

DOCKETED

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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	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.	<p>The information submitted is incomplete. TN 250448 (land_use_fwp_responses) is not an adequate response to the Warren-Alquist Act Siting Regulation Appendix B (g)(1).</p> <p>Per the Warren-Alquist Act Siting Regulation Appendix B (g)(1), the Applicant must "...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."</p> <p>The proposed project would introduce a non-timber production land use within a County-designated Timber Production District. Activities to prepare the site for installation of wind turbines and appurtenant infrastructure (i.e., timber removal and soil disturbance) would involve changes to the baseline conditions of the project site. Per CEQA Guidelines Section 15126.2(a), an EIR must evaluate the "...changes in the existing physical conditions in the affected area...at the time environmental analysis is commenced." The Draft EIR 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 Draft EIR Project Description.</p> <p>The specific information still needed to analyze impacts to Forestry Resources includes the following: --Provide details on timber conversion activities for a comprehensive Forestry analysis (i.e., 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).</p>	[pending]

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								document. A Timber Supply Depletion analysis was to be prepared at a later date as part of the Timber Harvest Plan (THP).				

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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, commercial, industrial) within one mile of the project site.	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.	The information submitted is incomplete. TN 250283 (LU-02_LandUse) and TN 250448 (land_use_fwp_responses) are not adequate responses to the Warren-Alquist Act Siting Regulations Appendix B (g)(3)(A) and Appendix B (g)(3)(A)(i). The specific information still needed is: --The Project Site Boundary (i.e., the boundary that encompasses all project activities). --The 1-mile buffer from the specific proposed Project Site Boundary, as required by the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(A). The "buffer" illustrated in TN 250283 is not accurately shown as extending 1-mile from the project boundary. Note that a "project area" is not a specific project site boundary. The Applicant needs to provide the specific boundary upon which the Project would be sited to allow for CEQA impact analysis. --The location of zoning designations that are identified in the figure legend for TN 250283 (i.e., Rural Residential is shown in the legend but is missing on the figure). --Per the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(A)(i), a discussion of existing physical land uses within the Project Site Boundary and 1-mile buffer area that include "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." This discussion must include a description of the total numbers and locations of any existing residences; recreation facilities such as parks & trails; schools; commercial/retail sites; industrial uses or other land uses. Note that land use designations (i.e., general plan and zoning) are not the same as existing physical land uses currently occurring on the project site.	[pending]
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	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 and 21-Jun	Please see response to LU-002.	The information submitted is incomplete. TN 250283 (LU-02_LandUse) and TN 250448 (land_use_fwp_responses) are not adequate responses to the Warren-Alquist Act Siting Regulations Appendix B (g)(3)(A) and Appendix B (g)(3)(A)(i). For specific information still needed, see Disposition response for LU-002.	Please see response to LU-002.

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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	1-Jun and 21-Jun	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).	The information submitted is incomplete. Applicant has not indicated if this list of permits has been confirmed by Shasta County. Per Land Use staff's call with the Applicant on April 17, 2023 at 11:00 a.m. and the associated follow-up detailed clarifications sent on Tuesday April 18, 2023 via email from Tatiana Inouye to Leonidas Payne, this information is needed to complete the analysis. Land Use staff will have to conduct detailed coordination with Shasta County Planning throughout the Staff Assessment preparation.	The Applicant submitted a table of discretionary reviews/permits by public agencies as TN# 249533 on April 3, 2023. AB 205 and Appendix B do not require that the local governmental agency that would have had jurisdiction over the project (here Shasta County) confirm the completeness of the list. Nonetheless, the Applicant has provided CEC staff with Shasta County's complied list of required discretionary permits from the County's 2021 EIR. See Table 2-8 in TN# 248288-2. Should CEC staff want additional confirmation from Shasta County planning staff, the Applicant has also provided CEC staff with contact information for the County planning staff (including emails and telephone numbers) for purposes of CEC coordination. To date, the County has not responded to Applicant's requests for information on any topic (see LU2-01).

