description; Section 2.3; pages 1 to 2	No	Please update the Land Use and Zoning Designation figures. The DEIR Project Description (TN 248288) includes a figure of the general plan land use and zoning designations for the proposed 2019 project area. This figure will need to be updated to reflect the 2023 proposed project configuration and layout. Please provide information on existing land uses within one mile of the project. Neither the DEIR Land Use and Planning analysis (TN 248288) nor the 2023 Executive Summary and Project Description (TN 248322) include a description of land uses (residential, recreational,	1-Jun	Figure provided (TN# 250283). Existing land uses within one mile of the project site include public land, managed forest land, and rural residential uses.	submitted

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LU-003	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (g) (3) (A) (i)	An identification of residential, commercial, industrial, recreational, scenic, agricultural, natural resource protection, natural resource extraction, educational, religious, cultural, and historic areas, and any other area of unique land uses;	TN 248288: DEIR Intro to Environmental Analysis; Section 3.1.4.10 (Land Use and Planning); page 3.1-19 TN 248322: Executive Summary and Project Description; Section 2.3; pages 1 to 2	No	commercial, industrial) within one mile of the project site. Please provide information on existing land uses within one mile of the project. Neither the DEIR Land Use and Planning analysis (TN 248288) nor the 2023 Executive Summary and Project Description (TN 248322) include a description of land uses (residential, recreational, commercial, industrial) within one mile of the project site.	1-Jun	Please see response to LU-002.	submitted
LU-004	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (g) (3) (A) (ii)	A discussion of any recent or proposed zone changes and/or general plan amendments; noticed by an elected or appointed board, commission, or similar entity at the state or local level;	TN 248322: Executive Summary and Project Description; Section 1.3.1; pages xi to xiv	Yes	N/A	N/A	N/A	N/A
LU-005	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (g) (3) (A) (iii)	Identification of all discretionary reviews by public agencies initiated or completed within 18 months prior to filing the application for those changes or developments identified in subsection (g)(3)(A)(ii); and	TN 248322: Executive Summary and Project Description; Section 1.3.1; pages xi to xiv	No	N/A	3-Apr	Table of applicable permits, agency contact information, and the schedule to obtain legally binding enforceable agreement(s) with community-based organizations and/or permitting entities was submitted on April 3, 2023 (TN# 249533).	submitted
LU-006	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (g) (3) (A) (iv)	Legible maps of the areas identified in subsection (g)(3)(A) potentially affected by the project, on which existing land uses, jurisdictional boundaries, general plan designations, specific plan designations, and zoning have been clearly delineated.	TN 248288: DEIR Description of Project and Alternatives; Section 2.2; pages 2-3 to 2-5	No	Please update the Land Use and Zoning Designation figures. The DEIR Project Description (TN 248288) includes figures of the general plan land use and zoning designations for the proposed 2020 project area. These figures will need to be updated to reflect the 2023 proposed project configuration.	1-Jun	Please see response to LU-002.	submitted

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LU-007	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (g) (3) (B)	A discussion of the compatibility of the proposed project with present and expected land uses, and conformity with any long-range land use plans adopted by any federal, state, regional, or local planning agencies. The discussion shall identify the need, if any, for land use decisions by another public agency or as part of the commission's decision that would be necessary to make the project conform to adopted federal, state, regional, or local coastal plans, land use plans, or zoning ordinances. Examples of land use decisions include general plan amendments, zoning changes, lot line adjustments, parcel mergers, subdivision maps, Agricultural Land Conservation Act contracts cancellation, and Airport Land Use Plan consistency determinations.	TN 248322: Executive Summary and Project Description; Section 1.3.1; pages xi to xiv TN 248293: CEQA Staff Report; pages 1 to 14 TN 248296: Project Permit Denial; pages 264 to 268	Yes	N/A	N/A	N/A	N/A
LU-008	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (g) (3) (C)	A discussion of the legal status of the parcel(s) on which the project is proposed. If the proposed site consists of more than one legal parcel, describe the method and timetable for merging or otherwise combining those parcels so that the proposed project, excluding linears	TN 248330: Shasta County Use Permit Application; pdf pages 8 to 16 TN 249296-9: Parcel Owners List	No	Please revise the list of parcels within the project area. The list of parcels within the proposed project area reflects the 2019 proposed project site. The list needs to be	25-May; resubmitted 1-Jun	A table with APNs within the Project Site is included (TN# 250435).	resubmitted

