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*Comment Received From: Margaret Osa  
Submitted On: 12/4/2023  
Docket Number: 23-OPT-01*

**OPPOSITION TO THE FOUNTAIN WIND PROJECT - M OSA -  
SCOPING COMMENT**

M. Osa - Opposition to the Fountain Wind Project

*Additional submitted attachment is included below.*

To: Mr. Payne, California Energy Commission (CEC)  
From: Maggie Osa, Montgomery Creek Resident

3 December 2023

Subj: Opposition to the Fountain Wind Project, Comments Regarding the Notice of Joint Environmental Scoping and Informational Meeting, held on 28 November 2023

As requested by the CEC I have provided my comments, which I presented on Zoom for the meeting. In addition, I have provided more background, information, and support as to why the Fountain Wind Project must be dismissed and denied immediately.

### **CEC Fountain Wind Public Scoping Meeting Comments**

28 Nov 2023

CEC Commissioners and Staff,

As outlined in the CEC agenda the Fountain Wind Project identifies significant environmental impacts, across numerous areas, which cannot be mitigated. No overriding considerations could justify approving this Project.

The Camp, Carr, Dixie, Fawn, Delta, Hertz, Zogg and other wildfires within the North state have proven to be some of the most destructive in history, resulting in over 100 lives lost. Due to lack of proper maintenance and grid instability PG&E was found guilty of 94 counts of involuntary manslaughter in the Camp Fire and was found responsible for the Zogg fire in Shasta County which resulted in four more deaths.

The work needed by PG&E for grid hardening is still in progress, documented by the recent PG&E rate increases, approved by the CPUC, to bury the lines in the high wildfire areas, which also include transmission lines within Shasta County.

In addition, to the PG&E maintenance work CAL ISO continues work to resolve the thermal overload issues at the Round Mountain sub-station, which will not be completed until 2025 in the Millville area of Shasta County. This thermal overload also affects the 230kV lines the Project proposes their tie-in going to Cottonwood.

Sadly, it is now commonplace for these wildfires to quickly get out of control with limited ingress and egress for residents. This Project will put a complete no-fly zone, or severe restrictions for any effective aerial wildfire support, further putting our lives at risk unnecessarily, even if the turbines do not start the fire. The cumulative impacts to the aerial wildfire support must be considered with the Hatchett Ridge turbines. In addition, as already identified by the CEC, the Applicant failed to identify an alternative site, outside of Shasta County, which would pose significantly less wildfire risk to the community members.

In 2022 memos from RCRC and the League of Cities, they state that the “many communities have suffered dramatic decline in energy reliability over the last several years and that these

improvements will require significant investments in infrastructure, development of new energy and storage assets, and rethinking the state's lengthy interconnection process." **The CEC would be negligent if they did not ensure the needed infrastructure investments are in place to provide a safe and secure transmission grid before considering this Project or any other.** The clean energy goals within the state are not about who gets to the table first but the health, welfare, and safety of the residents who must live near these Projects. The continued infrastructure failures can no longer be acceptable when lives are being lost for the sake of renewable energy projects.

The Shasta County decision makers denied this Project due to the overwhelming negative impacts this Project brings, grid infrastructure instability, continued Tribal Culture sacred ceremony site destruction, and most importantly the very protection of our lives. The increased wildfire threats, including the lack of aerial wildfire support cannot be disputed and is clearly stated in the record.

The Shasta County decision-makers made the right decision when they denied the Project. They considered the economic benefits to the County. However, the loss of life, properties, and continued destruction of Tribal resources eliminates any proposed gains to the County.

This Project cannot in good conscious be approved considering it would be incorporated into a failing infrastructure undergoing current upgrades, the risk to the lives of the community with the severe limitations regarding aerial wildfire support, and the continued destruction to the Pit River Tribes scared ceremonies which will be erased forever.

The denial of the Fountain Wind Project in Shasta County must remain in place.

Thank you for your time.