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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 and 21-Jun	Please see response to LU-002.	<p>The information submitted is incomplete. TN 250283 (LU-02_LandUse), TN 250292 (LU-06_Zoning), and TN 250448 (land_use_fwp_responses) are not adequate responses to the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(A)(iv).</p> <p>The specific information still needed is: --The Project Site Boundary (i.e., the boundary that encompasses all project activities). --The 1-mile buffer from the specific proposed Project Site Boundary, as required by the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(A). The "buffer" illustrated in TN 250283 is not accurately shown as extending 1-mile from the project boundary. Note that a "project area" is not a specific project site boundary. The Applicant needs to provide the specific boundary upon which the Project would be sited to allow for CEQA impact analysis. --Jurisdictional boundaries for federal lands. The project would border Lassen National Forest, which is not shown in TN 250283 or TN 250292. Lands administered by the U.S. Bureau of Land Management along Highway 299 are also missing from TN 250283 and TN 250292.</p>	Please see response to LU-002.

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LU-007	Deficiency Letter Matrix	Land Use	Vahidi Inouye Kerr	Appendix B (g) (3) (B)	<p>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.</p>	<p>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</p>	Yes	N/A	N/A	N/A		N/A

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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 and temporary laydown or staging area, will be located on a single legal parcel. The merger need not occur prior to a decision on the Application but must be completed prior to the start of construction.	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 updated to reflect the 2023 proposed project configuration, and specific parcels.	25-May; resubmitted 1-Jun and 21-Jun	A table with APNs within the Project Site is included (TN# 250435).	<p>The information submitted is incomplete. TN 250289 (LU-008_fwp_response_memo), TN 250435 (LU-008_fwp_parcel_numbers_rev2), and TN 250448 (land_use_fwp_responses) are not adequate responses to the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(C).</p> <p>The specific information still needed is: --Clarification on the list of parcels that include all parcels upon which project activities would occur and that are within the Applicant's defined project site boundary. The list of parcels docketed in TN 250435 (LU-008_fwp_parcel_numbers_rev2) does not match the list of parcels docketed in TN 250289 (LU-008_fwp_response_memo). The more recent docket filing (TN 250435) does not identify any of the changes to the list of APNs or explain why a revised list of APNs was docketed. --A revised discussion of the legal status of the parcels on which the project is proposed. As required by the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(C), "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 and temporary laydown or staging area, will be located on a single legal parcel." The proposed project includes non-linear and permanent infrastructure such as turbines, meteorological and microwave towers, O&M Facilities, Substation/Switchyard sites that would be sited on multiple parcels. Per the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(C), the Applicant must provide the method and timetable for merging or otherwise combining those parcels so that they are located on a single legal parcel. Although parcel mergers are not at the crux of this issue, parcel legality and site control are important. The legal status of each parcel upon which the Project would be sited is important and the Applicant needs to disclose parcel ownership status, if the parcels will be purchased or leased, and if there are any encumbrances or deed restrictions associated with each parcel upon which the project would be sited.</p>	<p>The original APN list docketed as TN 250289 was over-inclusive. The revised APN list and maps have been docketed as TN 250435 is the correct list. The list in TN 250289 should be disregarded.</p> <p>A discussion of the legal status of the parcels was provided as part of TN 250435-and is repeated here: "To Applicant's knowledge, all of these parcels are recognized as legally created parcels under California law. No parcel mergers are anticipated. No structures, except for linear features such as access roads and collection lines, will straddle parcel boundaries." The data request again requests information about parcel mergers. Parcel mergers are only necessary where non-linear facilities (such as the O&M building or a substation) are proposed to straddle parcel lines. Applicant confirms that no non-linear structures are proposed to straddle parcel lines. Wind energy projects, which commonly comprise thousands of acres, are commonly constructed on multiple legal parcels. It would be impractical (and unnecessary) for a utility-scale wind energy project to be constructed on a single legal parcel. No parcel mergers are proposed or required. Site ownership and control has already been disclosed (TN# 248331) and a lease extension has been finalized. An updated memorandum of lease will be provided as soon as it is available. Appendix B does not require the Applicant to provide an analysis of encumbrances or deed restrictions on each parcel. Nonetheless, the Applicant confirms that no encumbrances or deed restrictions preclude construction or operation of the proposed project.</p>

