

**DOCKETED**

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*Comment Received From: Joseph Osa  
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## **Scoping Comments Social Injustice and Constitutional Rights**

*Additional submitted attachment is included below.*

## **Social Injustice and Constitutional Rights**

This is a sad day in the governance of citizens of California particularly those of us residing in Shasta County. Article I Declaration of Rights Section 1 of the Ca Constitution states:

**Sec. 1 – All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.**

We exercised those rights in our pursuit of the two previous denials of the Fountain Wind project. We were defending our very lives and property from the irreparable harm this project will cause to our local environment and our lives because of its impediment to aerial firefighting and other unmitigated environmental impacts.

Almost five years ago we met as we just did, for a scoping meeting, except at the Montgomery Creek Elementary School. Hundreds of residents showed up. It was standing room only and they universally spoke in opposition to the project except for one who seemed to speak from a belief that any opposition was hopeless.

For years we attended nearly every Planning Commission Meeting and every Supervisor meeting. We submitted numerous studies and articles at each, speaking during the public comment periods. We held community potlucks, gathered thousands of signatures on opposition petitions, wrote hundreds, if not thousands of pages of comments in opposition. We spoke on numerous radio programs, spoke to TV news, newspaper, and online news reporters. We spent thousands of dollars to send out information flyers and other means to get the word out. And as a testimony to the power of the people we successfully helped convince the Planning Commission to deny the project.

The decision was appealed, and we got to do it all over again. And again, as so many people were saying “don’t bother, they’ll never listen to you” we once again helped the Board of Supervisors to uphold the denial.

We waited in anxious anticipation for ConnectGen to appeal the final decision through the Judicial system, as allowed by CEQA, and when the 90-day window had passed we breathed a

sigh of relief, celebrated a hard one victory, and got on with our lives, for a little while. Some of which included a few of us helping to implement a ban of Industrial Wind developments in Shasta County, because it was obvious the same dangerous fire conditions exists throughout the County and once again, we were successful.

The local county government, our elected officials, our local legislative body, who are accountable to the citizens who elected them in Shasta County and required to uphold the laws of this state, rightly also upheld Section 2 of Article I of the CA constitution, which states that **Government is instituted for the protection, security, and benefit of the people;** ... It does not say that it is to protect the interests of multi-billion-dollar corporations or the foreign corporations owning large amount of California lands.

We and our local government followed the law as defined for CEQA and carried out all required due process. ConnectGen had an opportunity to appeal the final denial to the judicial system within 90 days and when they chose not to, that decision became final per existing CEQA law. Any other project which currently goes through CEQA still follows that same process. There is no other agency that offers any of the various other projects required to go through CEQA, a do-over. No other project of any kind gets to the final decision after an appeal and then gets to do it again with some other agency.

Article III regarding the Distribution of Powers, clearly states that there are three departments of California Government: **The Legislative, the Executive, and Judicial; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.**

So much is said these days about social justice. There are numerous issues within that umbrella of concern and the progressive State of California strives to be a Champion of the various causes which include fair representation and voters rights, social economic inequality and discrimination, and racial discrimination, amongst others. Why then are our voices being taken away by disregarding the decisions and local laws made on our behalf by our elected officials? Eliminating their power and responsibility to govern is eliminating our voice as well.

Why then are the people in this lower social economic area being subjected to this continual attack on our health, safety, peace, and welfare. One commenter in opposition to this project suggested that ConnectGen put these on the ridges surrounding Lake Tahoe and see how far they get; how about the hills of the San Francisco and Bay Area, lots of wind in the San Francisco area? I don't believe they would be very successful. Why if California is such a champion of social justice is the voice of the Pit River Nation and other Native Tribes who would be impacted by this not being heard?

This continual rehash or do-over of this project by the state is tantamount to mental abuse. Many of us had put our lives on hold during the previous battle. Thousands of hours, thousands of dollars, many sleepless nights, near constant mental anguish and anxiety, all while also dealing with Covid and nearby wildfires, some of which broke historical records. Some neighbors even sold their property, getting out now while they can, not believing it could be stopped. Enough with the mental abuse. End this third bite at the apple and let us get on with our lives.

I cannot speak for our indigenous neighbors but how any governmental agency could possibly justify the continued abuse of these peoples in this day and age, or in this Country, or in this State which upholds itself up as a defender of human rights, is unimaginable. They told you that they are part of the land, and it is part of who they are, they told you that three salmon are the symbol for the Pit River Tribe but that the salmon no longer run in their lands because the State has taken that away from them. They told you and the local government that Hatchet Ridge was sacred and vital to them, and part of their culture and that it also has been taken away from them. They're telling you now that the Fountain Wind Project site is also sacred to them and that their ancestors are laid to rest in those beautiful lands and yet here the State is threatening to take that away too. The local officials got it, as best a non-native can, and denied the project twice before, yet here they are again defending their very right to exist. It's so heartbreaking to see this continual marginalization and disregard for who they are, and these are just the most recent events. The State's historical abuse was genocidal. Their recent testimony before and during the scoping meeting should have stopped this project on its own merit. Period!

AB205 does not give the CEC the right to decide a matter that, by law, can only be considered through the Judicial system for any other CEQA project. This project would likely not even be heard by the courts now because of ConnectGen's choice not to exercise their right of appeal within the 90 days of the final decision, as allowed by CEQA law.

Please cease this abuse of our constitutional rights. Please cease the continued abuse of our physical, mental, and tangible resources. Please cease the unconscionable continued abuse and erasure of the Pit River Nation. Do not continue to be an accessory to this act of Social Injustice. Please deny this project now.

Sincerely,

Joseph Osa