Maggie Osa, Montgomery Creek Resident

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**Additional scoping requirements why this Project must be dismissed and/or denied immediately.**

**1) Jurisdiction:**

As stated in my previous letter, and clearly outlined in the Shasta County/Pit River Tribe lawsuit, the CEC does not have jurisdiction over the review and/or consideration of the Fountain Wind Project, via the AB 205 Opt-In process. There are no legal grounds for the CEC to re-review or reconsider any previously denied project which has already completed a legally required CEQA process in its entirety from 2019-2021. The Applicant did not pursue any legal appeal, through the CEQA process, and so the decision for denial by Shasta County is final.

Documented in the 2023 CEQA Statues and Guideline updates there were no additions, amendments, changes, or repeals, that incorporate any authorities given to the CEC through AB

205, nor AB 209, as listed in the CEC FAQ sheet docketed in TN #25397. The CEQA Statute and Guidelines, Summary of Key 2022 CEQA Legislation (Page xLiii), and in 'Table - Changes Made to CEQA 2022' (page xLiv), AB 205 are neither mentioned nor list any authorities the CEC claims in the FAQs posted on November 22<sup>nd</sup>. Appendix A: CEQA Process Flow Chart, from the 2023 CEQA Statutes and Guideline also does not make any distinction of the transition of the approving authority to the CEC regarding AB 205. In addition, the 2023 CEQA Statutes and Guidelines do not indicate that the CEC could be the lead agency regarding energy projects, over 50 megawatt, 'in lieu of' any applicant applying with the local decision authorities, nor overturning decisions already made prior to AB 205.

Per the 2023 CEQA Statute and Guidelines the final decision for this project approval or denial, which was in 2021, still remains with the local decision-makers. The 2023 Statutes and Guidelines does not recognize, nor document, any authorization authority allowing the CEC (via AB 205) to usurp authority, reverse, or re-do a previously denied project, opt-in or otherwise, that has previously completed an extensive legal CEQA review process where a decision has already been rendered.

Since other Senate and Assembly bill changes/amendments/additions/repeals are listed in "Changes Made to CEQA 2022," the statements made in the CEC FAQ sheet cannot be supported, since they are not formally and properly documented, nor render any resolution for any analysis which relate to determining the correct approving authority, specifically when it relates to previously denied projects. As evidenced immediately after the Camp Fire in 2018, wildfire impacts were added to the CEQA Statutes and Guidelines immediately, as an evaluation criteria area, however no such updates are in place to support AB 205 evaluation criteria or authorities.

The Shasta County and Pit River Tribe lawsuit document state that "Mr. Knight indicated that, because the opt-in application was the first in the state to be filed for a major project, the Commission had to "give it a go." "Similarly, Commissioner Noemi Otilia Osuna Gallardo at the Commission ("Commissioner Gallardo") proposed renaming the permitting process to disguise the Commission's belief that it has jurisdiction over projects that have been denied on the local level. In particular, Commissioner Galardo stated that "if the permit is denied locally, they can then- the developer, can go through us." As outlined in AB 205 "in lieu of" can't be construed nor defined to cover any of those statements.

AB 205 is not about "giving it a go" nor how to circumvent the legal and extensive CEQA process regarding this or any other project that was previously reviewed and twice denied. Shasta County has clearly laid out their position regarding "in lieu of" and numerous reasons why this application must be dismissed and denied. The CEC must respect the legal and final decisions of the local authorities regarding previously denied projects prior to AB 205, not only here but across the state.

Unfortunately,, these statements from the CEC staff only confirm the vague language and understanding of AB 205, including the absence of documentation of AB 205 in CEQA Statutes and Guidelines, which now appear ripe for legal challenges as laid out in the lawsuit.

Of particularly importance is the fact the 2023 CEQA statutes and guidelines are clear, AB 205 did not amend, change, or repeal any sections and/or authorities within the CEQA process that allow the CEC to revisit, nor overturn, any previously denied or approved projects across the state.

