

CHAPTER 1

Introduction

1.1 Purpose of This Document

This Draft Environmental Impact Report (EIR) is an informational document intended to disclose to the public and decision-makers the potential environmental impacts of the Fountain Wind Project (Project). The Shasta County (County) Department of Resource Management, Planning Division, as the lead agency under the California Environmental Quality Act (CEQA),¹ has prepared this Draft EIR to document its analysis of the potential direct, indirect, and cumulative impacts of the Project described in Section 2.4, *Description of the Project*, and the alternatives described in Section 2.5, *Description of Alternatives*. All resource areas in the CEQA Guidelines Appendix G Checklist have been studied: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. The potential for the Project to result in communications interference is also examined. See Chapter 3, *Environmental Analysis*.

The County will rely on the analysis in this Draft EIR, as it may be amended in response to agency and public input, along with other information in the record, in deciding whether to approve, approve with modifications, or disapprove the requested Use Permit (UP 16-007) to construct, operate, maintain, and ultimately decommission the Project. Other agencies with trustee responsibilities or permitting authority over the Project, including but not limited to the California Department of Forestry and Fire Protection (CAL FIRE), California Department of Fish and Wildlife (CDFW), California Public Utilities Commission (CPUC), and the Regional Water Resources Control Board (RWQCB), may rely on this document in deciding whether to approve or issue other authorizations for the Project.

1.2 Project Overview

The Project is a renewable wind energy generation development proposed on a 4,464-acre site (Project Site) in unincorporated Shasta County. More specifically, the applicant proposes to construct, operate, maintain, and ultimately decommission up to 72 wind turbines and associated transformers together with associated infrastructure and ancillary facilities. Each turbine would be

¹ This analysis is being prepared CEQA (Pub. Res. Code §21000 et seq.) and its implementing regulations, the CEQA Guidelines (14 Cal. Code Regs. §15000 et seq.).

no more than 679 feet tall, as measured from ground level to vertical blade tip (total tip height), and would have a generating capacity of 3 to 5.7 megawatts (MW). The Project would have a maximum total nameplate generating capacity of up to 216 MW.²

Associated infrastructure and facilities would include: a 34.5-kilovolt (kV) overhead and underground electrical collector system to connect the electricity generated by individual turbines together and deliver the electricity to an onsite collector substation; underground or overhead fiber-optic communication lines (or, in the alternative, a relay microwave tower); an onsite switching station to connect the Project to the regional grid operated by Pacific Gas and Electric Company (PG&E); interconnection facilities to allow the interconnection to the grid (to be owned and operated by PG&E); a temporary construction and equipment laydown area; 14 temporary laydown areas distributed throughout the Project Site to store and stage building materials and equipment; an operation and maintenance (O&M) facility; up to four permanent meteorological (MET) towers; temporary, episodic deployment of mobile Sonic Detection and Ranging (SoDAR) or Light Detection and Ranging (LiDAR) systems within identified disturbance areas (e.g., at MET tower locations); two storage sheds; the potential for new groundwater wells; three temporary concrete batch plants; and a septic system. Existing commercial timber within the Project Site would be harvested as needed to construct the proposed infrastructure. New access roads would be constructed within the Project Site, and existing roads would be improved. The Project would operate year-round. Both scheduled and unscheduled maintenance events would occur. Project decommissioning and site restoration activities would result in the removal of Project infrastructure from the Project Site and, in coordination with the landowner, disturbed areas would be replanted with the goal of developing a vegetation cover, composition, and diversity similar to the area's ecological setting and consistent with the landowner's current and future land use practices.

1.3 Use of this Document by Agencies

CEQA Guidelines §15124(d) requires that an EIR contain a statement briefly describing the intended uses of the EIR. The following discussion summarizes the roles of the lead agency and any responsible agencies and the intended uses of the EIR in their approval or permitting processes; see Section 2.6, *Permits and Approvals*, for additional detail.

Shasta County has the primary responsibility for considering whether to approve the requested Use Permit for the Project, is the CEQA “lead agency” for purposes of this Draft EIR, and has directed the preparation of the EIR. This analysis will be used by the County, in conjunction with other information developed in the County's formal record, when considering whether to approve, approve with conditions, or deny the requested Use Permit. Other necessary County approvals may include a Hazardous Materials Business Plan, septic system permit, and well permit from the Shasta County Department of Resource Management, Environmental Health Division; building

² “Nameplate capacity” is the amount of power that would be generated under ideal conditions. Actual output can differ from nameplate capacity for a number of reasons, including wind speeds and other weather conditions, and equipment maintenance.

and grading permits from the Shasta County Building Division; and an encroachment permit from the Shasta County Public Works Department.

