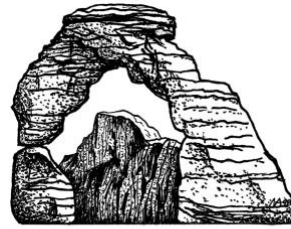


California Institute
for Biodiversity



Californians
for
Western Wilderness



Shasta
Environmental
Alliance

June 17, 2021

Shasta County Planning Commission
Shasta County Department of Resource Management, Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001

Via email: fw.comments@co.shasta.ca.us, lsalazar@co.shasta.ca.us

RE: Final Environmental Impact Report (FEIR) for the proposed project identified as the Fountain Wind Project (Use Permit 16-007)

Dear Commissioner Kerns and fellow members of the Shasta County Planning Commission:

California Wildlife Foundation/California Oaks (www.californiawildlifefoundation.org), California Institute for Biodiversity (<https://calalive.org/>), Californians for Western Wilderness (caluwild.org), Endangered Habitats Conservancy (ehleague.org), River Ridge Institute (riverridgeinstitute.org), and Shasta Environmental Alliance (ecoshasta.org) are writing as members of California Oaks Coalition regarding the Final Environmental Impact Report (FEIR) for the proposed project identified as the Fountain Wind Project. Members of California Oaks Coalition are united by the vital roles of oaks in sequestering carbon, maintaining healthy watersheds, providing habitat, and sustaining cultural values.

Our review of the FEIR found deficiencies, which are described below.

The FEIR must identify address the retention requirements of the California Forest Practices Act and the California Board of Forestry and California Fish and Game Commission Joint Policy on Hardwoods, which were articulated in the October 21, 2020 letter by California Wildlife Foundation/California Oaks, Californians for Western Wilderness, Endangered Habitats



Conservancy, River Ridge Institute, and Shasta Environmental Alliance submitted in response to the Draft Environmental Impact Report (DEIR). FEIR response P30-3 states (emphasis added with boldface type):

The County acknowledges receipt of this copy of Figure FW-1, *Deer Ranges*, from the County's General Plan. The Draft EIR (at pages 3.4-15, 3.4-27, 3.4-67, 3.6-2, 3.6-16) discloses and considers that the Project Site has suitable habitat for deer fawning and that mammals found in mixed conifer forest include deer. **In any conflict among the protection of habitat resources and the timber land use classification, General Plan Policy FW-b instructs that the timber land use classification "shall prevail in a manner consistent with State and Federal laws."**

Unfortunately, the response does not properly address the California Forest Practices Act requirement for the Northern Forest District, which includes Shasta County, for black oak and Oregon white oak:

Post-harvest deciduous oak retention for the maintenance of habitats for mule deer and other hardwood-associated wildlife shall be guided by the Joint Policy on Hardwoods between the California Board of Forestry and California Fish and Game Commission (5/9/94). To sustain wildlife, a diversity of stand structural and seral conditions, and tree size and age classes of deciduous oaks should be retained in proportions that are ecologically sustainable. Regeneration and recruitment of young deciduous oaks should be sufficient over time to replace mortality of older trees. Deciduous oaks should be present in sufficient quality and quantity, and in appropriate locations to provide functional habitat elements for hardwood-associated wildlife.

Below is the pertinent language from California's Joint Policy on Hardwoods, which was also included in the October 21, 2020 letter. Emphasis is added in boldface type to highlight the timberland requirements for hardwoods:

- A. The hardwood resources of California should be managed for the long-term perpetuation of their local and broader geographic representation and to continue to provide for their inherent natural and biological values and processes. These values and processes may include, but are not limited to, regeneration, plant species composition, vegetation structure and age class distribution, water quality, and other biotic and abiotic resources. Management should also address soil resources, air quality, rangeland improvement practices, recreational opportunities, and other benefits.
- ... hardwood harvesting and other land uses should be conducted in a sustainable manner which secures regeneration of all hardwood species, enhances the protection of fish, wildlife and plants of hardwood habitats, allows adequate recruitment of other native vegetation in hardwood habitats and meets state and federal water quality standards...**

