

DOCKETED

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Identifier	Source	Topic	Reviewer	Siting Regulations	Information	Opt-In Page Number And Section Number	Original Determination of Adequacy	Information Required To Make OPT Conform With Regulations	Response Date	Applicant Response No. 1	CEC Disposition 1	Applicant Response No. 2
BIO-057	Deficiency Letter Matrix	Biological Resources	Watson Huntley Wood Dunn Maldonado Hilliard	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 which would have permit approval or enforcement authority, but for the exclusive authority of the Commission to certify sites and related facilities.	Not specified	No	Please provide said table or indicate appropriate TN# and page.	1-May and 27-Jun	Updated LORS Consistency Matrix (TN# 249636) and General Plan Consistency Matrix (TN# 249635) were provided on April 12, 2023.	Response is Insufficient. TN 249636 does not list the agency that promulgates the Z'berg-Nejedly Forest Practice Act of 1973; TN 249635 makes no mention of an agency jurisdictional table per Appendix B (i)(1)(B). There is no mention of local agencies as mentioned in the DEIR (Section 3.4.1.3.as having oversight (TN 248288-6).	CALFIRE is the agency which promulgates the Z'berg-Nejedly Forest Practice Act of 1973. TN# 249635 describes Project consistency with relevant polices contained in the Shasta County General Plan, which are enforced by the County as part of its review of permit applications. Please see TN# 249636 for a list of applicable agencies and permits, which includes federal, state and local agencies (e.g., USFWS, USACE, CDFW, RWQCB, and the County) that have permitting authority or oversight regarding biological and natural resources.

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HAZ-02	Deficiency Letter Matrix	Hazards and Hazardous Materials	Patterson Fooks	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.	Shasta County DEIR Section 3.11 Hazardous Materials, all subsections and pages Shasta County FEIR, Appendix G Mitigation Monitoring and Reporting Program – Table G-1	No	A discussion of blasting is included in the setting section (Section 3.11.2.2). However, no discussion of blasting hazards is discussed in the Direct and Indirect Effects section (Section 3.11.3). Please add regulations and laws relative to blasting and explosives use to the Regulatory setting section (3.11.1.3). Please add a discussion of hazards related to the use, storage, and transportation of explosives for blasting during construction at the project site and how these hazards shall be mitigated.	12-Apr and 27-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 is inclusion of Code of Federal regulations Title 30, Chapter VII, Subchapter K, Part 816, § 816.61 to § 816.68 and California Fire Code Chapter 56 in the LORS (both which include regulations regarding explosive materials and blasting); and a discussion of project specific physical hazards related to the use, storage, and transportation of explosives for any planned blasting to workers, structures, or equipment and related impacts	CFR Part 816 has been added to the updated LORS Matrix (TN# 250751). The Applicant will comply with all relevant state and federal regulations pertaining to blasting. Improper storage, transportation, handling, and use of explosives can lead to worker injury or death. The CDC (available at: https://www.cdc.gov/masstrauma/preparedness/primer.pdf) states that health hazards associated with blasting and the use of explosives include, but are not limited to, lung, middle ear, or eye trauma; concussion; shrapnel and blunt force injuries, limb fracture or amputation; brain injury; burns; and asthma or other condition caused by inhalation of dust, smoke, or toxic fumes. Accidental detonation of explosives can cause major damage to equipment and structures in the blast vicinity. FEMA reports that shock waves from the explosion can damage building and equipment exteriors, break windows, collapse floors, and cause secondary damage from flying debris (available at: https://www.fema.gov/pdf/plan/prevent/rms/428/fema428_ch4.pdf). The Applicant will implement standard safety practices during blasting activities to reduce the potential for impacts to workers, structures, and equipment. For examples of standard safety practices see response to HAZ2-07. For regulations governing worker safety and fire safety during blasting activities see response to HAZ2-07.