CAL FIRE has primary jurisdiction over timber conversion and timber harvesting, each of which would require discretionary approval prior to construction of the Project. As a “responsible agency” for purposes of CEQA, CAL FIRE would rely on the EIR, once it is certified, in deciding whether to approve a Timber Conversion Permit and Timber Harvest Plan pursuant to the Z'berg-Nejedly Forest Practice Act and Forest Practice Rules (CAL FIRE, 2019). Other agencies also may rely on information in this EIR to inform their own permitting decisions and approvals for the Project.

1.4 CEQA Process Overview

This EIR has been prepared in accordance with CEQA (Public Resources Code [Pub. Res. Code] §21000 et seq.) and its implementing regulations, the CEQA Guidelines (14 California Code of Regulations [Cal. Code Regs.] §15000 et seq.). CEQA requires state and local government agencies to consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects. Shasta County, as lead agency, considered the potential impacts of the Project in an Initial Study before determining that an EIR would provide the appropriate level of CEQA documentation for the Project. The Initial Study is included in Appendix A of the Scoping Report, which is provided as Appendix J of this Draft EIR.

The overall purposes of the CEQA process are:

1. Disclose to decision-makers and the public the potential significant environmental effects of a proposed discretionary project.
2. Prevent or minimize potential damage to the physical environment through the development of project alternatives, mitigation measures, and mitigation monitoring.
3. Enhance public participation in the environmental review process through scoping meetings, public notice, public review, and hearings.
4. Involve other potentially affected governmental agencies through coordination, early consultations, the scoping process, and State Clearinghouse review.

As defined in CEQA Guidelines §15378, a “project” is any action that “has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” CEQA Guidelines §15093 requires the County, as the lead agency, to balance the benefits of a proposed project against any significant unavoidable environmental effects it may have. If the benefits of the Project outweigh the significant unavoidable adverse impacts, then the County may adopt a statement of overriding considerations that finds the environmental consequences to be acceptable in light of the Project’s benefits to the public. The environmental review process as set forth under CEQA is outlined below.

1.4.1 Pre-scoping Activities

The County initiated pre-scoping activities following receipt of the application for Use Permit No. 16-007 in November 2016. Pre-scoping activities included initial agency and community outreach, the results of which efforts were documented in an Initial Study, and consultation with Tribes pursuant to Assembly Bill (AB) 52. The Initial Study, initial outreach efforts, and the AB 52 consultation process are summarized in the Scoping Report (Appendix J).

1.4.1.1 Initial Study

Pre-scoping activities included the preparation of an Initial Study. On the basis of the Initial Study, the County determined that preparation of this EIR would be required.

1.4.1.2 Initial Agency and Community Outreach

As part of its initial outreach efforts, the County sent early consultation referrals for the Project to an expansive and broad range of local, state, and federal agencies, native American tribes, community organizations, media outlets, and others (Shasta County, 2018). Written responses were received from: the Burney Fire Protection District, California Department of Fish and Wildlife, California Department of Transportation, Central Valley Regional Water Quality Control Board, Shasta County Assessor/Recorder, Shasta County Air Quality Management District, Shasta County Fire Department, Shasta County Office of the Sheriff, and the Shasta Mosquito and Vector Control District. Initial community outreach included communications with: the Pit Rive Tribe, Frontier Communications, and the Wintu Audubon Society. Correspondence with these agencies and members of the community is documented in the Initial Study.

1.4.1.3 Tribal Consultation Pursuant to AB 52

Pursuant to the AB 52 Tribal consultation process, CEQA lead agencies consult with tribes that are traditionally and culturally affiliated with the project area and that have requested consultation pursuant to Pub. Res. Code §21080.3.1. The purpose of the consultation is to determine whether a proposed project may result in a significant impact to tribal cultural resources. As set forth in Pub. Res. Code §21080.3.1(b), the law requires:

Prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

The County's AB 52 contact list consists of Native American tribes that had submitted written requests for notification of CEQA projects within their geographic area of traditional and cultural affiliation as of December 8, 2017, when the County initiated consultation. The County sent letters by certified mail on December 8, 2017, to two representatives of the Pit River Tribe:

Mickey Gemmill (Shasta County, 2017a) and Morning Star Gali (Shasta County, 2017b). Each letter identified the area within which the Project is proposed as within the Tribe’s geographic area of traditional and cultural affiliation. Return receipts for the certified letters indicate the letters were delivered on December 8, 2017. The County received no response to either letter. Although the AB 52 process formally closed when no response was received to the December 8, 2017 letters, the County has continued efforts to connect directly with representatives of the Pit River Tribe and has used this information in the analysis of potential impacts on resources of importance to the Tribe and its members.