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LU-009	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (g) (3) (D)	A map at a scale of 1:24,000 and written description of agricultural land uses found within all areas affected by the proposed project. The description shall include:	TN 248288: DEIR Description of Project and Alternatives; Section 3.1.4.1; page 3.1-12	No	Please provide map and location information for Prime Farmland. The DEIR Agricultural analysis identifies that there is a 110-acre area of designated Prime Farmland approximately 0.25 mile southeast of a proposed turbine. The analysis concludes that there is no impact to agricultural resources. More information is needed for this analysis, specifically, a map showing the location of the Prime Farmland and the nearest turbine, access road(s), staging areas, etc.	1-Jun	<p>The parcel in question is a private inholding originally characterized in the 2016 Site Characterization Study as cropland based on the classification from the National Land Cover Dataset (NLCD 2016). However, based on the field surveys conducted in 2018, 2019, and 2021, what was categorized as crops is, in fact, a meadow which is occasionally harvested for hay. Though it is classified as Prime Farmland, it is not used for crops and is not irrigated. The parcel will not be affected by the Project, as it is not located near any Project turbines, access roads, staging areas, or other infrastructure. The location of the inholding is found in LU-09_AgriculturalResources (TN# 250291).</p> <p>No Prime Farmland occurs within the Project Site. A map showing the location of farmland designations within the Project Site (Figure LU-09 Agricultural Resources [TN# 250291] and SOILS-002 [TN# 250058]) and a description of associated soil types (TN# 250059) are provided. The SOILS-002 map notes that several areas are considered "Prime Farmland if irrigated" but because these areas are not irrigated, they are not considered Prime Farmland. Maps produced by the California Resources Agency pursuant to the Farmland Mapping and Monitoring Program show that no land in the Project Site is zoned for agricultural use or subject to a Williamson Act contract. The Project's 2020 EIR considered agricultural resources to be an environmental consideration unaffected by the Project and, therefore, this topic was not discussed in detail in the EIR.</p>	submitted

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LU-010	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (g) (3) (D) (i)	Crop types, irrigation systems, and any special cultivation practices;	TN 248288: DEIR Description of Project and Alternatives; Section 3.1.4.1; page 3.1-12	No	Please provide descriptions of agricultural activities. More information is needed to describe the 110-acre area of designated Prime Farmland approximately 0.25 mile southeast of a proposed turbine, and the historic and current agricultural activities occurring in this area. Specifically, the DEIR Agricultural analysis must describe the farming activities (crop type, irrigation systems, any special cultivation practices) for the 110-acre agricultural site.	1-Jun	See response to LU-009.	submitted
LU-011	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (g) (3) (D) (ii)	Whether farmland affected by the project is prime, of statewide importance, or unique as defined by the California Department of Conservation; and	TN 248288: DEIR Description of Project and	No	Not specified	1-Jun	Please see response to LU-002 and LU-009.	submitted
LU-012	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (g) (3) (D) (iii)	Direct, indirect, and cumulative effects on agricultural land uses. If the proposed site or related facilities are subject to an Agricultural Land Conservation contract, provide a written copy and a discussion of the status of the expiration or canceling of such contract.	TN 248288: DEIR Description of Project and Alternatives; Section 3.1.4.1; page 3.1-12	No	Please provide descriptions of agricultural activities and their locations, and identify whether the 110-acre Prime Farmland site is subject to an Agricultural Land Conservation contract. To identify potential indirect or cumulative impacts to agriculture, the DEIR Agricultural analysis requires more information regarding the type of agricultural activities at the 110-acre Prime Farmland site, and the location of other project disturbance activities (access roads, staging areas) relative to the site. The DEIR Agricultural analysis states that none of the parcels within the proposed project site are subject to a Williamson Act contract. However, the analysis does not identify whether the 110-acre Prime Farmland site that is located 0.25 mile from the nearest turbine is subject to an Agricultural Land Conservation contract.	1-Jun	See response to LU-009.	submitted

