



Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5260-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine A01  
 Location: Burney, CA  
 Latitude: 40-53-44.11N NAD 83  
 Longitude: 121-50-40.93W  
 Heights: 4859 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5538 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5260-OE.

**Signature Control No: 440833022-486754895**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5260-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

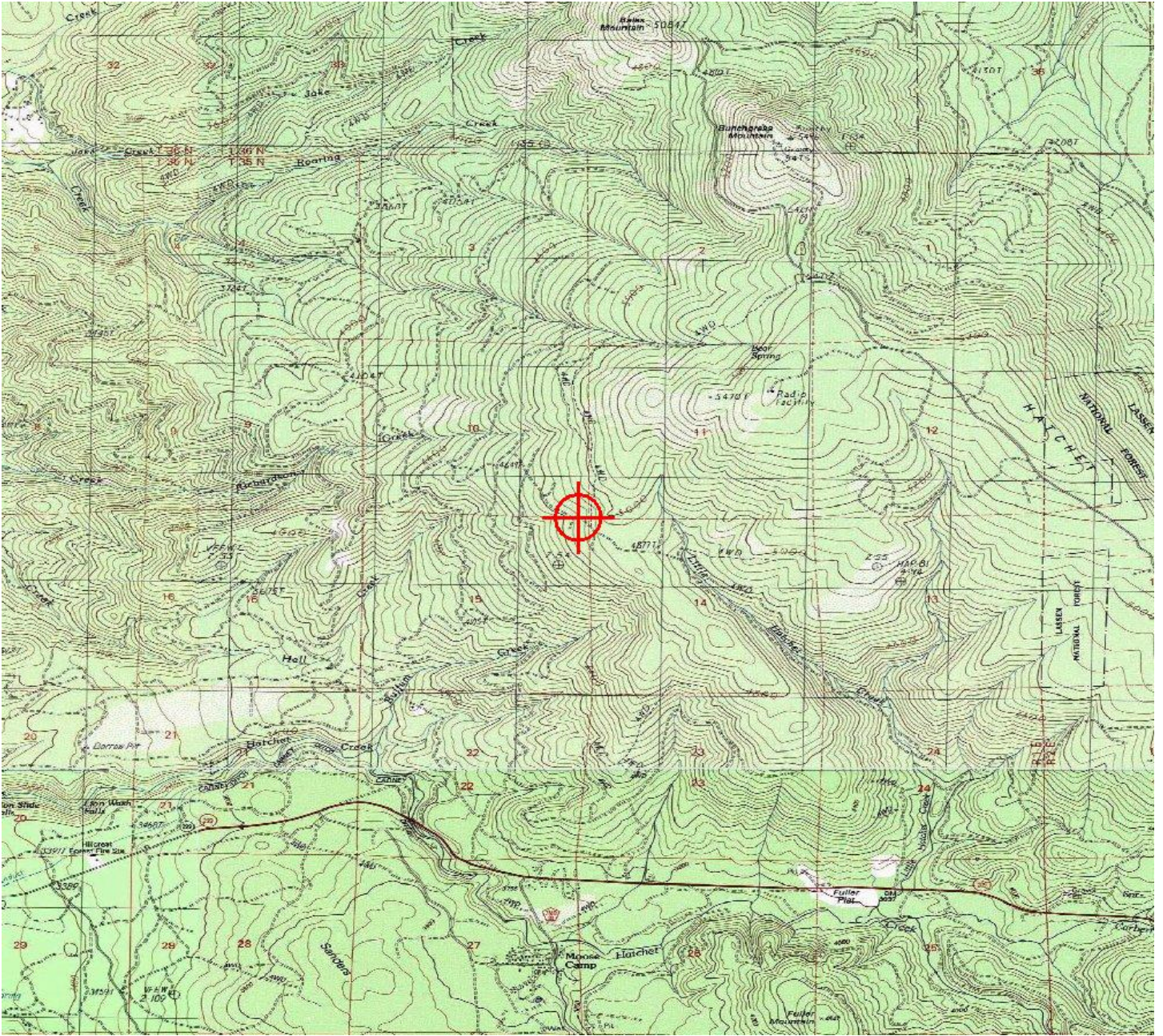
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE



2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5260-OE



Sectional Map for ASN 2020-WTW-5260-OE





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Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

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Structure: Wind Turbine A02  
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This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

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This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

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This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5261-OE.

**Signature Control No: 440833023-486754878**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5261-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /



2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

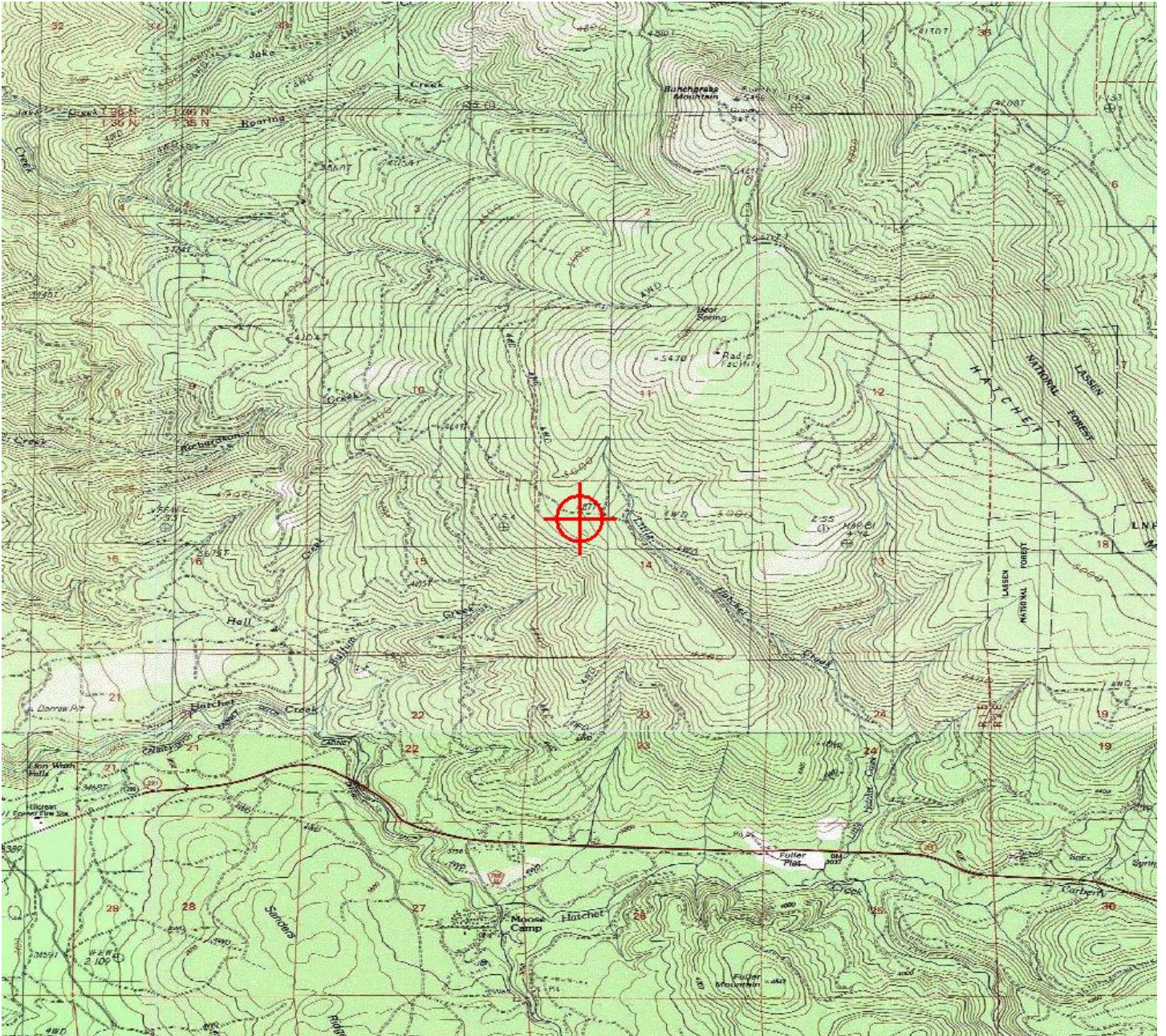
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5261-OE



Sectional Map for ASN 2020-WTW-5261-OE





Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5262-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine A03  
 Location: Burney, CA  
 Latitude: 40-53-23.62N NAD 83  
 Longitude: 121-50-14.66W  
 Heights: 4908 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5587 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be



used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5262-OE.

**Signature Control No: 440833024-486754887**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5262-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

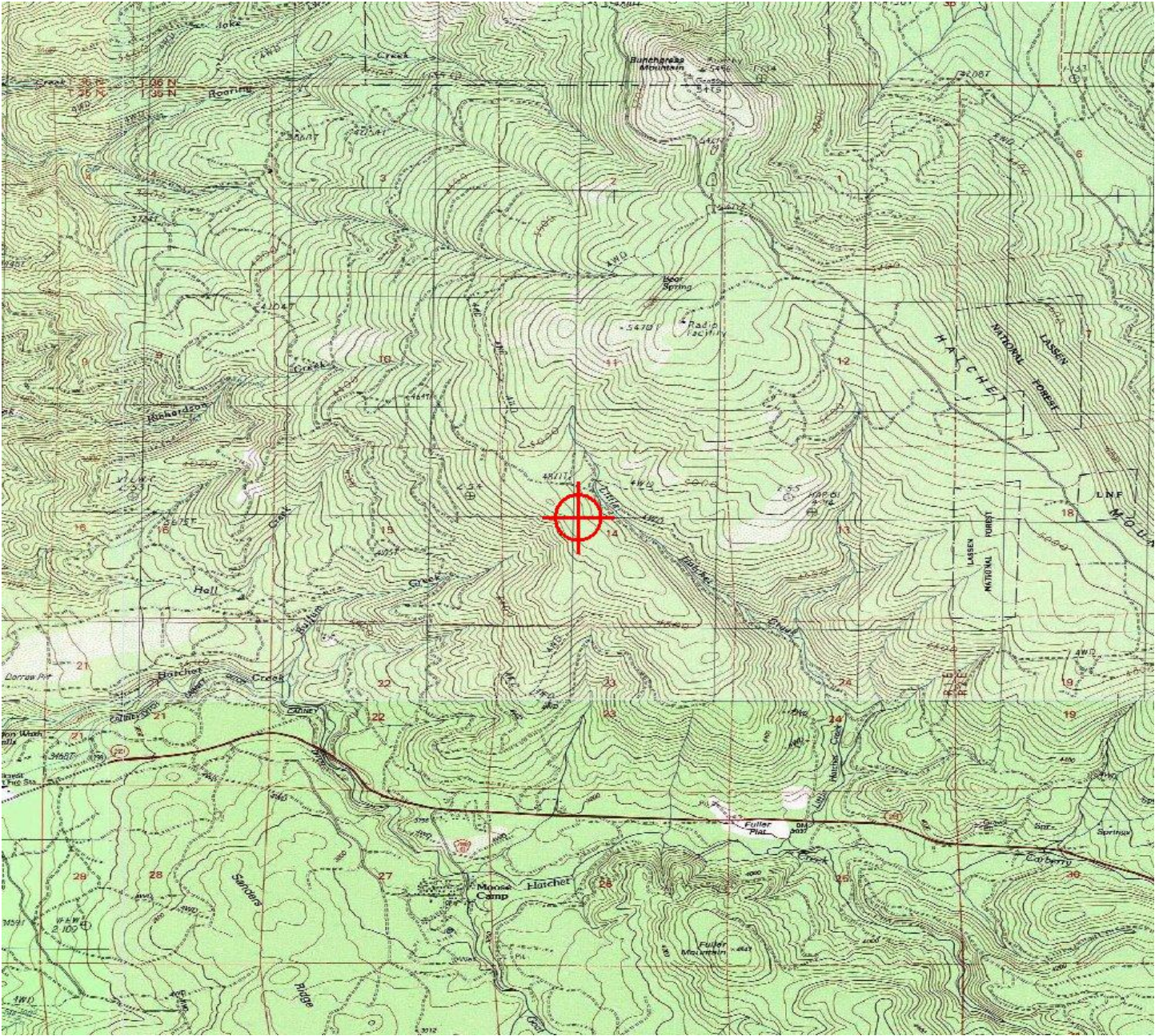
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5262-OE





Sectional Map for ASN 2020-WTW-5262-OE





Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5263-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine A04  
 Location: Burney, CA  
 Latitude: 40-53-15.50N NAD 83  
 Longitude: 121-50-04.95W  
 Heights: 4890 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5569 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

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If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5263-OE.