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HAZ2-03	Deficiency Letter Attachment B	Hazards and Hazardous Materials	Not specified	Not specified	<p>BACKGROUND: Ice Shed, glyphosate herbicides, shadow flicker, naturally occurring arsenic</p> <p>The Direct and Indirect Effects of the Project section (3.11.3.2) discusses potential effects of ice shed from turbine blades, use of glyphosate weed killers (herbicides), and changes in light intensity (shadow flicker). Multiple citations are provided for the information and potential impacts discussed for these issues, however many of the references cited are not readily available for review to verify information provided.</p>	Not specified	No	18. Provide information on Shasta County requirements for use, storage, and handling of herbicides, including glyphosate herbicides. Are permits required from the County for use of any of the potential herbicides to be used on the site?	12-Apr and 27-Jun	Updated LORS Consistency Matrix (TN# 249636) and General Plan Consistency Matrix (TN# 249635) were provided on April 12, 2023.	The information isubmitted is incomplete. Please verify whether the Proeject would be required to obtain a pesticide permit from the Shasta County Dept of Agriculture under their pesticide reguation program (CALAg Permits program) and are there any County specific use requirments related to these permits or other County LORs	Pesticide permits through the Shasta County Department of Agriculture CalAg program are only required for pesticides "with an EPA registration number that is applied to an agricultural crop or commodity". While timber is considered an agricultural commodity, the Applicant will not be applying pesticides or herbicides to timber, and instead will be targeting weeds. Therefore, no pesticide permit would be required for herbicide application by the Applicant.

HAZ2-07	Deficiency Letter Attachment B	Hazards and Hazardous Materials	Not specified	Not specified	<p>BACKGROUND: Blasting (use of explosives) DEIR Section 3.11.1.2 discusses the setting and general requirements related to using explosives for blasting in areas of hard rock. The section refers to a description of potential blasting in Section 2.4.5.1, which indicates that a Blasting Plan would be prepared, County and emergency responders would be notified, and that all blasting activities would be conducted in compliance with applicable federal, state, and local laws, and appropriate safety and environmental protection measures would be implemented,</p>	Not specified	No	<p>22. Provide information on what types of permits would need to be obtained for blasting, what agencies they would be obtained from, and a list of the types of safety measures and restrictions would be in place during any blasting activities.</p>	12-Apr and 27-Jun	<p>Updated LORS Consistency Matrix (TN# 249636) and General Plan Consistency Matrix (TN# 249635) were provided on April 12, 2023.</p>	<p>The informatin submitted is incomplete. No blasting/explosives permits are identified in the Permit Table, please verify that blasting/explosives permits would not be required for Proejct related activities. Additionally, please identify the types of safety measures and restrictions that would be in place during blsting activities to ensure the safety of workers and the public.</p>	<p>The Applicant will minimize the potential for wildfire ignition during blasting onsite by using licensed professional blasters, adhering to all relevant regulations, and implementing standard fire safety BMPs.</p> <p>The Applicant will contract a qualified, experienced, and licensed blasting contractor that will perform blasting using current and professionally accepted methods, products, and procedures to maximize safety and minimize the potential for wildfire ignition during blasting operations.</p> <p>Blasting procedures will be carried out according to and in compliance with applicable laws. See updated LORS matrix (TN# 250751) for a review of applicable regulations. The Federal Occupational Safety and Health Administration and numerous state and local jurisdictions regulate the use of explosives. The Federal Bureau of Alcohol, Tobacco, and Firearms regulates explosives storage and commerce under the Organized Crime Control Act of 1970, Title XI (Public Law 91-452). The U.S. Department of Transportation also has laws pertaining to the storage of explosives, as well as the packaging, labeling, materials compatibility, driver qualifications, and safety of transported explosives (see 49 CFR Part 171-177 and Hazardous Materials Transportation Act (HMTA) 49 U.S.C. 5101 et seq.).</p> <p>All blasting work will be conducted in compliance with the Project Fire Prevention Plan and all pertinent blasting and fire prevention laws and regulations. Special precautions will be taken to ensure the safety of workers and the public during blasting, including but not limited to:</p> <ul style="list-style-type: none"> - Explosives must be stored in an approved structure (magazine); - Explosives storage facilities will be bullet-resistant, weather-resistant, and fire resistant; - Magazines sites will be located in remote (out-of-sight) areas with restricted access, kept cool, dry, and well ventilated, and will be properly labeled and signed; - Detonators will be stored separately from other explosive materials; - The most stringent spacing between
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												<p>individual magazines will be determined according to the guidelines contained in the BATF publication or state or local explosive storage regulations; and</p> <ul style="list-style-type: none"> - Both the quantity and duration of on-site explosives storage will be minimized. - All active blast zones will have clear warning signs located at key access points to ensure the public does not accidentally enter a blast zone. - Blasting Contractor will use a signaling system to alert workers of an impending blast. - Following detonation, the blasting area will be inspected for undetonated or misfired explosives. The blasting area will also be inspected for hazards such as falling rock and rock slides. - Special attention will be given to preventing potential hazards in the blasting area resulting from flying rock, destabilized walls, structures, presence of low flying aircraft, dispersion of smoke and gases, etc.