1.4.2 Scoping Activities

CEQA Guidelines §15083 provides that a “Lead Agency may...consult directly with any person...it believes will be concerned with the environmental effects of the project.” Scoping is the process of early consultation with affected agencies and the public prior to completion of a Draft EIR. Section 15083(a) states that scoping can be “helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.” Scoping is an effective way to bring together and consider the concerns of affected State, regional, and local agencies, the project proponent, and other interested persons (CEQA Guidelines §15083[b]). The purpose of scoping is to determine the scope of information and analysis to be included in an EIR and, thereby, to ensure that an appropriately comprehensive and focused EIR will be prepared that provides a firm basis for informed decision-making.

The scoping process for this EIR included the following:

1. **Notice of Preparation (NOP):** On January 15, 2019, the County published and distributed an NOP accompanied by the Initial Study described above, to advise interested local, regional, state, and federal agencies, as well as the public, that an EIR would be prepared for the Project. The County sent the NOP package to trustee, responsible, and potentially affected federal agencies; to the Governor’s Office of Planning and Research/State Clearinghouse; and to the Shasta County library in Redding, Anderson and Burney.
2. **Additional public notifications:** The County sent separate notice to a mailing list of 603 recipients that included Tribes, property owners within 2 miles of the Project Site, and other interested parties. The County also posted an electronic copy of the NOP and the direct-mail notice on its website: https://www.co.shasta.ca.us/index/drm_index/planning_index/eirs/fountain-wind-project. In addition to the NOP, direct mail notifications, and web posting, the County notified the public about the public scoping meeting through newspaper advertisements published in the *Record Searchlight* on January 15, 2019, in the *Mountain Echo* on January 15, 2019, and in the *Intermountain News* on January 16, 2019.
3. **Agency-specific scoping meeting:** The County held an agency-specific scoping meeting for responsible and trustee agencies on Thursday, January 24, 2019, at 2 p.m. at the Shasta County Administration Building. A follow-up site visit was held on January 25 to further inform County and other agency representatives about the specifics of the proposed site.
4. **Public meeting:** A meeting was held on Thursday, January 24, 2019, at Montgomery Creek Elementary School to provide information to the public about the Project and the CEQA

process, and to solicit scoping input from attendees. Doors opened to view Project information at 6:30 p.m.; the public scoping meeting began at 7 p.m. Presentation slides, the “storyboards” displayed at the meeting, and a transcript of comments made by speakers at the meeting are provided in the Scoping Report (Appendix J).

5. **Scoping period:** The EIR scoping period lasted from January 15 to February 22, 2019. In addition to oral comments made at the public scoping meeting, written input was received from approximately 150 entities. All input received on or before end of the scoping period is documented in the Scoping Report provided as Appendix J to this Draft EIR.

1.4.3 Draft EIR

Preparation of the Draft EIR follows and is informed by the scoping process. Article 9 of the CEQA Guidelines (§§15120–15132) establishes the required contents of an EIR. These are summarized below.

1. **Table of contents or an index:** A table of contents is provided.
2. **Summary:** An executive summary is provided (see p. ES-1 et seq.).
3. **Project description:** A description of the Project is provided (see p. 2-1 et seq.).
4. **Environmental Setting:** The environmental setting is described on a resource-by-resource basis throughout Chapter 3.
5. **Analysis of direct, indirect, and cumulative impacts of the proposed project:** Potential impacts of the Project are described on a resource-by-resource basis throughout Chapter 3.
6. **Consideration and discussion of mitigation measures proposed to minimize potential significant impacts:** Mitigation measures are proposed to minimize potential significant impacts (see, e.g., Table ES-2, *Summary of Project Impacts and Mitigation Measures*).
7. **Consideration and discussion of alternatives to the proposed project, including a No Project Alternative:** The alternatives development screening process, alternatives rejected from detailed consideration, and the alternatives evaluated in detail on a resource-by-resource basis throughout Chapter 3 are described in Chapter 2 (see p. 2-27 et seq.).
8. **Organizations and persons consulted:** Federal, state, and local agencies; Tribal entities and members; and organizations and individuals consulted pursuant to the preparation of this Draft EIR are identified in Section 5.4, *Entities Consulted and Recipients of the Draft EIR* (p. 5-2 et seq.).