**Signature Control No: 440833025-486754891**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5263-OE

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IFR Altitude		
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Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

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ASN	AGL/	AMSL	LAT/LONG
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2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
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 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
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 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
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 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.



c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

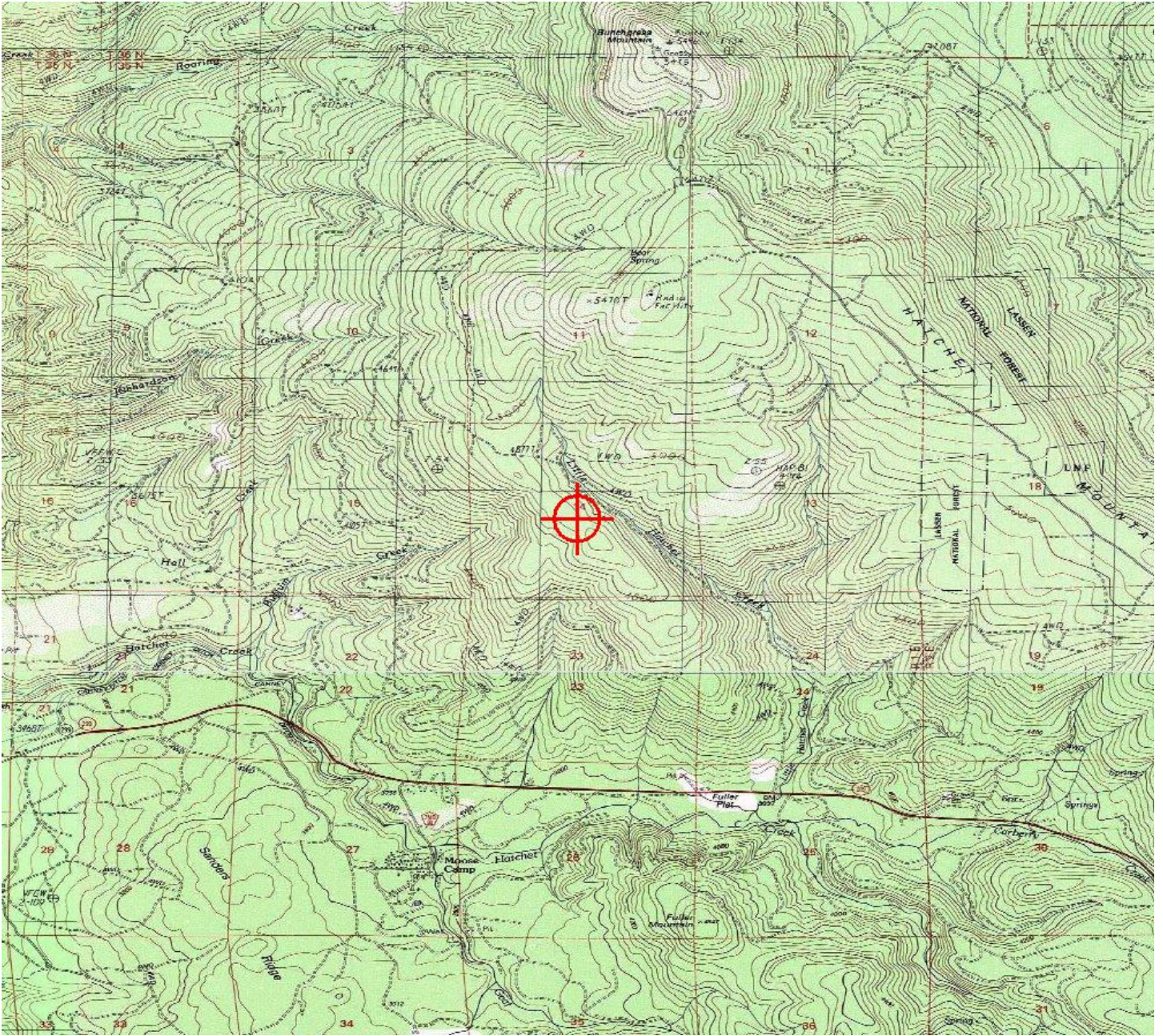
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5263-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5264-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine A05  
 Location: Burney, CA  
 Latitude: 40-53-06.02N NAD 83  
 Longitude: 121-49-53.76W  
 Heights: 4914 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5593 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5264-OE.

**Signature Control No: 440833028-486754888**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5264-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
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2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /



2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
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 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
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 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
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 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

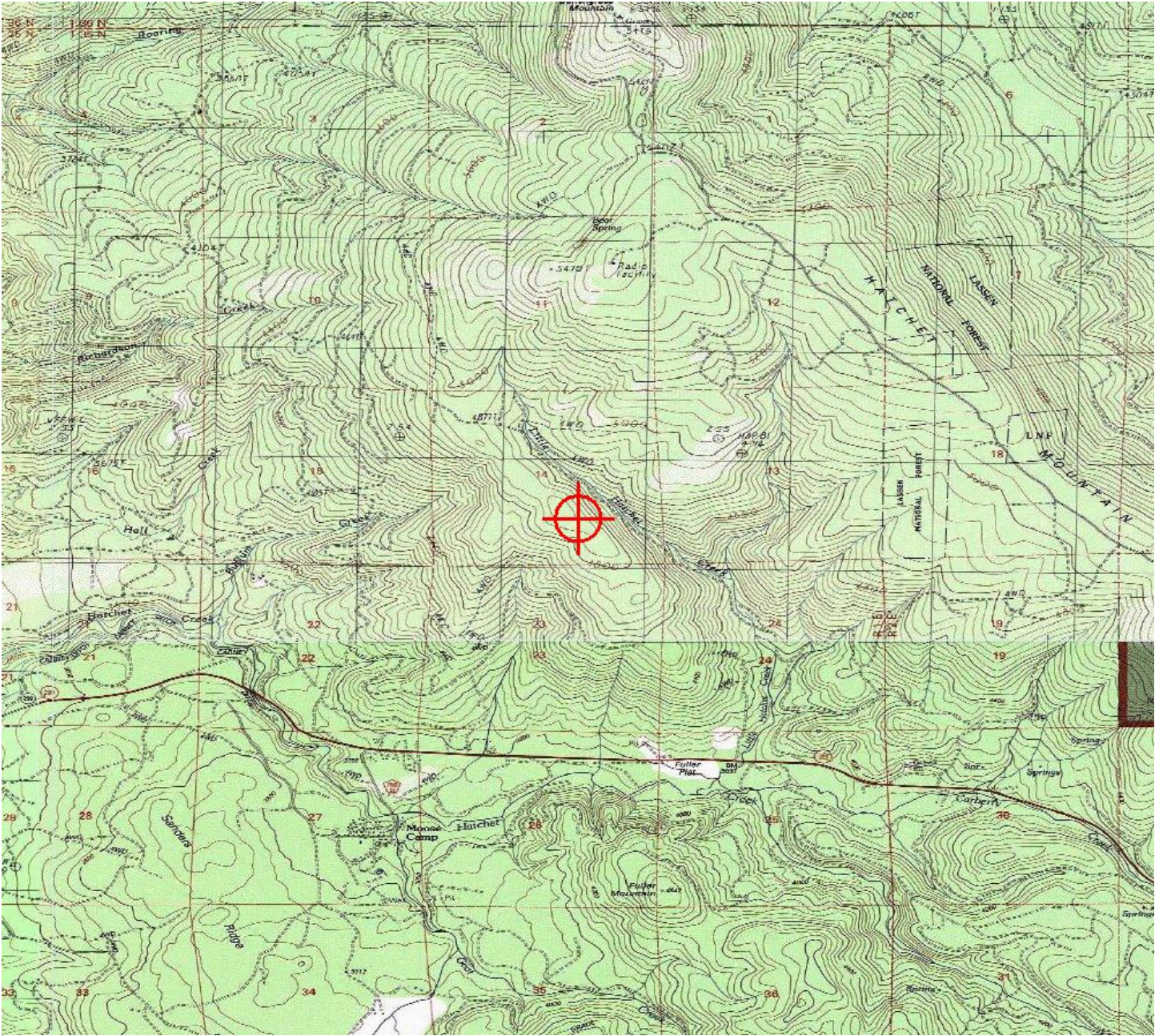
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5264-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5265-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine A06  
 Location: Burney, CA  
 Latitude: 40-52-55.57N NAD 83  
 Longitude: 121-49-42.09W  
 Heights: 4847 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5526 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:



- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5265-OE.