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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 and 21-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</p>	<p>The information submitted is incomplete. TN 250291 (LU-09_AgriculturalResource) and TN 250448 (land_use_fwp_responses) are not adequate responses to the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(D), Appendix B (g)(3)(D)(i), and Appendix B (g)(3)(D)(iii).</p> <p>The specific information still needed is: --The Project Site Boundary (i.e., the boundary that encompasses all project activities). --The 1-mile buffer from the specific proposed Project Site Boundary, as required by the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(A). The "buffer" illustrated in TN 250283 is not accurately shown as extending 1-mile from the project boundary. Note that a "project area" is not a specific project site boundary. The Applicant needs to provide the specific site boundary upon which the Project would be sited to allow for CEQA impact analysis. --The APNs for all parcels contained within the defined Project Site Boundary (including those that will not be leased for project activities) that are designated as Farmland per the California Department of Conservation, and/or are currently utilized for any agricultural activities. --The classification of the parcel in question on the Department of Conservation's most recent Shasta County Important Farmland Map. Response should include the Map's date and title. --Per the Warren-Alquist Act Siting Regulation Appendix B (g) (3) (D) (iii), provide "Direct, indirect, and cumulative effects on agricultural land uses." --The field survey reports/data from 2018, 2019, and 2021 that are referenced in the Applicant's May 25th response.</p>	<p>See response to LU-002 for information on project site boundary and 1-mile buffer and updated project APNs.</p> <p>Appendix B(g)(3)(D) calls for information concerning whether there is farmland within the site that is designated prime, of statewide importance, or unique. As stated in the Application materials, there are no parcels within the Project Site Boundary that are designated as prime, statewide importance, or unique farmland. This was confirmed by Shasta County in Section 3.1.4.1 of the Shasta County EIR (TN # 248288-3) which states as follows: "Maps produced by the California Resources Agency pursuant to the Farmland Mapping and Monitoring Program show that there is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) in the Project Site (California Department of Conservation, 2016), nor is any land in the Project Site zoned for agricultural use or subject to a Williamson Act contract. The nearest area designated as Prime Farmland is an approximately 110-acre site 0.25 mile southeast of the closest proposed turbine. Therefore, the Project and Alternatives 1 and 2 would have no impact on agricultural resources and could not cause or contribute to any cumulative impact to such resources."</p> <p>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.</p> <p>The data shown in LU-09 Agricultural Resources (TN# 250291), which shows the classification of the parcel in question, are taken from the FMMP mapping service and the data layer is cited in the "Notes" section on the figure underneath the north arrow and scale bar. The FMMP dataset date is 2018, which is the latest dataset available on the FMMP website for Shasta County.</p> <p>The field surveys referenced in Applicant Response No. 1 as confirmatory of this parcel's land use correspond to the Rare Plant and Vegetation Mapping surveys in 2018 (248308-7), 2019 (248308-8), and 2021 (248308-1).</p>

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										consideration unaffected by the Project and, therefore, this topic was not discussed in detail in the EIR.		

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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 and 21-Jun	See response to LU-009.	The information submitted is incomplete. TN 250291 (LU-09_AgriculturalResource) and TN 250448 (land_use_fwp_responses) are not adequate responses to the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(D), Appendix B (g)(3)(D)(i), and Appendix B (g)(3)(D)(iii). For specific information still needed, see Disposition response for LU-009.	There are no irrigation systems located within the project site boundaries or on the 110-acre inholding parcel. No "special cultivation practices" are carried out within the project site boundaries or within the parcel in question. As confirmed by field surveys in 2018, 2019, and 2021, the parcel in question 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 project will have no impact on this parcel. To the extent that trees harvested for lumber are a "crop," the only crop grown within the project site boundary are trees. The activities carried out within the project site boundaries consist on on-going timber harvest operations. As stated in the existing setting of the Biological Resources Section of the Shasta County EIR: "The dominant vegetation community is Sierran mixed conifer forest; however, the structure and species composition of this community varies greatly with slope, aspect, elevation, and disturbance (e.g., fire and forest management). Dominant overstory species include a combination of white fir (Abies concolor), Douglas fir (Pseudotsuga menziesii), incense cedar (Calocedrus decurrens), ponderosa pine (Pinus ponderosa), sugar pine (P. lambertiana), and California black oak (Quercus kelloggii)." Further, lumbering operations are only considered to be "agricultural" if they are incidental to farming operations. See 29 CFR 780.200. With respect to Forestry impacts, Shasta County's EIR (section 3.1.2.4 said: . "Existing land uses within the Project Site consist exclusively of managed forest lands. Unpaved logging roads and transmission lines cross the Project Site. Chapter 17.08, Timber Production District, in the Shasta County Zoning Ordinance identifies the uses allowed in the TP district if a use permit is issued, including "the erection, construction or alteration of a gas, electrical, water or communication facility, or other public improvements, in accordance with Government Code §51152." Neither the Project nor alternatives would cause an impact because the uses allowed on the Project Site by the County's General Plan and zoning designation are consistent with the state's definitions of forest land, timberland, and timberland zoned Timber Production. "
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.	The information needed for Siting Regulations Appendix B (g)(3)(D)(ii) was found to be adequate as indicated in the Deficiency Letter (TN 248742).	