1.4.4 Agency and Public Review

As required by CEQA, this Draft EIR is being made available for agency and public review and comment for a period of at least 45 days. Copies were provided to the State Clearinghouse for circulation to interested state agencies. Printed copies of the Draft EIR and electronic copies of all appendices and all documents referenced in the Draft EIR are available for public review during normal hours at the Shasta County library in Redding, Anderson, and Burney and also are available for review by members of the public at the Shasta County Department of Resource Management

office by appointment. An electronic copy of the Draft EIR is available for all-hours access on the County's website: https://www.co.shasta.ca.us/index/drm_index/planning_index/eirs/fountain-wind-project.

Notifications of the availability of the Draft EIR and information about how to access it were sent directly to responsible, trustee, and local agencies; the Shasta County Clerk's office; and to the Tribal entities and members, organizations, individuals identified in Section 5.4, *Entities Consulted and Recipients of the Draft EIR* (p. 5-2 et seq.). Notice of the availability of the Draft EIR also was published in the *Record Searchlight*, in the *Mountain Echo*, and in the *Intermountain News*.

Please submit any written comments on the Draft EIR to the address shown below:

Shasta County Dept. of Resource Management, Planning Division
Attention: Lio Salazar, AICP, Senior Planner
1855 Placer Street, Suite 103
Redding, CA 96001
E-mail: fw.comments@co.shasta.ca.us

The County will review all substantive comments received during the review period and provide written responses in a Final EIR. The Final EIR will be made available to agencies and the public, and will provide a basis for agency decision-making.

1.4.5 Final EIR

After the end of the Draft EIR's public review period, the Shasta County Department of Resource Management will prepare a Final EIR for consideration by the public and the Shasta County Planning Commission. The Final EIR will include comments received on the Draft EIR, written responses to substantive comments received, a list of commenters, and identification of revisions to the EIR made in response to the comments received. The Planning Commission will review and consider the Final EIR before taking action on the Project.

1.4.6 Findings of Fact

After publication of the Final EIR and before deciding whether to certify the EIR or approve, modify, or deny the Project, the County will make the following findings regarding each significant impact consistent with Pub. Res. Code §21081:

1. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment;
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

With respect to any significant effects that are subject to the third finding, the County must find that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh its potential to result in significant unavoidable adverse effects on the environment before it could approve the Project. A statement of overriding considerations would not otherwise be required.

1.5 References

California Department of Forestry and Fire Protection (CAL FIRE), 2019. California Forest Practice Rules 2019. Available online: http://calfire.ca.gov/resource_mgt/downloads/2019%20Forest%20Practice%20Rules%20and%20Act_FINAL.pdf. February 2019.

Shasta County, 2017a. Letter from Bill Walker, AICP, Senior Planner, Shasta County Department of Resource Management, to Mickey Gemmill, Chairman, Pit River Tribe, regarding Tribal Cultural Resources under the California Environmental Quality Act, AB 52 (Gatto, 2014). Formal Notification of Determination that a Project Application is Complete, pursuant to Public Resources Code §21080.3.1. Available online: https://www.co.shasta.ca.us/docs/libraries/resource-management-docs/projects/fountain-wind-project/ab52/ltrpitrivertribe_morningmickeygemmillchairman120717.pdf. December 8, 2017.

Shasta County, 2017b. Letter from Bill Walker, AICP, Senior Planner, Shasta County Department of Resource Management, to Morning Star Gali, Tribal Historic Officer, Pit River Tribe, regarding Tribal Cultural Resources under the California Environmental Quality Act, AB 52 (Gatto, 2014). Formal Notification of Determination that a Project Application is Complete, pursuant to Public Resources Code §21080.3.1. Available online: <https://www.co.shasta.ca.us/docs/libraries/resource-management-docs/projects/fountain-wind-project/ab52/LtrPitRiverTribeMorningStarGaliTribalHistoricOfficer120717.pdf>. December 8, 2017.

Shasta County, 2018. Use Permit 16-007. Fountain Wind Project Referral Distribution List. January 4, 2018.