**Signature Control No: 440833030-486754883**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5265-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
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 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
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2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

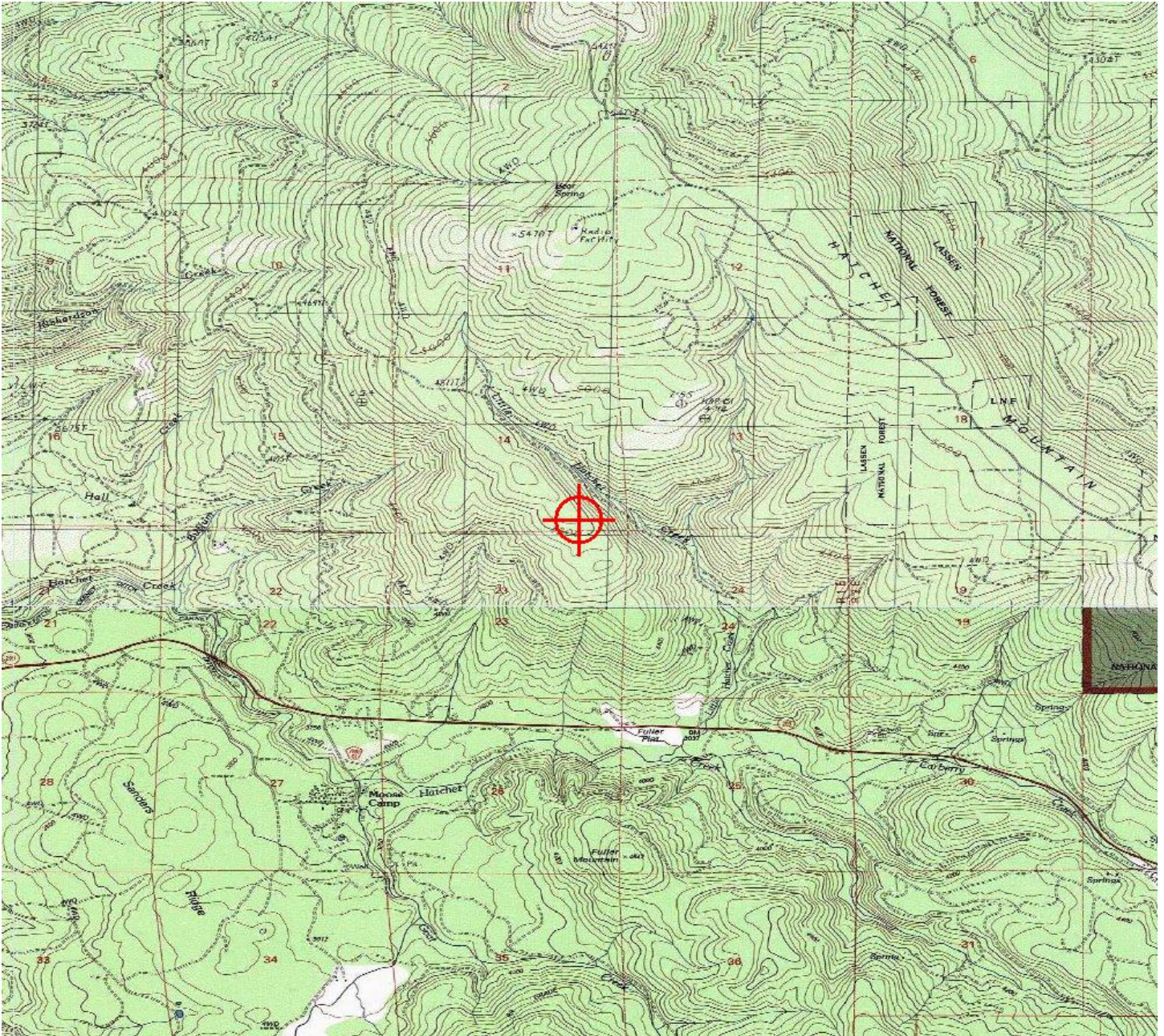
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

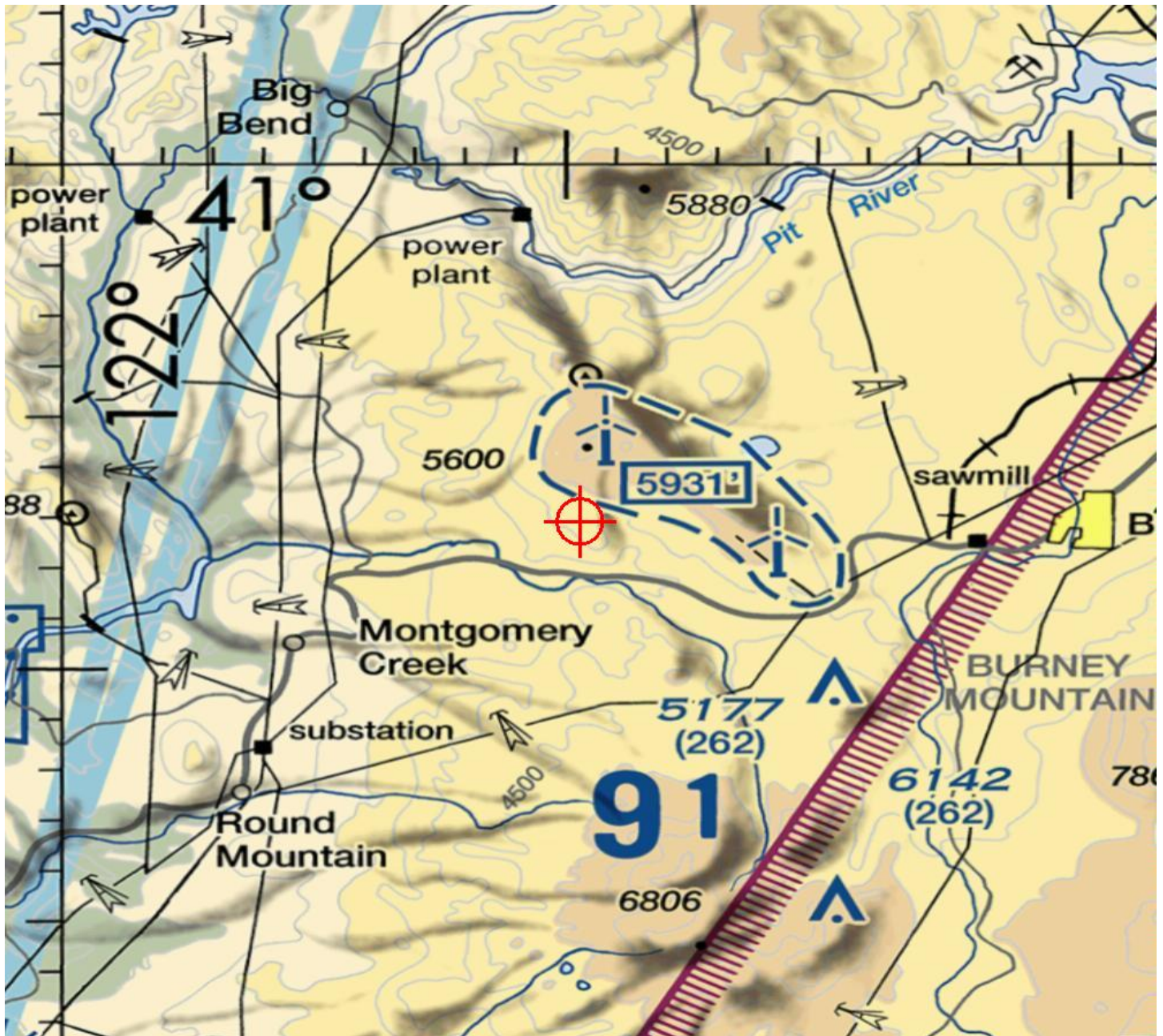
2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.



TOPO Map for ASN 2020-WTW-5265-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5266-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine A07  
 Location: Burney, CA  
 Latitude: 40-52-46.87N NAD 83  
 Longitude: 121-49-35.37W  
 Heights: 4767 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5446 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5266-OE.

**Signature Control No: 440833031-486754879**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5266-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
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 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
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 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
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 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
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2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
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2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
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2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE



At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

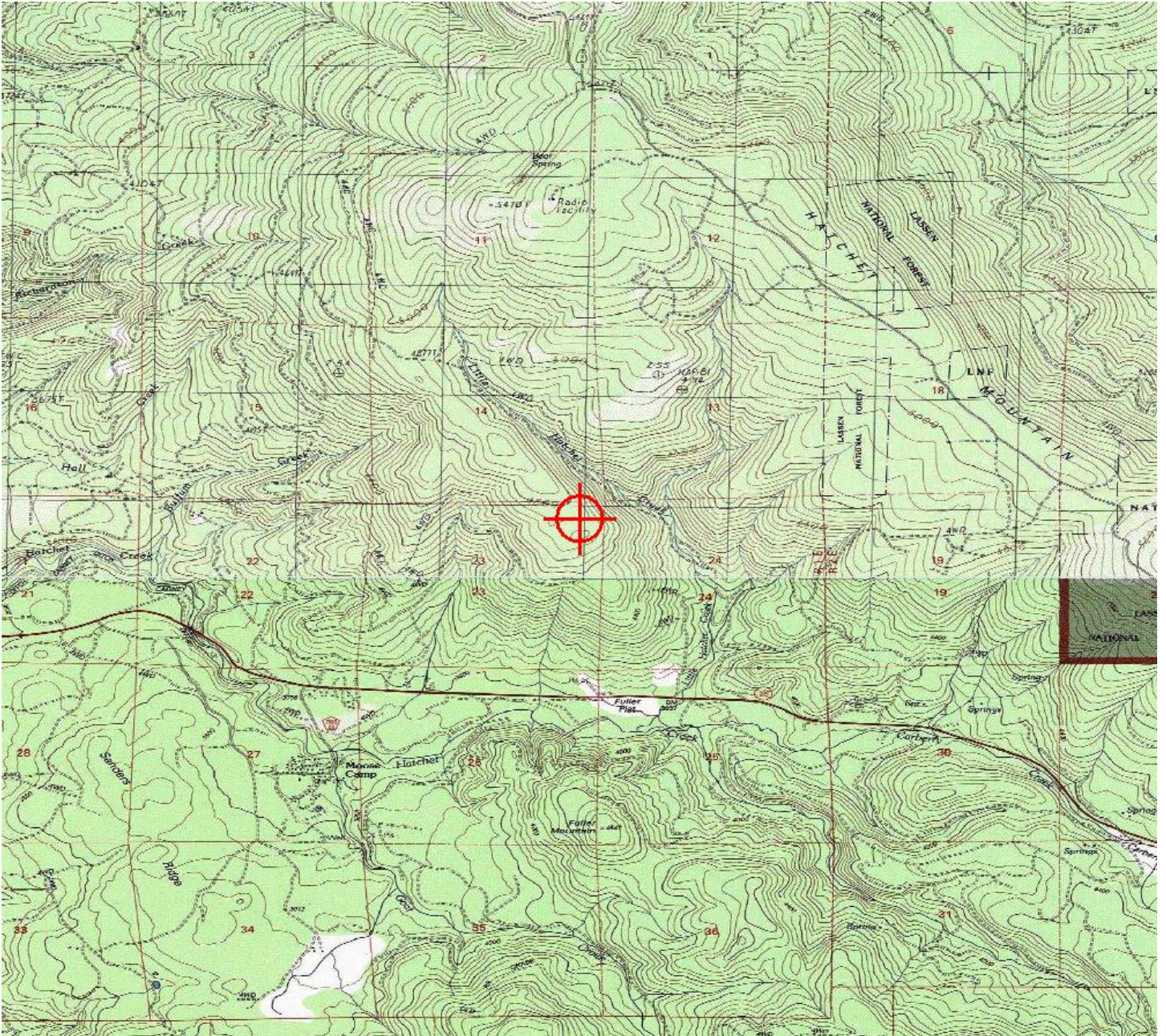
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