The FEIR is deficient in that it contains no discussion of plans to address these hardwood retention requirements mandated by state forestry law. Further, the FEIR is deficient in that it does not assess project impacts on all of the oaks at the site. The October 21, 2020 letter included a map created with Department of Fish and Wildlife's Areas of Conservation Emphasis mapping

tool (<https://apps.wildlife.ca.gov/ace/>), which showed extensive areas of the project site that include oak habitat. It is understood that vegetation community mapping for the site identified Alliances, as delineated in *A Manual of California Vegetation*. Ponderosa Pine Forest and Woodland Alliance may include three species of oak (black oak, canyon live oak, and interior live oak) and White Fir-Douglas Fir Forest and Woodland Alliance may include two species of oak (black oak and canyon live oak), with black oak noted as part of this landscape on page 3.4-6 of the DEIR. Areas mapped as these two alliances should also record oak habitat because the hardwood retention requirements sited above must be addressed in the environmental documentation.

Many of the vertebrate species identified in the DEIR Table 3.4-3, **Special-Status Wildlife Species with Potential to Occur within the Project Site** (**amphibians**: southern long-toed salamander, Shasta salamander, California red-legged frog, foothill yellow-legged frog; **reptile**: western pond turtle; **birds**: American peregrine falcon, bald eagle, California horned lark, California spotted owl, Cooper's hawk, golden eagle, ferruginous hawk, northern goshawk, sharp-shinned hawk, Vaux's swift, yellow warbler, olive-sided flycatcher, Lewis' woodpecker; and **mammals**: American badger, pallid bat, Townsend's big-eared bat, spotted bat, western red bat, western mastiff bat), are listed in the California Habitat Relationship System (database version 9.0) as oak-dependent, i.e., species that utilize oak habitat for reproduction, cover, or feeding.

The FEIR notes, in response P30-1: "The Project would not result in adverse impacts to movement of any native resident or migratory fish or wildlife species or interfere with established native resident or migratory wildlife corridors." Project impacts on fish and wildlife cannot be fully assessed until *all* oak impacts of the project are understood. Further, as discussed in the October 21, 2020 letter, the narrow analysis, which was confined to the approximately 4,464 acres associated with removal of habitat to accommodate project infrastructure is inadequate. While it may be correct that construction activities will remove approximately 4,464 acres of the site's natural area, the much larger area of approximately 32,600 acres is fragmented and thus may impact movement corridors, etc.

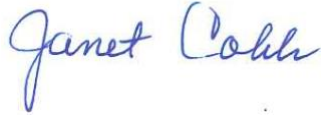
This also has implications for living cultural resources for the Pit River Tribe. The statement in response T4-1 in the FEIR—"The Project's impacts on acorn production are not expected to be significant because the construction and operation of the Project would not require the removal of many oaks and would leave large areas of deciduous forest intact"—does not reflect project impacts on *all* oaks and associated acorn production.

Lastly, it is also unclear why there are no mitigation measures for oak impacts. Response P30-2 in the FEIR includes the statement: "The Draft EIR treats black oak woodland as a sensitive vegetation community. Therefore, under the county's Oak Woodland Voluntary Management Guidelines. Among other recommendations, the guidelines recommend the replacement of removed trees when building occurs among oak woodland habitat."

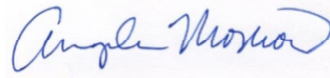
Shasta County has a choice. The natural and cultural values of the landscape support local communities, including the Pit River Tribe, that have clearly stated their opposition to this project. The landscape also supports tourism associated with county and state parks, national forests, and night sky viewing and superlative fly fishing and birdwatching on these and other lands. Approval of this project continues a shift towards energy extraction that will not benefit local communities and will degrade the natural and cultural landscape.

Thank you for your consideration of our input.

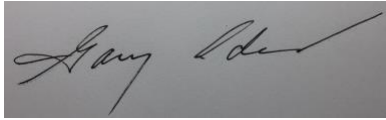
Sincerely,



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