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HAZ2-09	Deficiency Letter Attachment B	Hazards and Hazardous Materials	Not specified	Not specified	BACKGROUND: Blasting (use of explosives) DEIR Section 3.11.1.2 discusses the setting and general requirements related to using explosives for blasting in areas of hard rock. The section refers to a description of potential blasting in Section 2.4.5.1, which indicates that a Blasting Plan would be prepared, County and emergency responders would be notified, and that all blasting activities would be conducted in compliance with applicable federal, state, and local laws, and appropriate safety and environmental protection measures would be implemented,	Not specified	No	24. Provide a discussion of the agencies and regulations that govern the use, storage, transportation, and handling of explosives and how they relate to Project activities.	12-Apr and 27-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 LORS Consistency Matrix does not include mention or discussion of Code of Federal regulations Title 30, Chapter VII, Subchapter K, Part 816, § 816.61 to § 816.68 nor California Fire Code Chapter (both which include regulations regarding explosive materials and blasting);	These regulations have been added to the updated LORS matrix (TN# 250751).
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 and 27-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.	Please see updated LORS matrix (TN# 250751), which discusses Project consistency with County code provisions prohibiting large, utility-scale wind energy systems and allowing only small wind energy systems. Small wind energy systems are defined as for on-site consumption in Shasta's code. Specifically, the County's code defines "Small wind energy system" as "a wind energy conversion system consisting of a wind turbine(s), a tower(s), and associated control or conversion electronics which will be used to reduce on-site consumption of utility electricity obtained via the electric grid or to enable on-site generation of electricity in lieu of connecting to the electric grid." Section 17.88.035. The Project cannot be modified to meet this definition and still meet one of its main objectives to deliver 205 MW of emissions-free energy to the electric grid for off-site consumption.