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LU-013	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (i) (1) (A)	Tables that identify laws, regulations, ordinances, standards, adopted local, regional, state, and federal land use plans, leases, and permits applicable to the proposed project, and a discussion of the applicability of, and conformance with each. The table or matrix shall explicitly reference pages in the application wherein conformance, with each law or standard during both construction and operation of the facility is discussed; and	TN 248290: Labor Regs Consistency Matrix TN 248288: DEIR Intro to Environmental Analysis; Section 3.1.4.10 (Land Use and Planning); page 3.1-19	No	Please describe the Conditions of Approval for a TPZ. The Shasta County Code sections that were relevant during preparation of the 2020 DEIR and 2021 FEIR are identified in the DEIR's Land Use and Planning section (TN 248288) and in the Law, Ordinance, Regulation, or Standard Consistency Matrix (TN 248290). However, the discussion does not address the ordinance adopted by the Shasta County Board of Supervisors on July 12, 2022 to amend Section 17.88.035 of the Zoning Plan, which currently prohibits the construction of utility-scale wind project in the County.	12-Apr	Updated LORS Consistency Matrix (TN# 249636) and General Plan Consistency Matrix (TN# 249635) were provided on April 12, 2023.	follow-up response ongoing
LU-014	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (i) (1) (B)	Tables that identify each agency with jurisdiction to issue applicable permits, leases, and approvals or to enforce identified laws, regulations, standards, and adopted local, regional, state and federal land use plans, and agencies that would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.	TN 248322: Executive Summary and Project Description; Section 5 (Project Permits), Table 3 (List of Potential Permits and Status), pages 16 to 17	Yes	N/A	N/A	N/A	N/A
LU-015	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (i) (2)	The name, title, phone number, address (required), and email address (if known), of an official who was contacted within each agency, and provide the name of the official who will serve as a contact person for Commission staff.	Not Docketed: Fountain Wind Project Draft EIR Chapter 5 (Report Preparation), Section 5.4 (Entities Consulted and Recipients of the Draft EIR and/or the Notice of Availability), pages 5-3 to 5-5 File was obtained from the following site: https://www.shastacounty.gov/planning/page/draft-eir-fountain-wind-project	No	Please provide agency contact information. The DEIR list of federal, state, and local agencies consulted does not include the contact's phone number, address, or email address. The list does not indicate who should serve as the contact person for Commission staff.	3-Apr	Table of applicable permits, agency contact information, and the schedule to obtain legally binding enforceable agreement(s) with community-based organizations and/or permitting entities was submitted on April 3, 2023 (TN# 249533).	closed out
LU-016	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (i) (3)	A schedule indicating when permits outside the authority of the Commission will be obtained and the steps the applicant has taken or plans to take to obtain such permits.	TN 248322: Executive Summary and Project Description; Section 5 (Project Permits), Table 3 (List of Potential Permits and Status), pages 16 to 17	No	Please provide schedule for obtaining permits. The "List of Potential Permits and Status" provided in Table 3 does not identify the steps involved or the schedule for obtaining the permits that are outside the authority of the commission.	3-Apr	Table of applicable permits, agency contact information, and the schedule to obtain legally binding enforceable agreement(s) with community-based organizations and/or permitting entities was submitted on April 3, 2023 (TN# 249533).	follow-up response ongoing