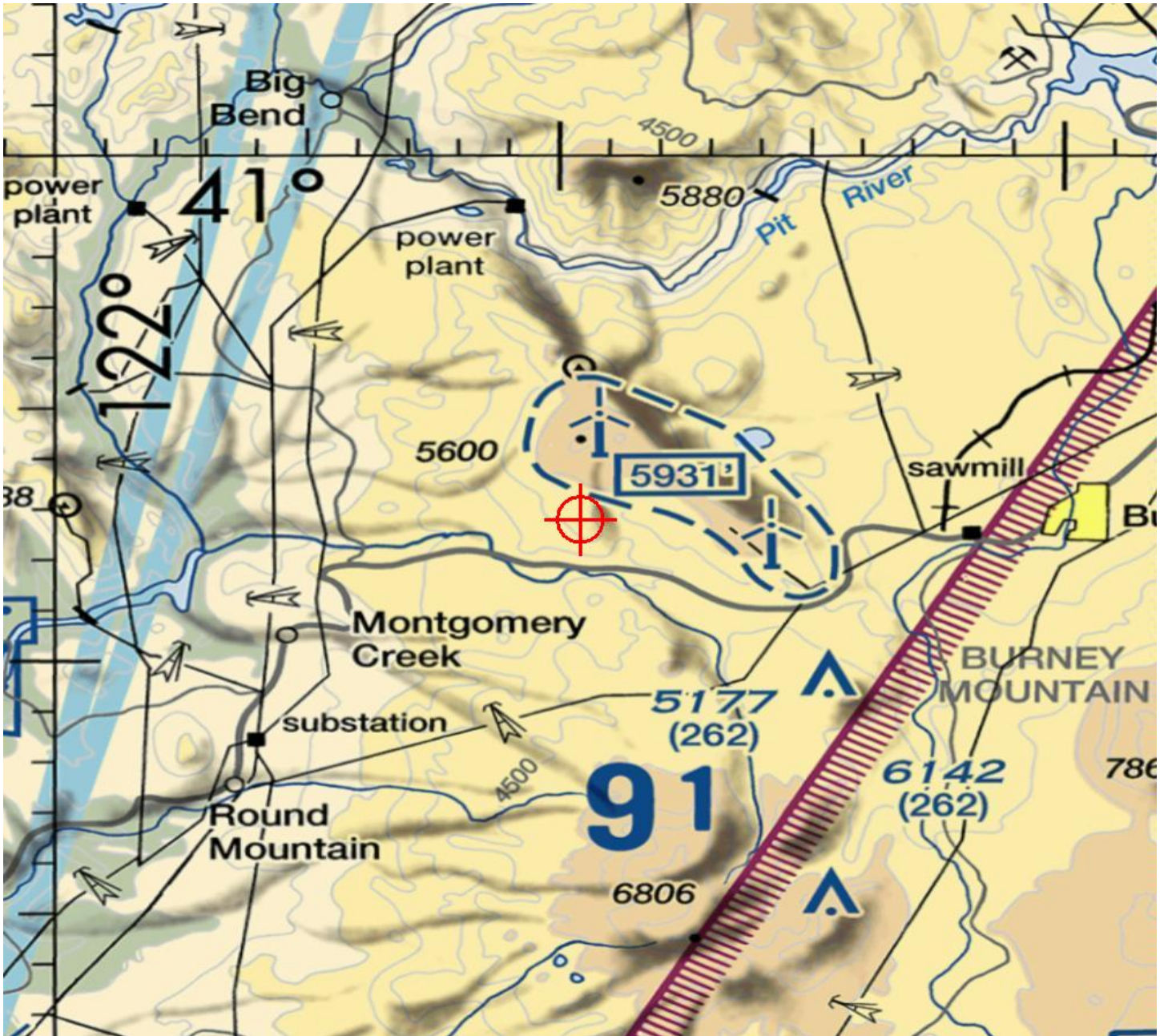
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5266-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5267-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine B01  
 Location: Burney, CA  
 Latitude: 40-51-25.75N NAD 83  
 Longitude: 121-47-49.78W  
 Heights: 4420 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5099 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5267-OE.

**Signature Control No: 440833034-486754882**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)



## Additional information for ASN 2020-WTW-5267-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
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 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
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 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
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2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

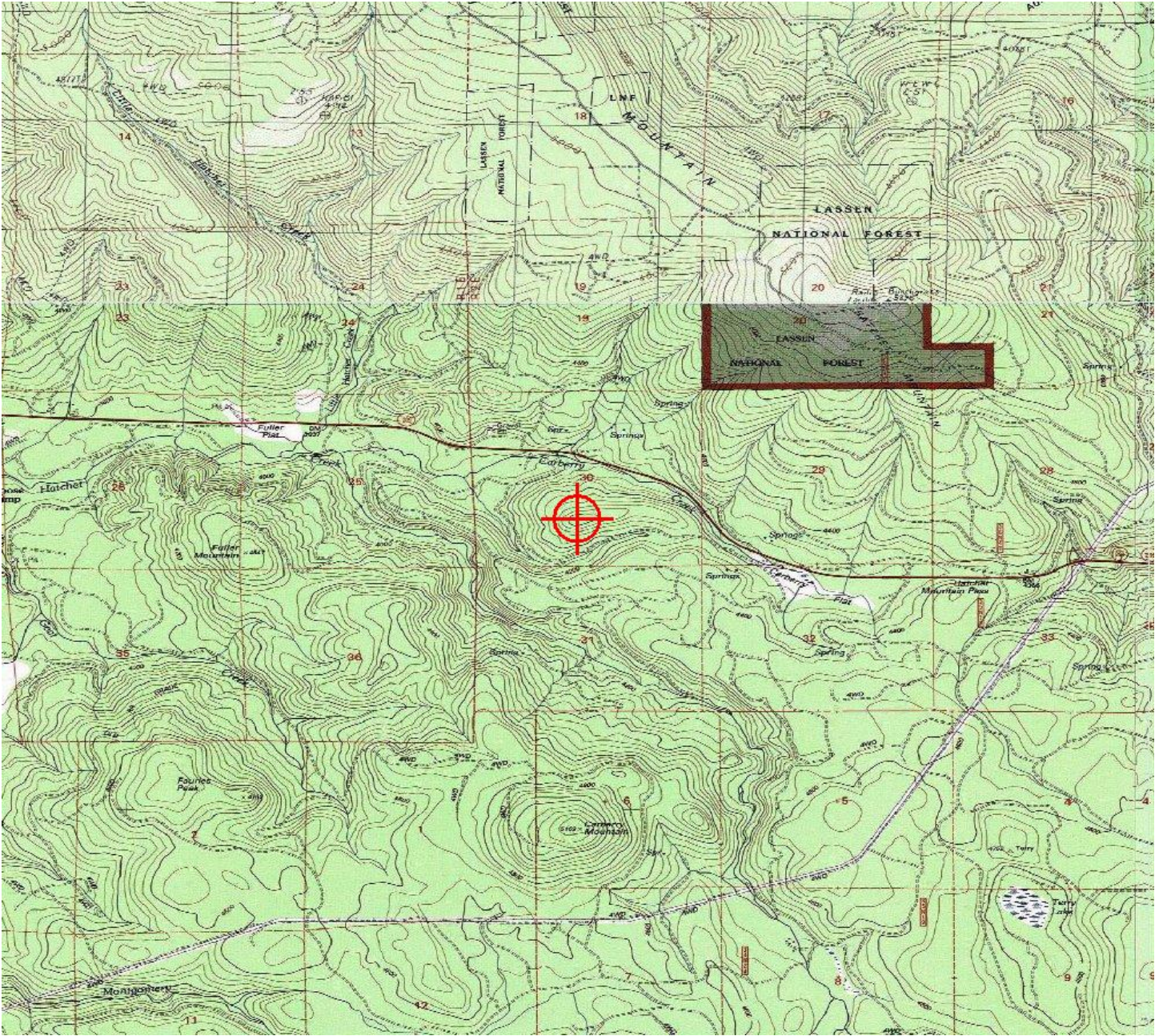
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5267-OE









Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5268-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine B02  
 Location: Burney, CA  
 Latitude: 40-51-12.61N NAD 83  
 Longitude: 121-47-18.63W  
 Heights: 4374 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5053 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5268-OE.

**Signature Control No: 440833037-486754890**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5268-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

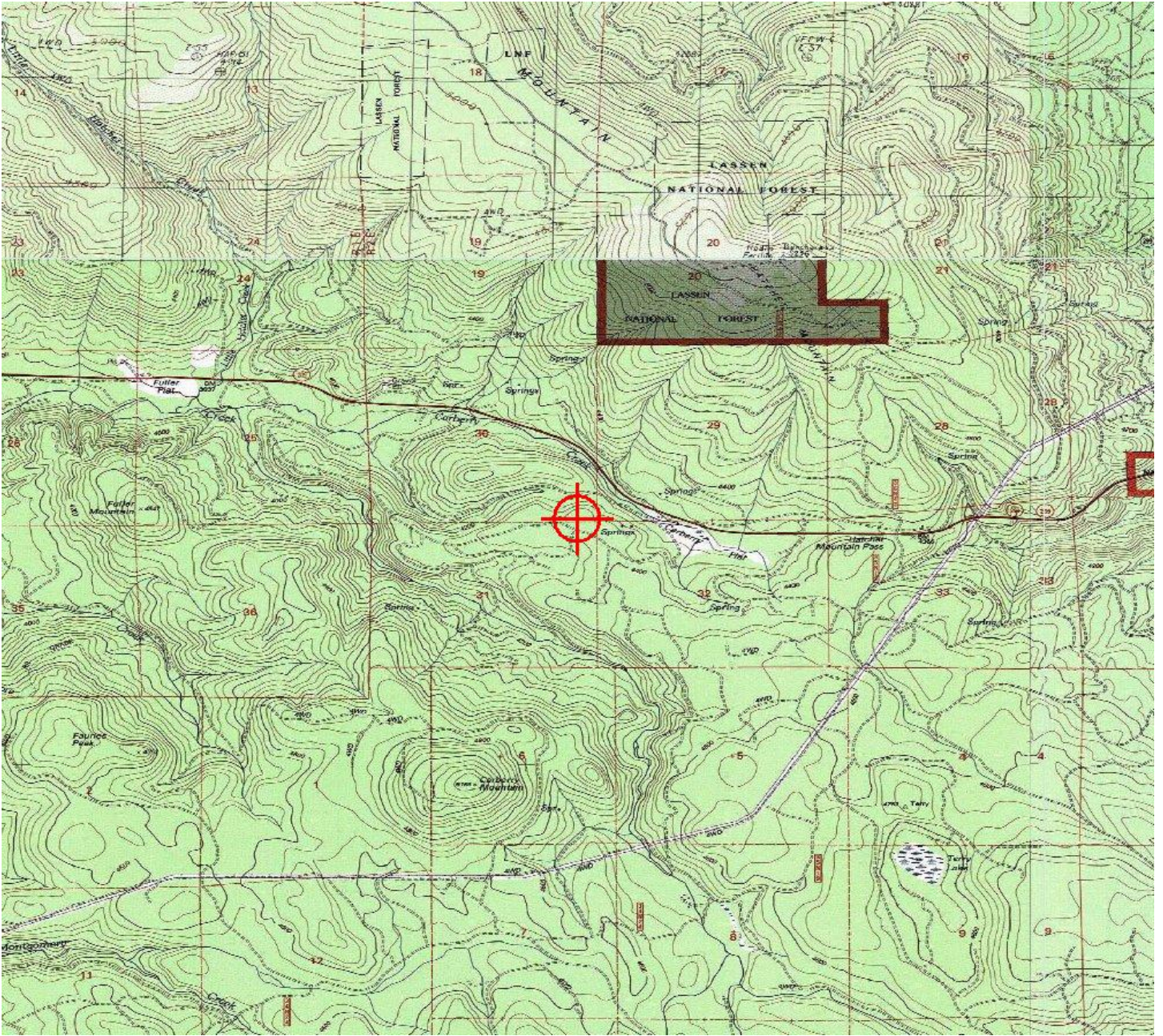
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE



2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5268-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5269-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine B03  
 Location: Burney, CA  
 Latitude: 40-50-51.13N NAD 83  
 Longitude: 121-46-59.89W  
 Heights: 4426 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5105 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5269-OE.