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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 and 21-Jun	See response to LU-009.	<p>The information submitted is incomplete. TN 250291 (LU-09_AgriculturalResource) and TN 250448 (land_use_fwp_responses) are not adequate responses to the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(D), Appendix B (g)(3)(D)(i), and Appendix B (g)(3)(D)(iii). For specific information still needed, see Disposition response for LU-009.</p> <p>The applicant's response for LU-009 states "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." This statement requires verification. Applicant needs to provide the dates and titles for the maps referenced in its response to LU-009.</p>	The data shown in LU-09_Agricultural Resources (TN# 250291) are taken from the FMMP mapping service (Available at: https://gis.conservation.ca.gov/portal/home/item.html?id=22da298849d147679551680593b9b035), as noted in the "Notes" section on the figure underneath the north arrow and scale bar. The FMMP dataset date is 2018, which is the latest dataset available on the FMMP website for Shasta County.

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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.	1-Jun and 21-Jun	Updated LORS Consistency Matrix (TN# 249636) and General Plan Consistency Matrix (TN# 249635) were provided on April 12, 2023.	The information submitted is incomplete. The specific information still needed was provided to the Applicant by the Land Use staff on Tuesday, April 18, 2023 at 12:30 p.m. via email transmittal from Tatiana Inouye to Leonidas Payne.	[pending]

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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).	The information submitted is sufficient for my analysis purposes. I have no further questions.	

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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.	1-Jun and 21-Jun	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).	The information submitted is incomplete. Applicant has not indicated if this list of permits has been confirmed by Shasta County. Per Land Use staff's call with the Applicant on April 17, 2023 at 11:00 a.m. and the associated follow-up detailed clarifications sent on Tuesday April 18, 2023 via email from Tatiana Inouye to Leonidas Payne, this information is needed to complete the analysis. Land Use staff will have to conduct detailed coordination with Shasta County Planning throughout the Staff Assessment preparation.	Please see response to LU-005.
LU2-01	Attachment B Addendum	Land Use	Not specified	Appendix B (g) (1)	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: a. Local and regional planning projections for Shasta County; b. Reasonably foreseeable future development of small wind energy systems as a result of 2022 amendments to the Shasta County Code; c. An updated cumulative projects list that includes planned/proposed or permitted projects since August 2019; and d. Future applicant activities (i.e., Fuel Break Project and Expanded Internet Service	Not specified	No	Not specified	1-Jun and 21-Jun	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. 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.	The information submitted is incomplete. It appears that the Applicant is unable to research and obtain this information. TN 250436 (LU2-01_fwp_cumulative_projects_request) and TN 250448 (land_use_fwp_responses) are not adequate responses to TN 248759 (Deficiency Letter, Attachment B Addendum: Alternatives, Land Use, and Socioeconomics Data Requests inadvertently left out of deficiency letter for Fountain Wind application). The specific information still needed as specified in Data Requests Set 1: Land Use (TN 248759) includes: (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. The Fuel Break Project and the Expanded Internet Service Project were identified by the Applicant as activities that would be undertaken in TN 248296-2 (Community Benefits Program). This information requested in Item LU2-01 (d) is needed to conduct the CEQA analysis as it is part of the "project" which is defined in CEQA Guidelines Section 15378 as "...the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment..."	The Applicant has requested a list of updated cumulative projects from Shasta County and has received no response. Information listed on the planning page of the Shasta County website provides no information about cumulative projects. The Shasta County General Plan dates from 2004 and contains no information about cumulative projects. No list of pending applications appears to be published on the website. No recently published EIR on the website contains a list of cumulative projects. The Fuel Break and Expanded Internet Service Projects are identified in the Community Benefits Program proposed by the Applicant. The Applicant would provide funding for the projects, but it is not known whether these funds will be accepted nor would the Applicant control the design, permitting, or development process, which would, if these activities occur, be controlled by independent legal entities (Fall River Resource Conservation District and ShastaBeam). No information about the scope of these potential activities is available. The Fuel Break and Expanded Internet Service Projects are not part of the proposed Project and are not necessary for development of the Project.

