

<b>DOCKETED</b>	
<b>Docket Number:</b>	23-OPT-01
<b>Project Title:</b>	Fountain Wind Project
<b>TN #:</b>	252072
<b>Document Title:</b>	Staff Response to Applicant request for Determination of Completeness, including Wildfire Data Requests
<b>Description:</b>	Staff Response to Fountain Wind, LLC's Letter Seeking Determination of Completeness; Wildfire Data Requests
<b>Filer:</b>	Lon Payne
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	8/31/2023 2:12:18 PM
<b>Docketed Date:</b>	8/31/2023



August 31, 2023

Henry Woltag  
Fountain Wind, LLC  
1001 McKinney, Suite 700  
Houston, Texas 77002  
HWoltag@connectgenllc.com

Re: Staff Response to Fountain Wind, LLC's Letter Seeking Determination of  
Completeness; Wildfire Data Requests

Dear Henry Woltag:

The California Energy Commission (CEC) staff has received Fountain Wind LLC's (applicant) letter, dated August 2, 2023 (TN 251479), which states that the applicant has responded to and submitted all docketed data requests and deficiencies related to the Opt-in application for the Fountain Wind Project (23-OPT-01) and is seeking a determination of completeness. The CEC staff finds that additional information is necessary to support a California Environmental Quality Act (CEQA) compliant environmental analysis and to support specific findings as set forth in Public Resources Code section 25545.10. Specifically, the application is deficient in providing information related to Community Benefits Agreement(s) required under Title 20, California Code of Regulations, sections 1877(g) and 1878(c) and an analysis of the Fountain Wind Project's impacts on wildfire as required under Title 20, California Code of Regulations, Division 2, Chapter 5, Appendix B and Title 14, California Code of Regulations, Division 6, Chapter 3, Appendix G. The CEC staff requests that the applicant submit the information outlined below related to Community Benefits Agreement(s) and the project's impact on wildfire. The executive director is unable to make a determination of completeness under Public Resources Code section 25545.4 without this information.

## **Application Deficiencies**

### **A. Community Benefits Agreement(s)**

Community benefits agreements are required under the applicable statute which states, "the commission *shall not certify* a site and related facility under this chapter unless the commission finds that the applicant has entered into one or more legally binding and enforceable agreements with, or that benefit, one or more community-based organizations..." (*Italics added*; PRC 25545.10(a).) To implement this statutory requirement, Title 20, California Code of Regulations, sections 1877(g) requires that the

Opt-in application include the applicant's "plan or strategy, including a timeline for execution," to obtain legally binding and enforceable agreements. Additionally, under Title 20, California Code of Regulations, section 1878(c), no later than 45 days after an application is deemed complete, or a later date set forth by the executive director, the applicant shall provide the executed agreements required under Public Resources Code section 25545.10.

On January 3, 2023, the applicant filed a document entitled, Community Benefits Program (TN 248296-2). The document was drafted in 2021 and contains a list of projects the applicant proposes to fund to benefit the local community. The document largely contains descriptions of specific projects that the applicant is willing to fund purportedly based on community feedback. The project list is not current and contains outdated information. On several occasions, including most recently on July 27, 2023, in a meeting with CEC staff regarding outstanding data requests, the applicant has stated its intent to provide updated information on community benefits. However, to date the applicant has not submitted updated information and details about the proposed community benefits including a plan or strategy, and a timeline for execution, to obtain legally binding and enforceable agreements as required under Title 20, California Code of Regulations, section 1877(g).

For these reasons, the information provided by the applicant on community benefits does not meet the requirements of Public Resources Code section 25545.10 or the implementing regulation at Title 20, California Code of Regulations, section 1877(g). The CEC staff requests that the applicant submit information on the proposed community benefits agreement(s) that meets the provisions in Public Resources Code section 25545.10 and information on the applicant's plan or strategy, including a timeline for execution, to obtain these legally binding and enforceable agreements. (Title 20, CCR, sections 1877(g)).