**Signature Control No: 440833041-486754877**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5269-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /



2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

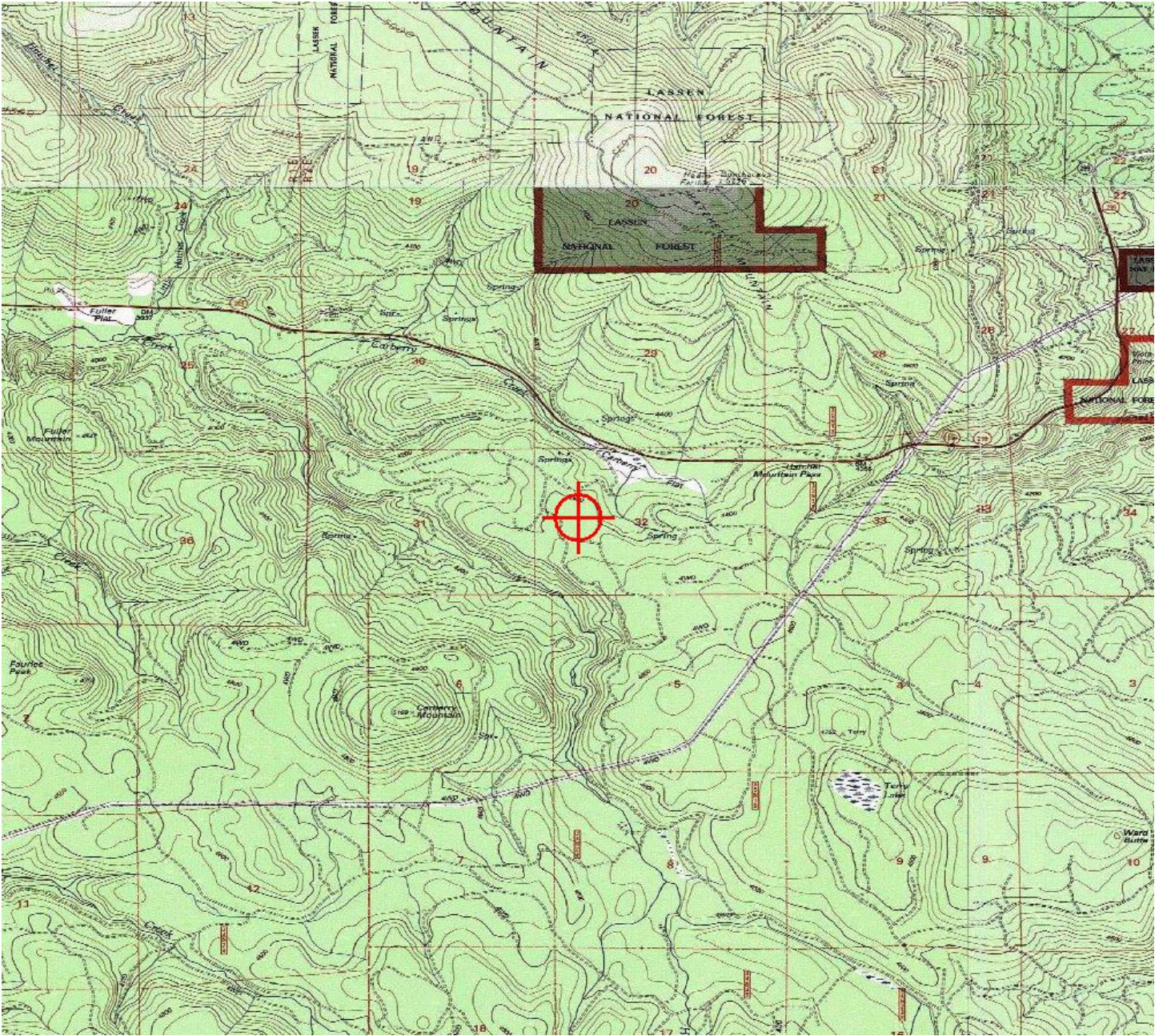
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

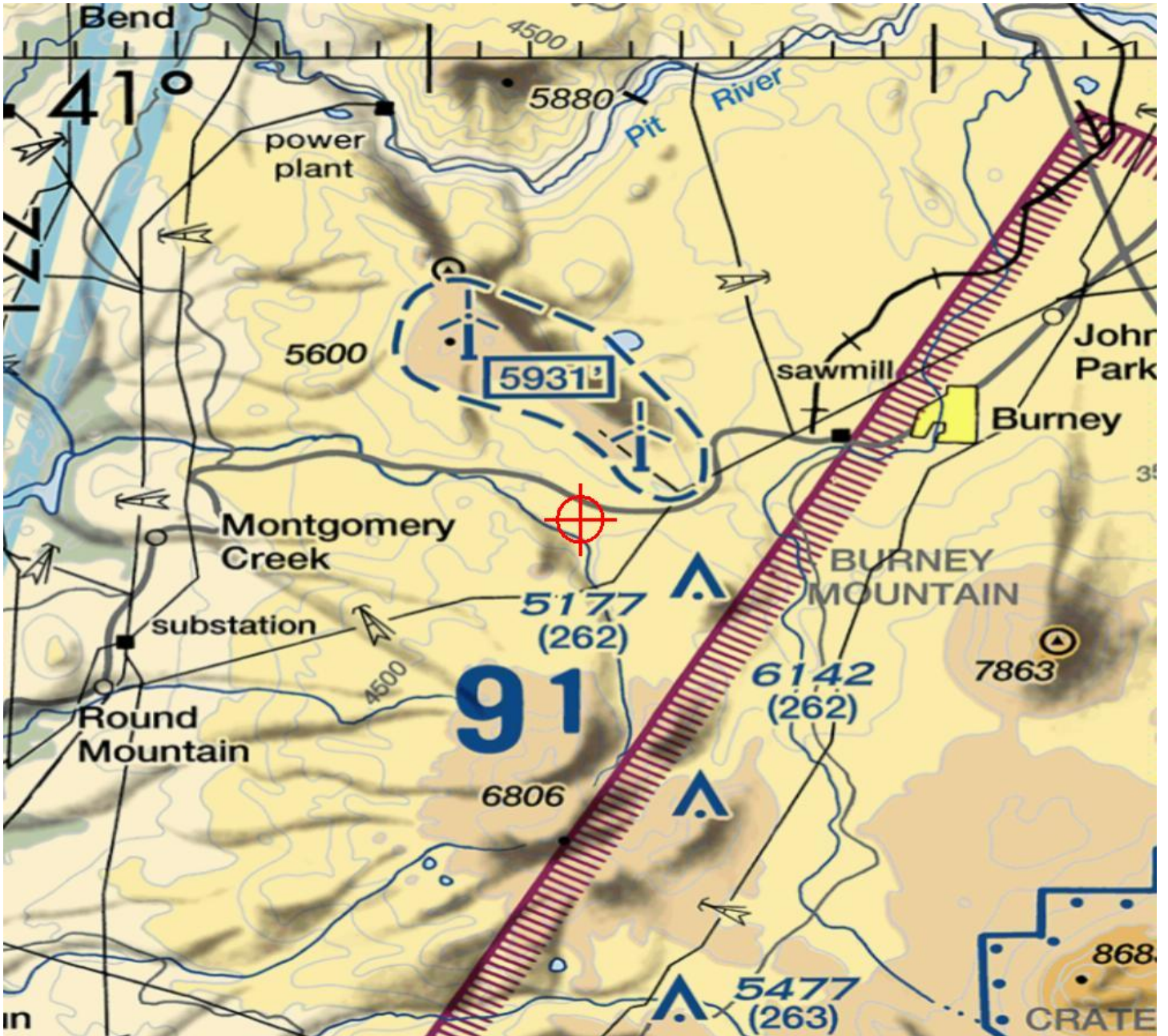
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5269-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5270-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine B04  
 Location: Burney, CA  
 Latitude: 40-50-32.31N NAD 83  
 Longitude: 121-46-49.02W  
 Heights: 4515 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5194 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be



used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5270-OE.

**Signature Control No: 440833042-486754884**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5270-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

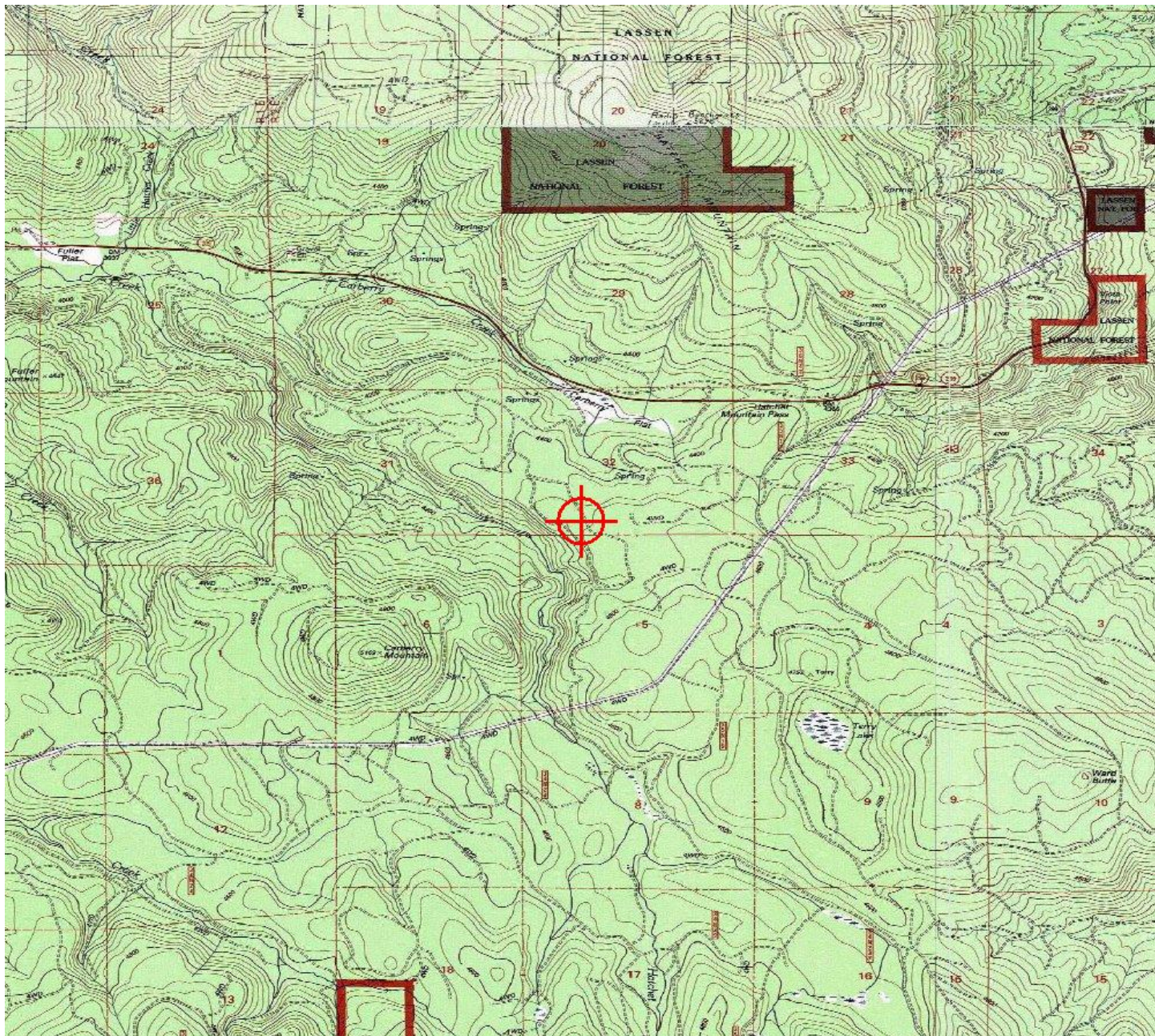
#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