## **2) Transmission and Grid Infrastructure Required Upgrades**

As I stated in my scoping comments above the grid infrastructure is unstable and is undergoing upgrades due to thermal overload issues found in the 2019-2020 CAL ISO report. The CAL ISO/CPUC upgrade information is listed below, and the document is attached with this comment.

**CPUC Round Mountain 500 kV Area Dynamic Reactive Support Project (Application No. A.22-04-004, filed April 6<sup>th</sup>, 2023.** The full report is included in this submission for your review.

[https://ia.cpuc.ca.gov/environment/info/esa/round\\_mountain/index.html](https://ia.cpuc.ca.gov/environment/info/esa/round_mountain/index.html)

[https://ia.cpuc.ca.gov/environment/info/esa/round\\_mountain/pdfs/Round Mountain 500kV I SMND May 2023.pdf](https://ia.cpuc.ca.gov/environment/info/esa/round_mountain/pdfs/Round_Mountain_500kV_I_SMND_May_2023.pdf)

### **Introduction**

*LSPGC, in its CPUC application (A.22-04-004), filed on April 6, 2022, requests a permit to construct a Static Synchronous Compensator (STATCOM) Substation (the Fern Road Substation), which would include an approximately +/-529 million volt-amperes, reactive (MVAR) dynamic reactive support facility to include a minimum of two equally sized STATCOM units. The STATCOM units would be located within the new Fern Road Substation and would be independently connected (e.g., looped-in) to Pacific Gas and Electric Company's (PG&E) regional electric transmission system via the Round Mountain – Table Mountain #1 and #2 500 kV transmission lines that are located adjacent to the Project site.*

*The Project ([see Location Map](#)) would be located in east of Fern Road and east of the existing PG&E transmission right-of-way (ROW), approximately 1.6 miles northwest of the unincorporated community of Whitmore and approximately 9.3 miles north of State Highway 44 in unincorporated southern Shasta County. The Project would include interconnection to PG&E's electrical transmission system via Round Mountain – Table Mountain #1 and #2 500 kV transmission lines, and upgrades to the existing PG&E Round Mountain and Table Mountain substations. The Project work would take place upon lands owned by LSPGC or within PG&E easements. The application includes the Proponent's Environmental Assessment (PEA) prepared pursuant to Rule 2.4 of the CPUC's Rules of Practice and Procedure.*

The purpose of the Project is to ensure reliability of the California Independent System Operator Corporation (CAISO) controlled grid. The need for the Project was determined as part of the CAISO Transmission Planning Process. The CAISO 2018-2019 Transmission Plan determined that a dynamic reactive support facility was needed near the Round Mountain Substation to mitigate excessive high voltage and dynamic stability issues.

### **Excerpts from the CPUC Round Mountain 500 kV Dynamic Reactive Support Project Draft Initial Study/Mitigated Negative Declaration – dtd May 2023**

#### **Project Status**

The CPUC prepared an Initial Study/Mitigated Negative Declaration (IS/MND) to evaluate the environmental effects of the Round Mountain 500kV Dynamic Reactive Support Project. The table below shows milestones and dates associated with the environmental review process.

#### **2.1.1 Project Objectives**

The Project is proposed to address CAISO-identified reliability issues as described in Section 2.3.1, Existing System Reliability. The purpose of the Project is to provide dynamic reactive support at the PG&E Round Mountain Substation, a 500 kV level regional substation in Shasta County, California.

The Applicant has identified the following objectives for the Project:

- (1) Ensure the reliability of a major portion of the CAISO-controlled grid
- (2) Provide cost-effective voltage control and other electric transmission grid benefits.
- (3) Support the provision of safe, reliable, and adequate electricity service to the PG&E service territory.
- (4) Facilitate the importation and use of renewable electricity to fulfill California's energy policies and goals by ensuring reliable operation of the grid.