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					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.							

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LU2-02	Attachment B Addendum	Land Use	Not specified	Appendix B (g) (3) (A)	<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 and 21-Jun	Figure is updated and included in LU-02.	<p>The information submitted is incomplete. TN 250283 (LU-02_LandUse) and TN 250448 (land_use_fwp_responses) are not adequate responses to TN 248759 (Deficiency Letter, Attachment B Addendum: Alternatives, Land Use, and Socioeconomics Data Requests inadvertently left out of deficiency letter for Fountain Wind application).</p> <p>The specific information still needed to address TN 248759 Data Requests Set 1: Land Use, Data Request #2 (a through c) includes the following:</p> <p>--The Project Site Boundary (i.e., the boundary that encompasses all project activities).</p> <p>--The 1-mile buffer from the specific proposed Project Site Boundary, as required by the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(A). The "buffer" illustrated in TN 250283 is not accurately shown as extending 1-mile from the project boundary. Note that a "project area" is not a specific project site boundary. The Applicant needs to provide the specific site boundary upon which the Project would be sited to allow for CEQA impact analysis.</p> <p>--The location of zoning designations that are identified in the figure legend for TN 250283 (i.e., Rural Residential is shown in the legend but is missing on the figure).</p> <p>--Jurisdictional boundaries for federal lands. The project would border Lassen National Forest, which is not shown in this figure. The figure is also missing lands administered by the U.S. Bureau of Land Management along Highway 299.</p> <p>--Clarification on the list of parcels that include all areas on which project activities would occur. The list of parcels docketed in TN 250435 (LU-008_fwp_parcel_numbers_rev2) does not match the list of parcels docketed in TN 250289 (LU-008_fwp_response_memo). The more recent docket filing (TN 250435) does not identify any of the changes to the list of APNs or explain why a revised list of APNs was docketed.</p>	The original APN list docketed as TN 250289 was over-inclusive. The revised APN list and maps have been docketed as TN 250435 is the correct list. The list in TN 250289 should be disregarded.

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LU2-03	Attachment B Addendum	Land Use	Not specified	Appendix B (g) (3) (B)	<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>	Not specified	No	Not specified	1-Jun and 21-Jun	Please see revised zoning consistency matrix (TN# 250305).	<p>Prior disposition: "The information submitted is incomplete. Please provide detailed responses to the data requests prepared by Land Use, Alternatives, and Socioeconomics Staff contained in Attachment B Addendum, Docket Number 23-OPT-01 (TN #248759)."</p> <p>6/6/23 Disposition: The revised zoning consistency matrix (TN 250305) is incomplete as it relates to the information needed for the land use analysis. TN 250305 (LU2-03_zoning_consistency_matrix) is not an adequate response to TN 248759 (Deficiency Letter, Attachment B Addendum: Alternatives, Land Use, and Socioeconomics Data Requests inadvertently left out of deficiency letter for Fountain Wind application).</p> <p>The specific information still needed is: --TN 248759, Data Requests Set 1: Land Use, explains that per the Warren-Alquist Act Siting Regulation Appendix B (g)(3)(B), "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." As requested in Data Requests Set 1: Land Use, Data Request #4, the Applicant must 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>According to the Applicant, "...Shasta County planning staff recommended approval of the CUP and certification of the Final EIR based on compliance with all applicable zoning requirements/laws and extensive mitigation measures" (TN 248322, Executive Summary and Project Description). If this is the case, then there must have been conditions of approval attached to the Project for the CUP. Please provide the list of conditions that Shasta County staff attached to the Project for Energy Commission staff consideration during our analysis. Please provide contact information for the Shasta County staff involved in the CUP process.</p>	<p>For the project to again conform to Shasta County's zoning code (as it did when the Applicant first applied to the County for a use permit in 2016) Shasta County would need to repeal the amendment it made to its zoning code in 2022 to prohibit utility-scale wind energy in the County. No other land use decisions would required to be made by another public agency to make the project conform to adopted federal, state, regional or local land use plans or zoning ordinances. Because Shasta County is unlikely to repeal its recently enacted zoning prohibition on utility-scale wind energy, the Applicant requests that the Commission make the necessary findings pursuant to Public Resources Code section 25525 to override this non-conformity. Appendix B does not require an Applicant to provide the conditions that a local land use agency would attach to the project if it were the permitting agency. The Applicant nonetheless provided CEC staff with the draft conditions that Shasta County planning staff recommended be imposed on the project had the Board of Supervisors approved the project in October 2021, TN#248293-1 (MMRP) and TN# 248293-2 (staff report containing conditions of approval). The Applicant also provided CEC staff with contact information for Shasta County planning staff April 3, 2023 (TN# 249533).</p>