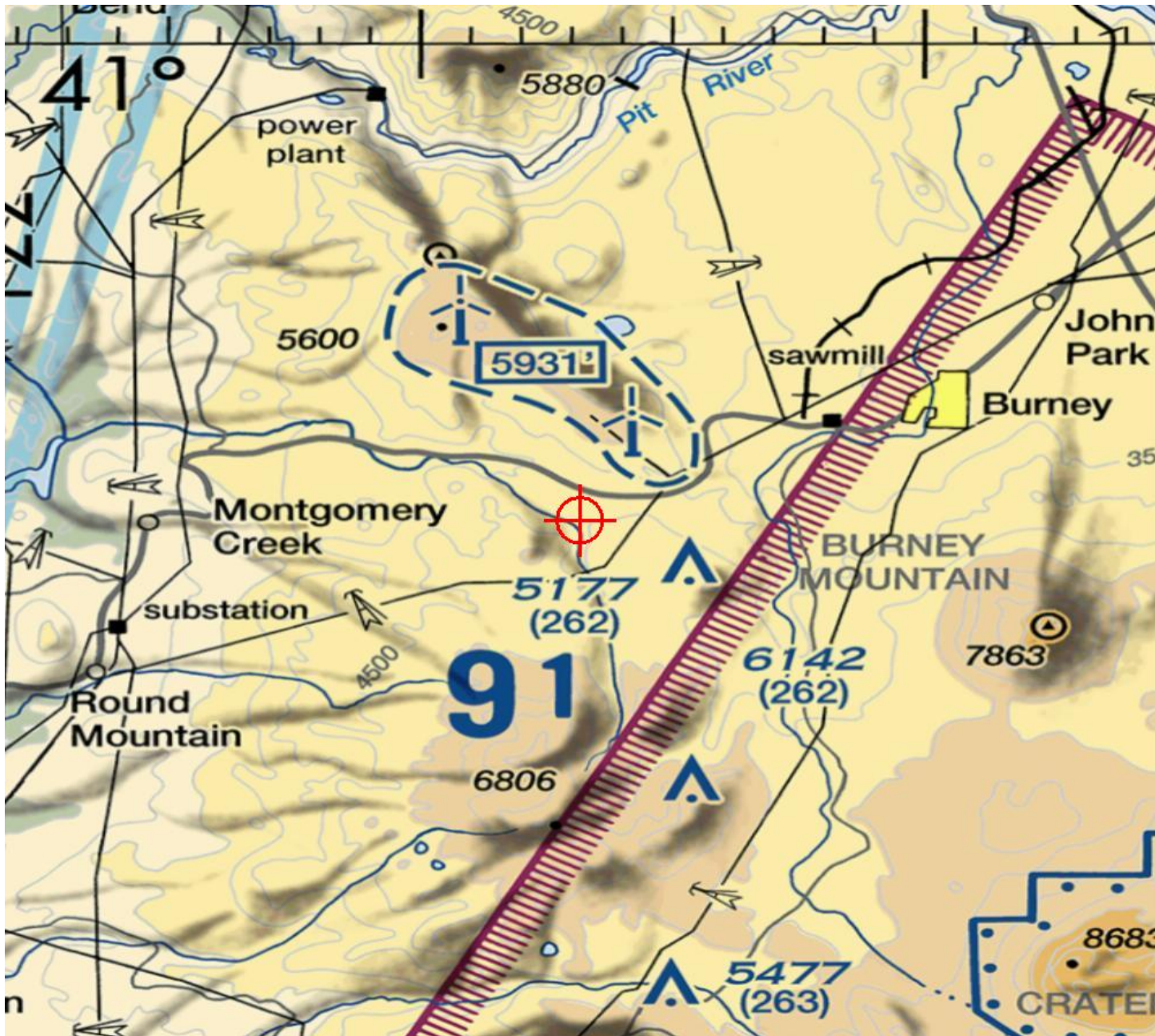
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.









Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5271-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine B05  
 Location: Burney, CA  
 Latitude: 40-50-06.94N NAD 83  
 Longitude: 121-46-42.63W  
 Heights: 4584 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5263 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5271-OE.

**Signature Control No: 440833043-486754876**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5271-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.



c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

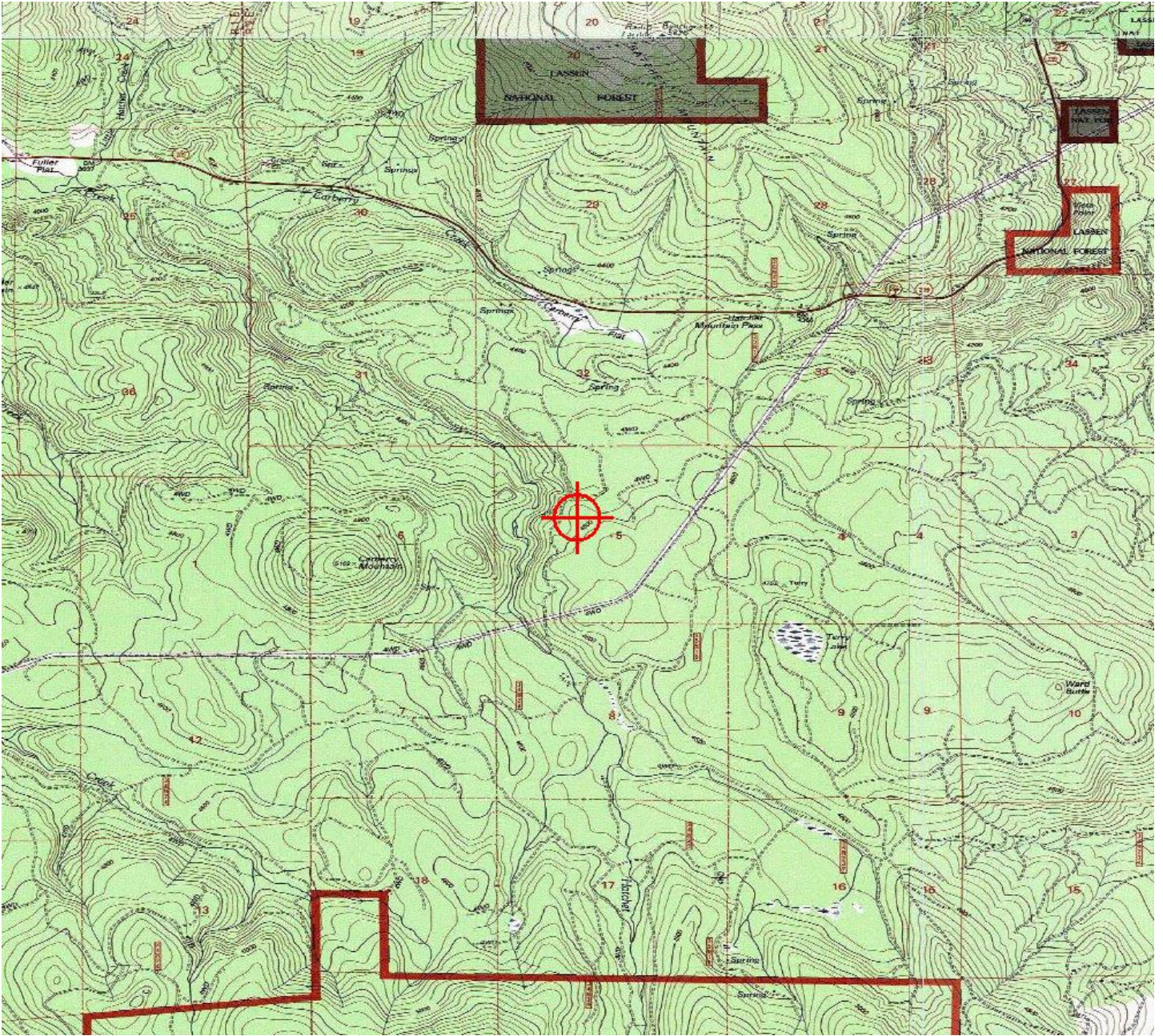
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