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MOR-026	Deficiency Letter Matrix	Mandatory Opt-in Requirements	Vahidi Allen Inouye Kaufman Kerr Hughes	Cal. Code Regs., tit. 2, § 1877(d)	A discussion of whether the applicant has submitted any local, state, or federal permit applications. For any required permit that has not yet been submitted to the relevant state agency, include a plan for submitting the application and any discussions that have occurred with the state agency with authority over the project.	TN 248322: Executive Summary and Project Description; Section 5 (Project Permits), Table 3 (List of Potential Permits and Status), pgs. 16 to 17	No	Permit Schedule. 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. Please provide the following: 1. Provide the schedule for obtaining permits.	3-Apr and 27-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. TN 249533 (Data Response 1 - Permit Table and Schedule) is not an adequate response to the Warren-Alquist Act Siting Regulation Cal. Code Regs., tit. 2, § 1877(d). Per the Warren-Alquist Act Siting Regulation Cal. Code Regs., tit. 2, § 1877(d), "For any required permit that has not yet been submitted to the relevant state agency, include a plan for submitting the application and any discussions that have occurred with the state agency with authority over the project." The specific information still needed is: --Discussions that have occurred with the State agencies (e.g., California Department of Fish and Wildlife) with permitting authority over the project. --Plan for submitting each required permit application.	During the original CEQA process with Shasta County, the Applicant had multiple discussions with CDFW and submitted an application for a Lake and Streambed Alteration Agreement (TN# 248329-2). Under the Warren-Alquist Act, the CEC jurisdiction supersedes CDFW's otherwise applicable permitting authority. Therefore, since filing the Opt-in Application, the Applicant has not had further discussions with CDFW and does not plan to submit any applications to CDFW. The Applicant plans to submit an application for a back-up generator to the SCAQMD by July 1, 2023. For permits from the RWQCB, the Applicant is in the process of preparing permit applications for Section 401/Porter-Cologne and plans to submit by the end of July, 2023.
SOC-024	Deficiency Letter Matrix	Socioeconomics	Allen Kaufman 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.	Not specified	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 and 27-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 compiled 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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TSD-06	Deficiency Letter Matrix	Transmission System Design	Ng Hesters	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	Not specified	No	Provide CPUC G.O. 95 and G.O 128 rules for overhead and underground electric line construction and provide a brief discussion.	12-Apr and 27-Jun	Updated LORS Consistency Matrix (TN# 249636) and General Plan Consistency Matrix (TN# 249635) were provided on April 12, 2023. However, since the Applicant is not a public utility, General Orders are not applicable. PG&E's lines will be built in conformance with these General Orders.	The information submitted is incomplete. The construction of electrical overhead and underground lines in the State of California will be required to comply with the CPUC G.O. 95 and G.O. 128 rules.	CPUC G.O. 95 and G.O.128 do not apply to privately constructed electric lines, as are being proposed here. The Applicant is not a public utility and is not subject to CPUC regulation. CPUC orders only apply to electric lines constructed by electric and communication utilities, the entities over which the CPUC has jurisdiction. Links to these Orders are nonetheless provided here: https://docs.cpuc.ca.gov/PUBLISHED/GENERAL_ORDER/52591.htm https://ia.cpuc.ca.gov/gos/originalgo95/OriginalGO95_Start_page.htm https://docs.cpuc.ca.gov/PUBLISHED/GENERAL_ORDER/52591.htm

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V/S-11	Deficiency Letter Matrix	Visual Resources	Clayton 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 248288-4: DEIR Visual Resources Section 3.2.2.3 Regulatory Setting TN 248320-13: Visual Resources Technical Report Rev. 2, Section 4.1 Regulatory Setting	No	· A table or matrix shall be provided that specifically references pages in the application wherein conformance with each applicable law or standard during both construction and operation of the facility is discussed.	12-Apr and 27-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 includes consistency determinations for the following Shasta County Policies: Parks, Trails, & Open Space Plan Policy OS.1, Objective OS.1.3; Open Space and Recreation Policy OSR-c.	Shasta County's "Parks, Trails, and Open Space Plan" (2009) Policy OS 1 seeks to "(c)onserve important natural and scenic areas that provide wildlife habitat, cultural and historical resources and significant views as well as sensitive lands including wetlands and steep slopes." Objective OS 1.3 aims to "(p)reserve panoramic views of ridgelines, hills, and other significant features." The Project is consistent with these policies. The Project would not result in development of facilities that would obstruct panoramic views of any ridgeline, as demonstrated in the representative visual simulations included in the County's Draft EIR and additional simulations provided in response to CEC requests. Proposed turbines would appear atop existing ridgelines in some views from varying distances and angles of observation but would not obstruct views of the ridgelines. Closer locations (e.g., roadways near Hatchet Pass) may be subject to visual contrast but only on an intermittent basis as travelers pass by. Policy OSR-c applies to national recreation areas, national parks, wilderness areas, and State parks and seeks to mitigate any visual impacts which may result from the use of the lands. The Project is not located in any of these areas. Further, the current Project layout was designed to limit impacts on public viewsheds.