#### **2.3.1 Existing System Reliability**

Existing System Reliability Studies prepared by CAISO determined that high-voltage issues at the PG&E Round Mountain 500 kV substation frequently occur under non-peak conditions when the PACI flows are lower. High-voltage issues have resulted in limited opportunities for transmission line clearances to complete maintenance work on the existing transmission system. In some cases, transmission line clearances have been canceled to address voltage issues. In addition to the high-voltage issues under light loading conditions, the Round Mountain Substation's bus voltage varies significantly on a daily basis as the output of solar generation in California results in PACI flow changes. These hourly voltage fluctuations are expected to increase in the future with more solar integration in California and the expansion of the Western Energy Imbalance Market in the Pacific Northwest.

Adding voltage support in the area would alleviate both voltage issues described above. A dynamic device with both reactive and capacitive range, implemented to support the PG&E Round Mountain Substation, would enable system operations to set pre-contingency system voltages at lower levels to support the post-contingency reactive power injection at the Round

Mountain 500 kV bus, and would support the voltage with acceptable ranges for normal operations. As such, the CAISO identified the need for additional dynamic reactive support to both absorb reactive power under normal system conditions and supply reactive power with contingencies as needed.

The Project was developed in response to the CAISO-identified reliability issues and would alleviate voltage support issues by providing system stability and reliability for the greater North Valley area. The Project is specified to include two independent blocks of dynamic reactive support to further enhance system reliability.

## **2.4 Project Overview**

The Project would have a rated real power output of zero megawatts (MW) and a nominal terminal voltage of 500 kV. Therefore, the Project would not increase capacity, but would provide voltage support and grid stability at the PG&E Round Mountain Substation 500 kV buses. See Figure 2-3, Project Overview in Vicinity of Fern Road Substation Site, for an illustration of the Project components relative to existing general features at and near the Fern Road Substation site.

## **3) Tribal and Cultural Impacts:**

The testimonies, docketed letters, response to the proposed community benefits agreement, and subsequent lawsuit partnering with Shasta County speak for themselves. Ms. Lee captures it in a short phrase – “Enough is Enough.”

The evidence provided by the Pit River Tribe again proves that the Fountain Wind project is in direct conflict with the executive order signed by Governor Newsom in June 2019, where he formally apologized to California Native Americans for historical mistreatment, violence, and neglect. The Governor established a Truth and Healing Council to provide Native Americans a platform to clarify the historical record and work collaboratively with the state to begin the healing process. The Governor stated “California must reckon with our dark history. California Native American peoples suffered violence, discrimination and exploitation sanctioned by state government throughout its history. We can never undo the wrongs inflicted on the peoples who have lived on this land that we now call California since time immemorial, but we can work together to build bridges, tell the truth about our past and begin to heal deep wounds.” The executive order by the Governor is clear – the continued exploitation sanctioned by the state must stop.

The Tribe stated that they will not accept any money and will never support this project. Fountain Wind, via their resubmission of the same project to the CEC, continues their attempts to erase and destroy forever the ceremonial scared areas of the Pit River Tribe. The communities of Montgomery Creek, Round Mountain, Big Bend, and Burney who fought against this Project from 2019 – 2021, stand with the Tribe and applaud the County decision-makers for hearing all of our voices to protect the lands and our lives.

Mr. Radley Davis was accurate when he stated, “why are we here again?” We followed the CEQA process legally and got the project denied. The decision by the County is final and the project is denied.

I ask that Mr. Bohan along with the Tribal Cultural Commissioner reach out and have a one-on-one meeting, at the Pit River Tribe location, and honor their request so they can truly have their voices heard. The Tribal members then can have their voices heard without any interruptions, competing interests or time limits to speak. Since they are a Federally Recognized Tribe they should have the same access directly to the CEC staff as the Applicant has been provided. As stated at the Scoping and Information meeting they should have a seat at the table.

#### **4) Community Benefits Agreement – Misrepresentation**

In review of the CEC docketed information the integrity of the Applicant continues to be questioned, as outlined in TN # 252912, TN# 253348, and TN # 253231 regarding the Community Benefit Agreement.