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LU2-01	Attachment B Addendum	Land Use	Not specified	Not specified	<p>Please provide a updated information for the Cumulative Scenario that includes the following elements to support an adequate discussion of any potentially significant cumulative impacts that may be identified:</p> <p>a. Local and regional planning projections for Shasta County;</p> <p>b. Reasonably foreseeable future development of small wind energy systems as a result of 2022 amendments to the Shasta County Code;</p> <p>c. An updated cumulative projects list that includes planned/proposed or permitted projects since August 2019; and</p> <p>d. Future applicant activities (i.e., Fuel Break Project and Expanded Internet Service Project) with an updated description of the activity location and size, estimated number and types of construction equipment, and anticipated schedule for construction and maintenance.</p> <p>2. Please provide an updated figure that includes the following:</p> <p>a. Current Shasta County General Plan Land Use and Zoning Designations (as amended) for the project site;</p> <p>b. The boundaries of the proposed Lease Hold Area; and</p> <p>c. The 2023 proposed project configuration and layout within the site boundaries that identifies the proposed location of the following: turbines, ground and overhead collector lines, access roads, temporary construction laydown areas, proposed operations and maintenance facility, proposed meteorological evaluation towers, storage sheds, temporary concrete batch plants, substation and switchyard, and relay microwave tower.</p>	Not specified	No	Not specified	1-Jun	<p>The Applicant was unable to find information related to data requests (a), (b), or (c) and requested this information in an email to Paul Hellman at the Shasta County Planning Division on April 18, 2023 (TN# 250436). No response was received.</p> <p>The Applicant proposes a Fuel Break Project and Expanded Internet Service Project as part of the Community Benefits Program, not as part of the proposed Project. These actions should not be included in the project description for the Proposed Project or the CEC's discretionary action.</p>	submitted
LU2-02	Attachment B Addendum	Land Use	Not specified	Not specified	<p>Please provide a updated information for the Cumulative Scenario that includes the following elements to support an adequate discussion of any potentially significant cumulative impacts that may be identified:</p> <p>a. Local and regional planning projections for Shasta County;</p> <p>b. Reasonably foreseeable future development of small wind energy systems as a result of 2022 amendments to the Shasta County Code;</p> <p>c. An updated cumulative projects list that includes planned/proposed or permitted projects since August 2019; and</p> <p>d. Future applicant activities (i.e., Fuel Break Project and Expanded Internet Service Project) with an updated description of the activity location and size, estimated number and types of construction equipment, and anticipated schedule for construction and maintenance.</p> <p>2. Please provide an updated figure that includes the following:</p> <p>a. Current Shasta County General Plan Land Use and Zoning Designations (as amended) for the project site;</p> <p>b. The boundaries of the proposed Lease Hold Area; and</p> <p>c. The 2023 proposed project configuration and layout within the site boundaries that identifies the proposed location of the following: turbines, ground and overhead collector lines, access roads, temporary construction laydown areas, proposed operations and maintenance facility, proposed meteorological evaluation towers, storage sheds, temporary concrete batch plants, substation and switchyard, and relay microwave tower.</p>	Not specified	No	Not specified	1-Jun	Figure is updated and included in LU-02.	submitted

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LU2-03	Attachment B Addendum	Land Use	Not specified	Not specified	<p>3. For each specific land use and zoning designation traversed by the proposed project, please provide the applicable General Plan policies and zoning code section and Shasta County's consistency determination of each particular project component with each policy and zoning requirement, and justification for consistency.</p> <p>4. Please describe the conditions that Shasta County would attach to this project, were it the permitting agency (but for the exclusive authority of the Energy Commission), in order to ensure the project's consistency with applicable LORS.</p> <p>5. Please provide a list of current existing land uses (residential, recreational, commercial, industrial) within one mile of the project site boundaries. Please include a map illustrating the location of these land uses relative to the proposed project (turbines, ground and overhead collector lines, access roads, temporary construction laydown areas, proposed operations and maintenance facility, proposed meteorological evaluation towers, storage sheds, temporary concrete batch plants, substation and switchyard, and relay microwave tower).</p>	Not specified	No	Not specified	1-Jun	Please see revised zoning consistency matrix (TN# 250305).	submitted
LU2-04	Attachment B Addendum	Land Use	Not specified	Not specified	<p>6. Please provide a map illustrating the location of the 110-acre Prime Farmland relative to the proposed project (turbines, ground and overhead collector lines, access roads, temporary construction laydown areas, proposed operations and maintenance facility, proposed meteorological evaluation towers, storage sheds, temporary concrete batch plants, substation and switchyard, and relay microwave tower).</p> <p>7. Describe the historic and current agricultural activities occurring at the 110-acre Prime Farmland site, and discuss the applicable crop type(s), irrigation systems, and any special cultivation practices.</p> <p>8. Identify whether the 110-acre Prime Farmland site is subject to an Agricultural Land Conservation contract. If this land is under contract, identify the length of the contract, the time remaining under the current contract, and whether the contract status is designated as renewal or non-renewal.</p>	Not specified	No	Not specified	1-Jun	Refer to response for LU-012	submitted