## **B. Project Impacts on Wildfire**

CEQA requires that the lead agency consider the impacts of the project on wildfire and related risks. (Title 14, CCR, Division 6, Chapter 3, Appendix G.) Specifically, Appendix G in the CEQA Guidelines sets forth wildfire as a category an agency must consider when determining if the project will result in any significant impacts. Due to the project location in an area of high wildfire potential and other features of the project, the environmental analysis needs to contain more detailed assessment regarding wildfire than may be necessary for projects in other locations. After reviewing the applicant's on-going submissions related to wildfire, the CEC staff has determined that the following information is needed to assess the Fountain Wind Project's impacts on wildfire.

## **WILDFIRE DATA REQUESTS**

### **BACKGROUND: Undergrowth and flashy fuels**

The applicant indicates they would remove taller woody vegetation in the 80-foot-wide corridor; however, the greatest risk of ignition is in the flashy fuels which are defined as materials such as grasses, leaves, draped pine needles, fern, tree moss and some kinds of slash, that ignite readily and are consumed rapidly when dry. Sometimes woody vegetation has higher fuel moisture and could suppress spot fires or ignition potential.

### **DATA REQUEST**

WF2-01: Provide a discussion of how often and over what radius or area flashy fuels will be cleared in areas near project structures and equipment, access roads, parking areas, and where project construction/demolition and operational activities will occur.

### **BACKGROUND: Red flag days and high fire danger/hazard**

The applicant indicates that when the National Weather Service issues a Red Flag Warning (an alert that high winds and dry conditions could lead to rapid or dramatic increases in wildfire activity), the project-specific Fire Prevention Plan would require that the applicant and its contractors must cease all non-emergency work to respond to changes in fire risk. However, fires can start on days in which fire weather is bad and there are no red flag warnings. The applicant has indicated that a fire condition monitoring program will be implemented to monitor meteorological data during project construction and operations as part of the Fire Prevention Plan.

### **DATA REQUEST**

WF2-02: Please provide a summary/description of the fire conditions monitoring program and the meteorological triggers (independent of issued Red Flag Warnings) that would be developed/used to determine if high fire hazards exist and what measures would be taken to reduce fire ignition hazards on high fire hazard days.

### **BACKGROUND: Interference in aerial firefighting activities**

Current information in the record indicates that due to the height of the proposed turbine towers, aerial firefighting will be precluded over and near the proposed project. The inability to use aerial firefighting due to the project may result in significant impacts to the environment and public safety. The applicant has indicated that it will coordinate with Cal Fire and provide Cal Fire with maps of turbine locations, but such action does not appear to mitigate for the loss of aerial firefighting activities. Given the unique situation of a project that impacts firefighting in an area prone to wildfires, and the importance of aerial firefighting in mountainous wooded areas, information is necessary to ensure impacts are fully assessed and appropriate mitigation, if possible, is developed.

## **DATA REQUESTS**

WF2-03: Other than providing maps of the project structure locations, how will the applicant ensure that wildfire firefighting activities by Cal Fire, Shasta County Fire Department, or other local fire departments are not impeded by the project structures?

WF2-04: Provide a plan that indicates how the applicant will ensure that adequate firefighting capabilities are in place to mitigate the loss of aerial firefighting at and near the project site, including coordination with Cal Fire, Shasta County Fire Department, and local fire agencies.

## **BACKGROUND: Wildfire ignited by nacelle or turbine fire**

The applicant indicates that the turbines shall be equipped with fire detection and prevention technology. The nacelles will include automatic fire extinguishing/suppression systems. The applicant's Mitigation Measure 3.16-2a requires a monitoring and inspection protocol for the turbines and electrical infrastructure.

## **DATA REQUESTS**

WF2-05: Provide a detailed description of the fire suppression system for the nacelle including the method of fire suppression and presence of any fire suppression chemicals.

WF2-06: Provide description of the monitoring and inspection protocol for the turbines and nacelles and a schedule for inspections of the fire prevention and fire suppression systems in the nacelle to ensure they remain in peak operating condition.

WF2-07: In the event the automatic fire suppression does not fully extinguish a fire in the nacelle or turbine, how would the fire be controlled/extinguished to prevent it from starting a wildfire?

If you have any questions, please email Leonidas Payne, project manager, at [leonidas.payne@energy.ca.gov](mailto:leonidas.payne@energy.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Knight', with a stylized flourish at the end.

Eric Knight  
Manager, Siting and Environmental Branch