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LU2-04	Attachment B Addendum	Land Use	Not specified	Appendix B (g) (3) (D) Appendix B (g) (3) (D) (i) Appendix B (g) (3) (D) (iii)	<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> <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,</p>	Not specified	No	Not specified	1-Jun and 21-Jun	Refer to response for LU-012	<p>The information submitted is incomplete. TN 250291 (LU-09_AgriculturalResource) and the Applicant's May 25th response in the "fountain_wind_data_response_tracker_2 023-0531 update" is not an adequate response to TN 248759 (Deficiency Letter, Attachment B Addendum: Alternatives, Land Use, and Socioeconomics Data Requests inadvertently left out of deficiency letter for Fountain Wind application). For specific information still needed, see Disposition response for LU-009.</p>	See Revised Response to LU-009.

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					<p>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>							

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LU2-05	Attachment B Addendum	Land Use	Not specified	Appendix B (g) (3) (C)	<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 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</p>	Not specified	No	Not specified	25-May; resubmitted 1-Jun and 21-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>	<p>Items 9-10 listed in the Response column are not sufficient responses. Please provide detailed responses to each specific question posed in the detailed Data Requests provided in TN 248759 (Deficiency Letter, Attachment B Addendum). 6/6/23 Disposition: The information submitted is incomplete. TN 250448 (land_use_fwp_responses) is not an adequate response to TN 248759 (Deficiency Letter, Attachment B Addendum: Alternatives, Land Use, and Socioeconomics Data Requests inadvertently left out of deficiency letter for Fountain Wind application).</p> <p>Regarding the Applicant's response to Item No. 10, according to TN 248331 (Lease with Oxbow Holdings), Item G. 2. Option Terms., "The initial term of the amended restated and combined Option Agreement ("Initial Option Term") shall commence on April 4, 2016 and shall continue for five (5) years, unless earlier terminated under the terms of the Option Agreement. Grantee shall have the right, but not the obligation, to extend the Initial Term for one option extension period of one (1) year ("Option Extension Period"). The Option Extension Period, if any, shall commence no later than the end of the Initial Term." Based on the terms from the lease, it appears that the term expired in April 2022. Please provide any updates to the terms of the lease. This item is important for ensuring site control by the Applicant.</p> <p>Regarding the Applicant's response to Item No. 12, parcel legality and site control are important issues. The legal status of each private parcel upon which the Project would be sited is important and the Applicant needs to disclose parcel ownership status, if the parcels will be purchased or leased, and if there are any encumbrances or deed restrictions associated with each parcel upon which the Project would be sited.</p>	<p>As noted, the project site is privately owned by a timber management company and will be under long term lease to the Applicant. Site ownership and control has already been disclosed (TN# 248331) and a lease extension has been finalized. An updated memorandum of lease will be provided as soon as it is available. Appendix B does not require the Applicant to provide an analysis of encumbrances or deed restrictions on each parcel. Nonetheless, the Applicant confirms that no encumbrances or deed restrictions preclude construction or operation of the proposed project.</p>

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					<p>any requirements identified by the County to approve a parcel merger. 12. Identify any recorded restrictions on the project site that preclude development, and identify which parcels these restrictions apply to.</p>							