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LU2-05	Attachment B Addendum	Land Use	Not specified	Not specified	<p>9. Please provide a list of all parcels and their APNs within the current 2023 proposed project site boundary, and a figure that identifies the location of proposed project components relative to each parcel (turbines, ground and overhead collector lines, access roads, temporary construction laydown areas, proposed operations and maintenance facility, proposed meteorological evaluation towers, storage sheds, temporary concrete batch plants, substation and switchyard, and relay microwave tower).</p> <p>10. Provide the terms of the Wind Energy Lease between the Applicant and property owner (Oxbow Timber I, LLC).</p> <p>11. Discuss whether any parcel mergers would occur as part of the proposed project. Provide details on what parcels would be included in the merger, and what project components would be sited or staged on the merged parcels. Describe any communications that have occurred with Shasta County regarding parcel mergers, and any requirements identified by the County to approve a parcel merger.</p> <p>12. Identify any recorded restrictions on the project site that preclude development, and identify which parcels these restrictions apply to.</p>	Not specified	No	Not specified	25-May; resubmitted 1-Jun	<p>9. A list of project parcels (TN# 250435) and corresponding maps are provided (TN# 250442, 250443, 250444);</p> <p>10. The memorandum of lease between the Applicant and Oxbow Holdings was provided as part of the original application (TN# 248331). The commercial terms of the lease are confidential.</p> <p>11. No parcel mergers are proposed.</p> <p>12. No recorded restrictions exist on the Project site The county-wide ban on commercial scale wind projects passed subsequent to Project's denial.</p>	resubmitted
PO-008	Deficiency Letter Matrix	Project Overview	Salyphone Ng Kerr	Appendix B (a) (1) (D)	A full-page color photographic reproduction depicting the visual appearance of the site prior to construction, and a full-page color simulation or artist's rendering of the site and all project components at the site, after construction.	TN 248288-2: DEIR Description of Project and Alternatives Figure 2-1 - 2-5	No	TN 248322: Executive Summary and Project Description lacks a full-page color photographic reproduction depicting the visual appearance of the site prior to construction, and a full-page color simulation or artist's rendering of the site and all project components at the site, after construction, for the project as currently proposed.	2-May and 1-Jun	Full-page color photographic reproduction depicting the visual appearance of the site prior to construction have been submitted to CEC from current KOPs as part of the response to VIS-01 (via Kiteworks on May 2, 2023). Two full-color simulation of post-construction conditions were submitted via Kiteworks on June 1, 2023 (TN# 250429).	submitted
PO-014	Deficiency Letter Matrix	Project Overview	Salyphone Ng Kerr	Appendix B (b) (1) (A)	<p>In a section entitled, "Generation Facility Description, Design, and Operation" provide the following information:</p> <p>Maps at a scale of 1:24,000 (1" = 2000'), (or appropriate map scale agreed to by staff) along with an identification of the dedicated leaseholds by section, township, range, county, and county assessor's parcel number, showing the proposed</p>	TN 248288-2: DEIR Description of Project and Alternatives, Figure 2-1 Project Location	No	Not to the scale of 1:24,000	5-May; resubmitted 1-Jun	See response to LU2-05.	resubmitted

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					final locations and layout of the power plant and all related facilities;						