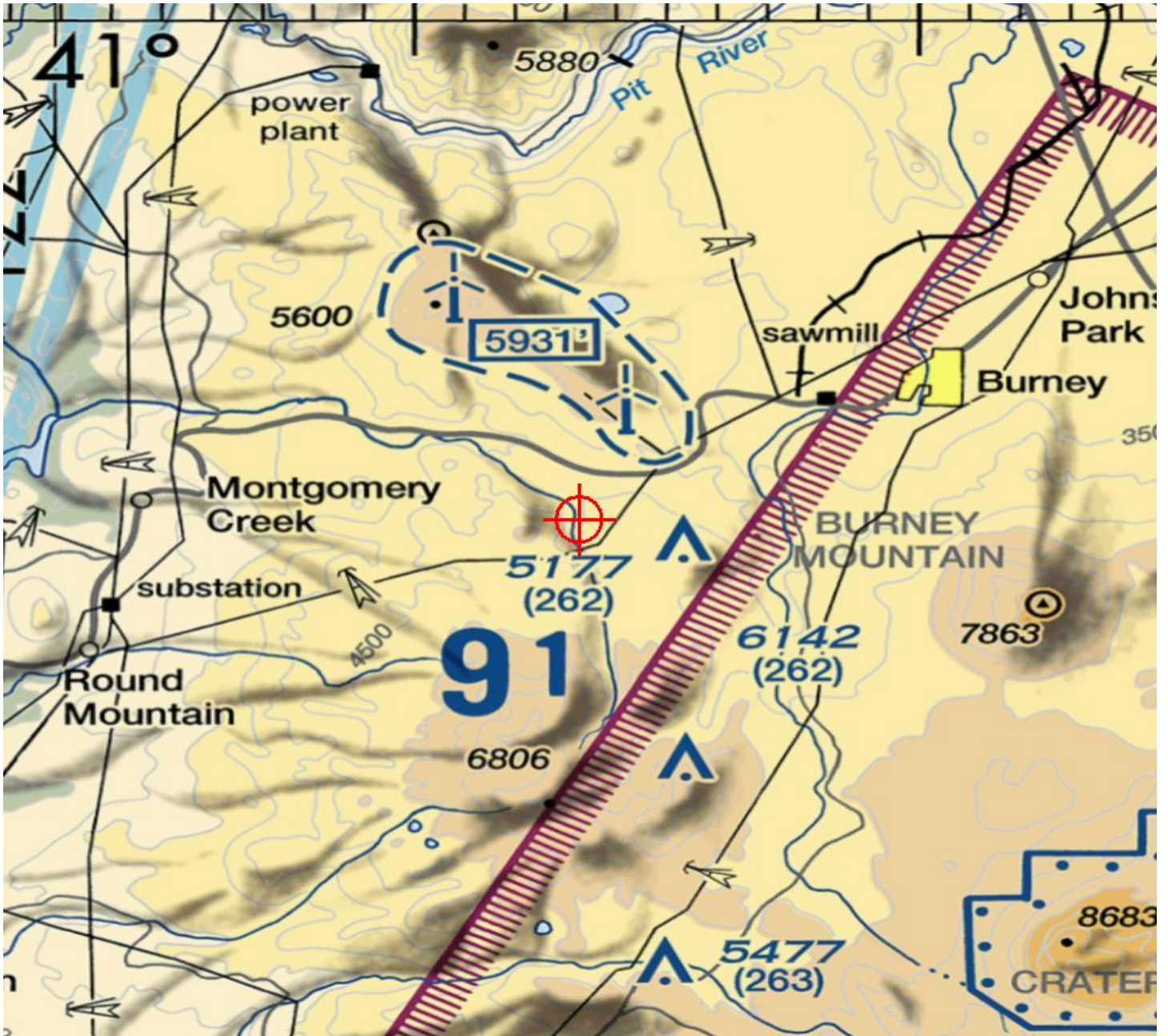
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5271-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5474-OE  
 Prior Study No.  
 2020-WTW-5272-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine CO2  
 Location: Burney, CA  
 Latitude: 40-51-11.55N NAD 83  
 Longitude: 121-49-23.70W  
 Heights: 4520 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5199 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5474-OE.

**Signature Control No: 442137774-486755596**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5474-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /



2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

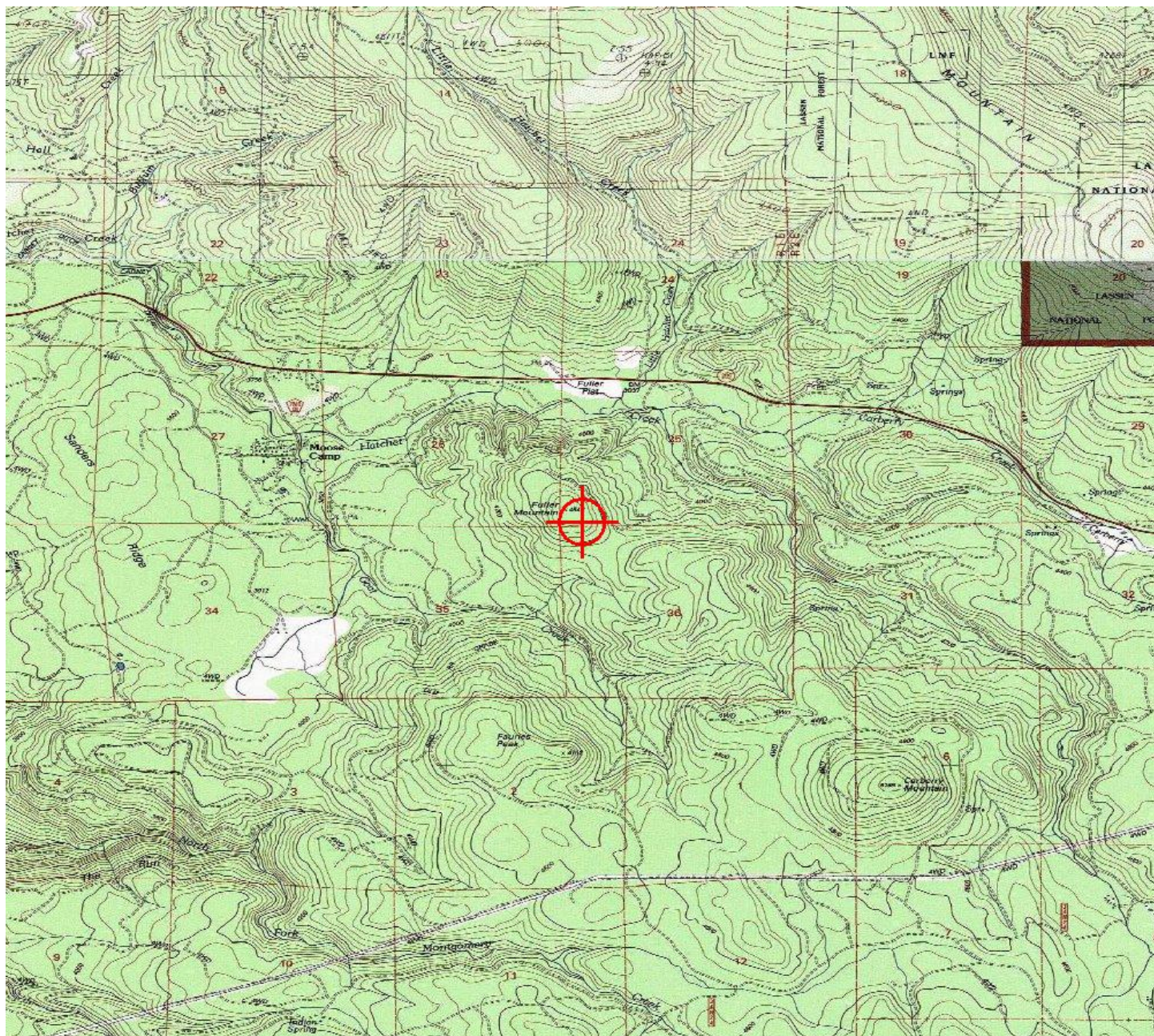
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5474-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5273-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine C03  
 Location: Burney, CA  
 Latitude: 40-51-01.97N NAD 83  
 Longitude: 121-49-01.21W  
 Heights: 4505 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5184 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:



- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5273-OE.

**Signature Control No: 440833045-486754893**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

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2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
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 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
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 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
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 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
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 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
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2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
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2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
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2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

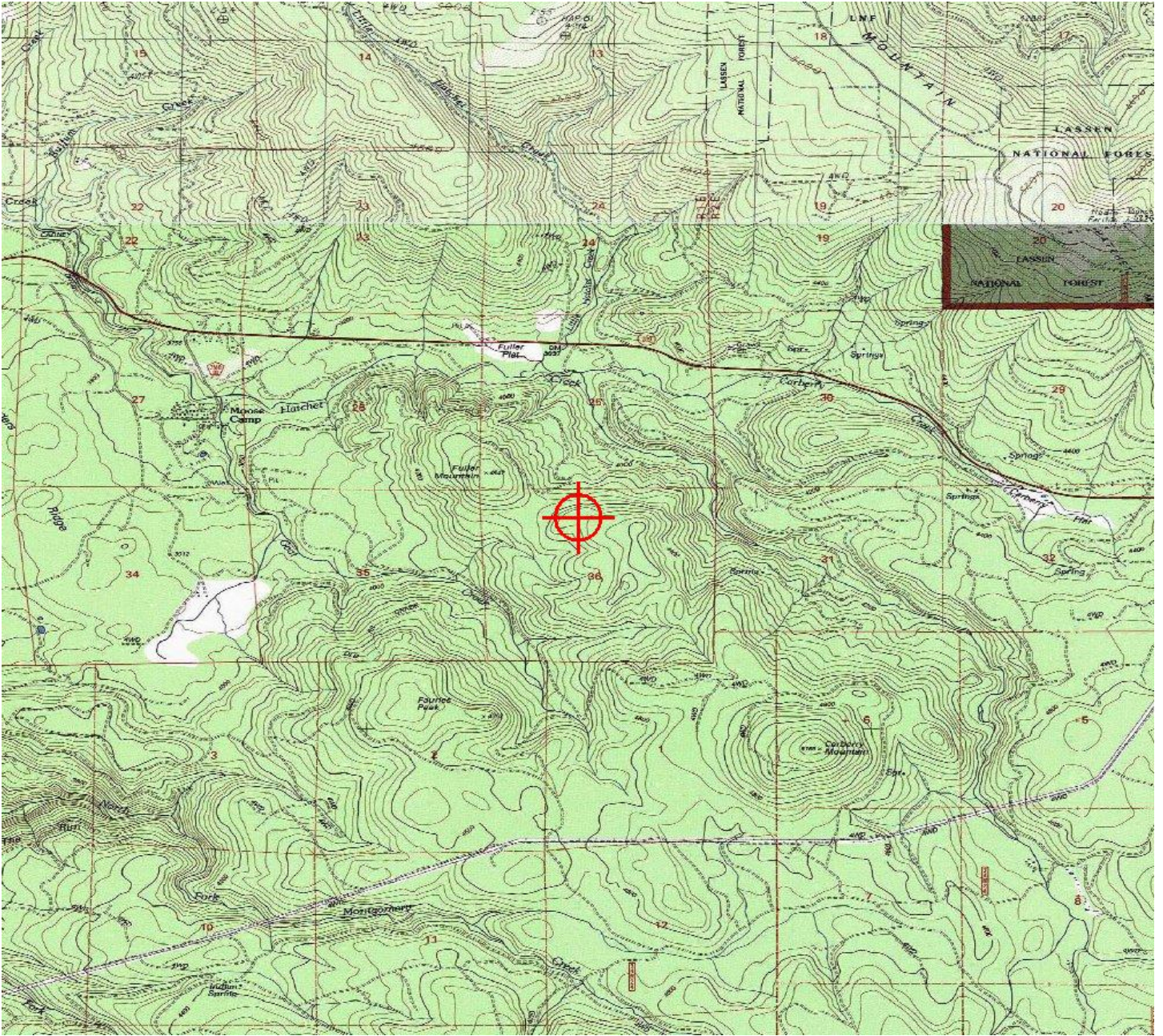
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