On November 3<sup>rd</sup>, TN # 252912 District 3 Supervisor Rickert, states

“I agree with the Pit River Tribe that ConnectGen's community benefits proposal calls into question their veracity and ethics because they do not indicate whatsoever that no community organization will accept the money and have not done so the first time around. As a former Foundation board member, I very much understand their process for accepting donations. Even though ConnectGen places its agreement on Foundation letterhead, there is no indication that the Foundation is even negotiating the agreement, and even if it were, it would need to be approved by the Foundation's board. In other words, if the board hasn't approved an agreement, there's no evidence of negotiating an agreement, and more importantly, the Pit River Tribe and the Round Mountain, Montgomery Creek, and Burney communities won't accept the money . . . there is no community benefits agreement. Therefore, the application should not have been deemed complete by CEC staff, and it must be withdrawn or denied.”

On November 13<sup>th</sup>, Now listed in TN # 253348, BBK, Mr. Ryan Baron again requested information regarding the Fountain Wind Community Benefit Agreement. Copied to Lisa M. DeClara, Elizabeth Huber, Eric Knight, and Leonidas Payne (CEC Staff).

“It is the County’s understanding that the Pt River Tribe and the unincorporated areas of Round Mountain, Montgomery Creek and Burney have been identified in the draft Foundation agreement but have indicated in public comments that they will not accept any of the funding that has been proposed by Fountain Wind in its docketed submissions. ***It is also the County’s understanding that the Foundation did not approve the draft copy of the community benefits agreement that was filed with the CEC, negotiations have concluded, and there is not community benefits agreement or plan with the Foundation.***” ...

On November 16<sup>th</sup>, also listed in TN # 253348, Cox Castle, Anne Mudge, responded “Fountain Wind LLC declines to provide the information you requested.” ... (Copied to Jared Babula, Elizabeth Huber, Eric Knight, and Leonidas Payne (CEC Staff).

On November 17<sup>th</sup>, TN 253231, Mr. Payne, provided the “Notice of Joint Environmental Scoping and Informational Meeting.”

On Page 4, item #5 asks for the following:

“The applicant is proposing to contract with the Community Foundation of the North State to fund the legal requirement for the applicant to enter into one or more legally binding and enforceable agreement with or that benefit, a coalition of one or more community-based organizations. Does such an agreement provide community-based benefits? What types of projects should be funded to benefit local communities?”

As outlined in TN #253348 – “community benefits plan information is required so “that members of the community have the opportunity to shape the project’s contribution to the community.”

Based on the documents listed above it appears the Applicant, even during the scoping and informational meeting, falsely led the community to believe negotiations were still ongoing with the Foundation, simply by their omissions. The Applicant also made the request to the CEC, to request a “Confidentiality Request” regarding their proposed community benefits agreement, including submitting their first draft of the agreement redacted. Furthermore, as evidenced by the Pit River Tribe docketed testimonies and community members, who will be most affected by the project, no monies that will be accepted by them.

This continual ‘hide and seek - catch me if you can’ tactics regarding the community benefits agreement by the Applicant cannot be allowed. There are no provisions within AB 205, nor the intent of any law, that would allow any applicant to hide, nor keep secret, the proposals that are intended to benefit the community they are reported to impact the most. These actions only indicate that the proposed benefits are not for the community at all but to try and meet the vague language of steps outlined in AB 205.

If the CEC accepts any proposed community benefits agreements, from the Foundation or anyone else, without being vetted thoroughly, openly, and with coordinated efforts with the Shasta County leadership, Pit River Tribe leadership, and the community members most impacted by the proposed project, the CEC would be grasping at straws to move this application any further. With the rejection of any monies offered by the applicant, AB 205 requirements cannot be met, and this application must be dismissed.

## 5) Wildfires

As I stated before I applaud, and am forever grateful, for all the efforts CAL FIRE has made and continues to make to protect our lives and communities.

I respect the comments made by the retired CAL FIRE representative, hired by Fountain Wind LLC, to support their project, however they did not say anything new that supports the Applicants’ position or has not already been addressed as insufficient to ensure our safety.

THE TURBINES ARE THE OBSTICALS THAT WILL BE REQUIRED TO BE AVOIDED BY ANY AERIAL WILDFIRE SUPPORT IN AND AROUND THE TURBINE FIELDS. **ANY** HINDERANCE TO AERIAL WILDFIRE SUPPORT WILL COST LIVES, EVEN IF THE WILDFIRE IS NOT CAUSED BY THE TURBINES. MR. STEVE JOHNSON DID NOT MINCE WORDS DURING HIS SCOPING COMMENTS – “PEOPLE WILL DIE.”

As one of the CAL FIRE experts commented, everyone knows that the wildfire mitigation plans can be helpful, including the shaded fuel breaks. However, contrary to the comments on the 28<sup>th</sup>, these wildfire plans must already be in place without the construction of the Fountain Wind Project. As stated by the landowner representative they are hoping for financial relief with the lease of their lands for the construction of the project. This is no benefit to the community but only to the landowner.

When the landowner bought the 450,000 acres of land, they knew the responsibility of the proper maintenance to ensure wildfire protection without the financial support of the leased lands to the proposed wind development, just as all the surrounding landowners. The surrounding landowners are responsible for our own “wildfire mitigation plans,” including shaded fuel breaks and maintaining defensible space, just to acquire and/or maintain insurance on our homes.

The pilots have provided overwhelming testimony that this is not the place for this project. They come with extensive credentials and decades of aerial wildfire expertise performed for the safety and protection of the communities and our lives.

I appreciate Mr. Bohan visiting the proposed project site the day after the Scoping and Informational meeting held within Shasta County.

I request the Director, and all the Commissioners/Staff who are in review of this project, to visit just a few of the burn scars resulting from the fires listed below. The loss from these wildfires is unimaginable and fuels our efforts stop another.

Consider just a few of the area wildfires, and their destruction, without the obstacles or hinderance of 600-foot-plus tall industrial turbines. The cumulative effect, Hatchet Ridge and now Fountain Ridge (92 turbines) now impeding their efforts. How much worse would these fires have been if they could not attack them from the air? Here are just a few fires to consider:

**Camp Fire**: Open paved roads with plenty of shaded fuel breaks and water resources.

Date: November 2018

Deaths: 85

Acres: 153,336

Cost: \$16.65 Billion

Cause: PG&E Transmission – C clamp

18,804 buildings destroyed

Note: The Butte County District Attorney, The Camp Fire Public Report – A Summary of the

Camp Fire Investigation – June 16<sup>th</sup> 2020 is included for reference.

**Carr Fire:** Open paved roads, with plenty of shaded fuel breaks, water resources, and jumped the Sacramento River

Date: July – Aug 2018

Acres: 229,651

Cause: Tire failure on vehicle

1,604 buildings destroyed

**Dixie Fire:** Paved road, water resources, shaded fuel breaks

Date: July – Oct 2021

Deaths: 1

Acres: 963,309

Counties affected: Butte, Plumas, Lassen, Shasta, Tehama

Cause: Tree falling on PG&E transmission line

**Zogg Fire:** Paved roads, shaded fuel breaks, water resources

Date: Sept – Oct 2020

Deaths – 4

Acres: 56,338

Shasta and Tehama County

204 buildings lost

Cause: PG&E transmission failure when a tree fell on the line

**Fawn Fire:** Paved roads, shaded fuel breaks, water resources

Date: Sept – Oct 2021

Acres: 8,578

185 buildings lost

Cause: arson

Note: Aerial wildfire resources were diverted from the Dixie Fire to go fight the Fawn Fire within Shasta County which saved many lives and homes.

I ask that you dismiss this application immediately, with no further consideration or opportunities for it to be resubmitted, via AB 205 or otherwise. Please respect the requirements by the Shasta County decision-makers to ensure our safety, welfare, health, peace, morals and deny this project.

**References:**

1) 2023 CEQA Statutes and Guidelines

2) CPUC, Round Mountain 500kV ISMND, May 2023

3) Butte County District Attorney, The Camp Fire Public Report, A Summary of the Camp Fire Investigation, June 16<sup>th</sup>, 2020.