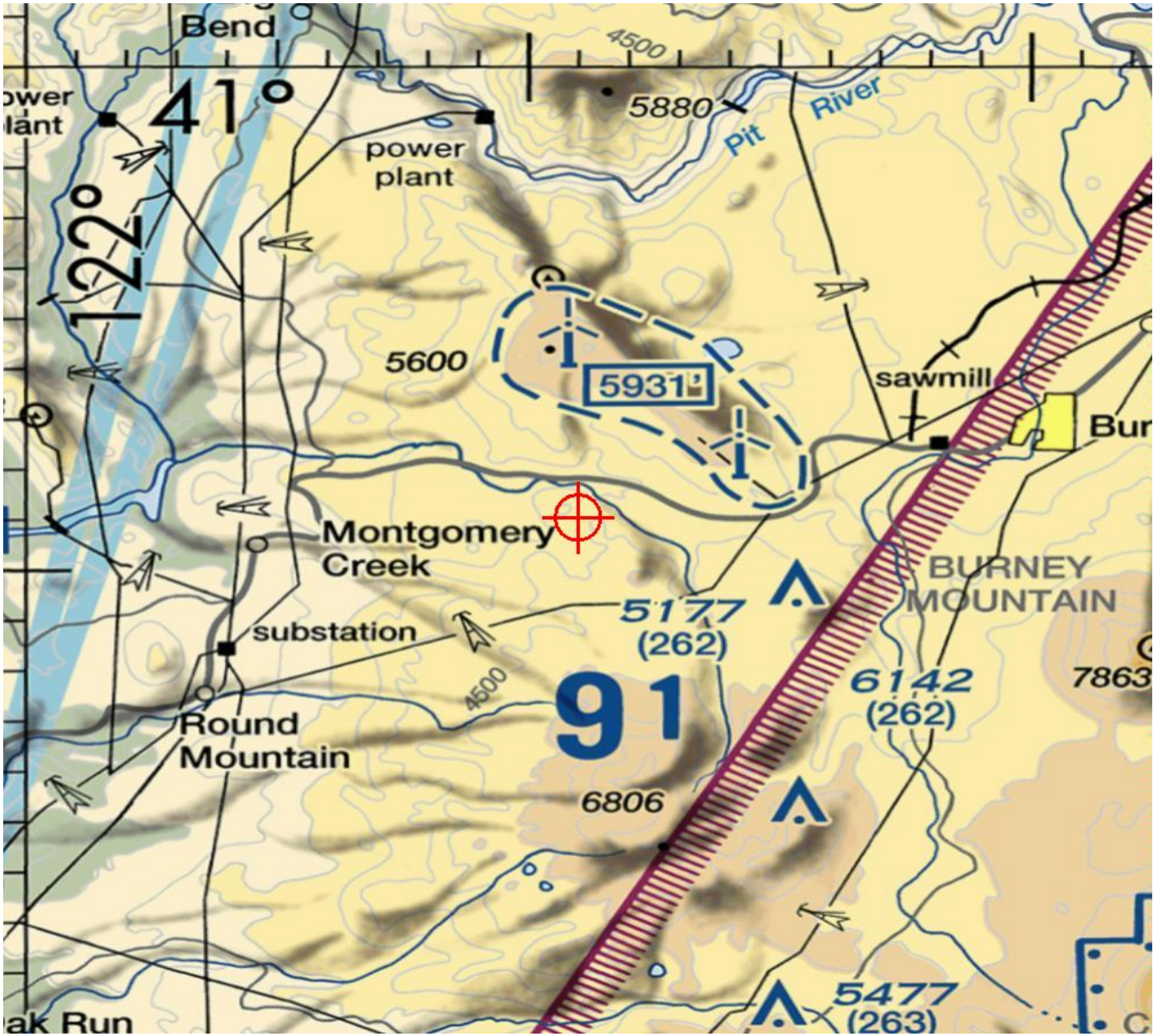
2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.



TOPO Map for ASN 2020-WTW-5273-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5274-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine C04  
 Location: Burney, CA  
 Latitude: 40-50-50.53N NAD 83  
 Longitude: 121-48-43.16W  
 Heights: 4617 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5296 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5274-OE.

**Signature Control No: 440833046-486754885**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5274-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
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 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
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 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
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 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE



At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

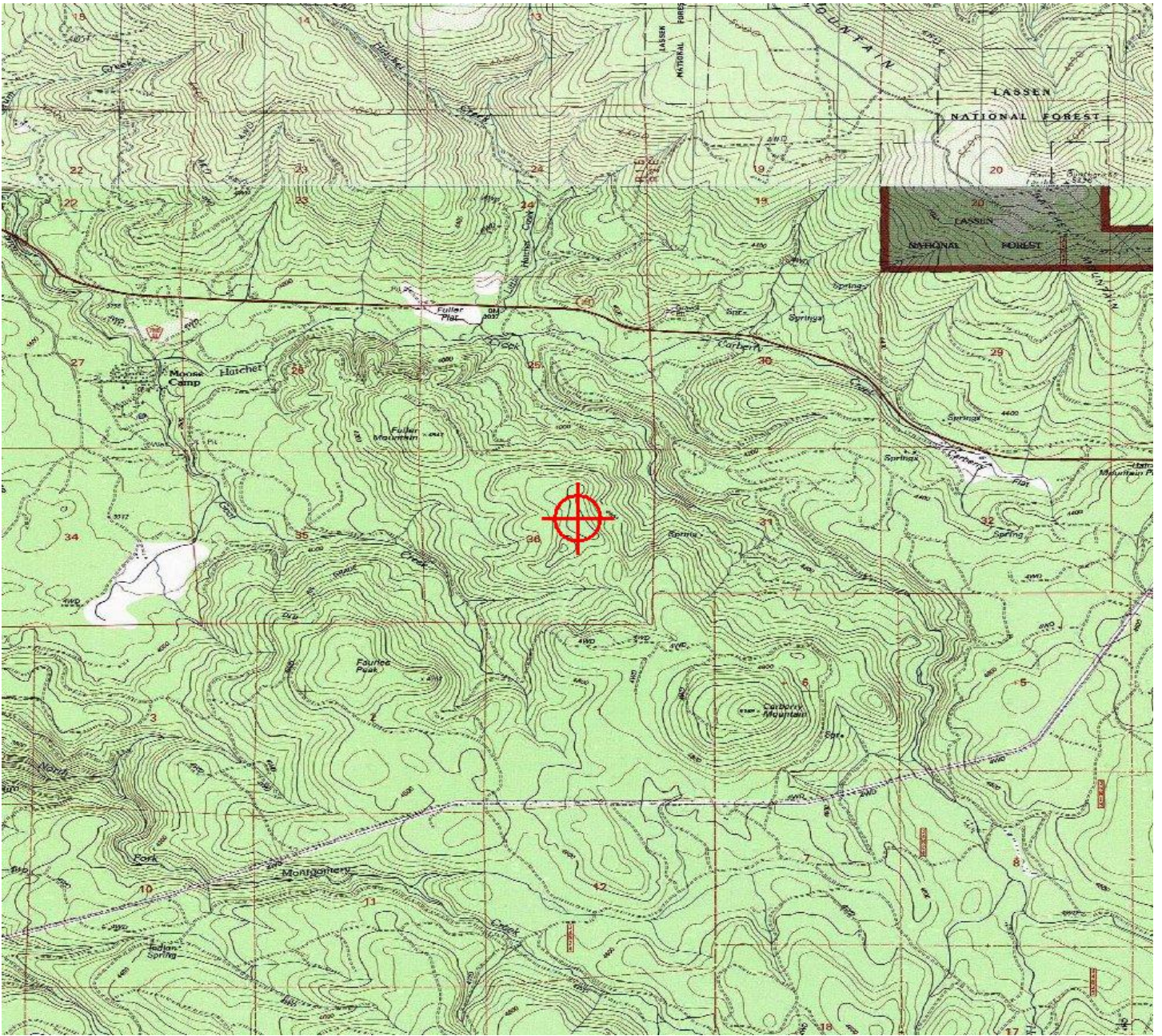
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5274-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5275-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine C05  
 Location: Burney, CA  
 Latitude: 40-50-39.05N NAD 83  
 Longitude: 121-48-33.83W  
 Heights: 4518 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5197 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5275-OE.

**Signature Control No: 440833047-486754889**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)



## Additional information for ASN 2020-WTW-5275-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
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 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

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2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

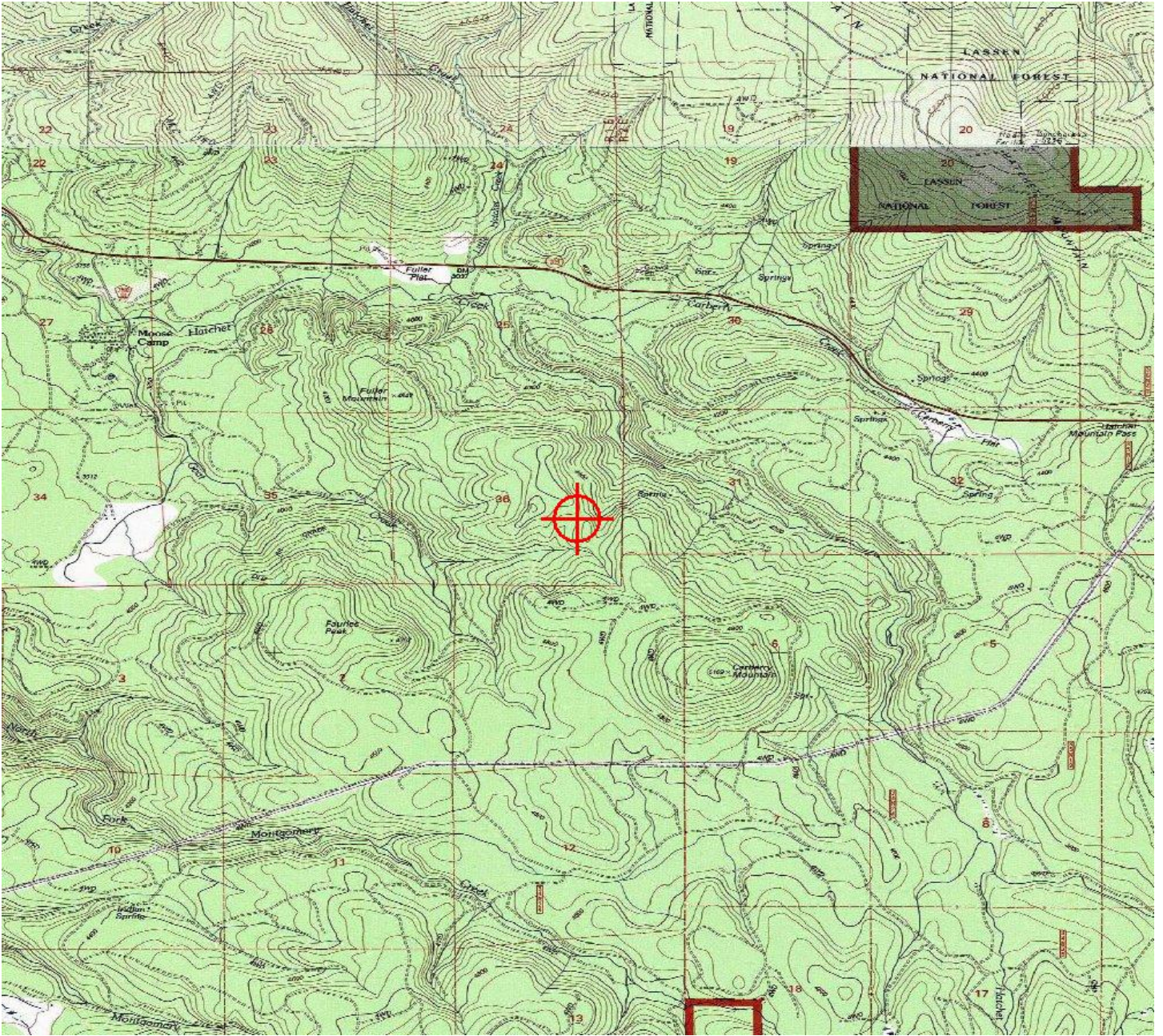
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

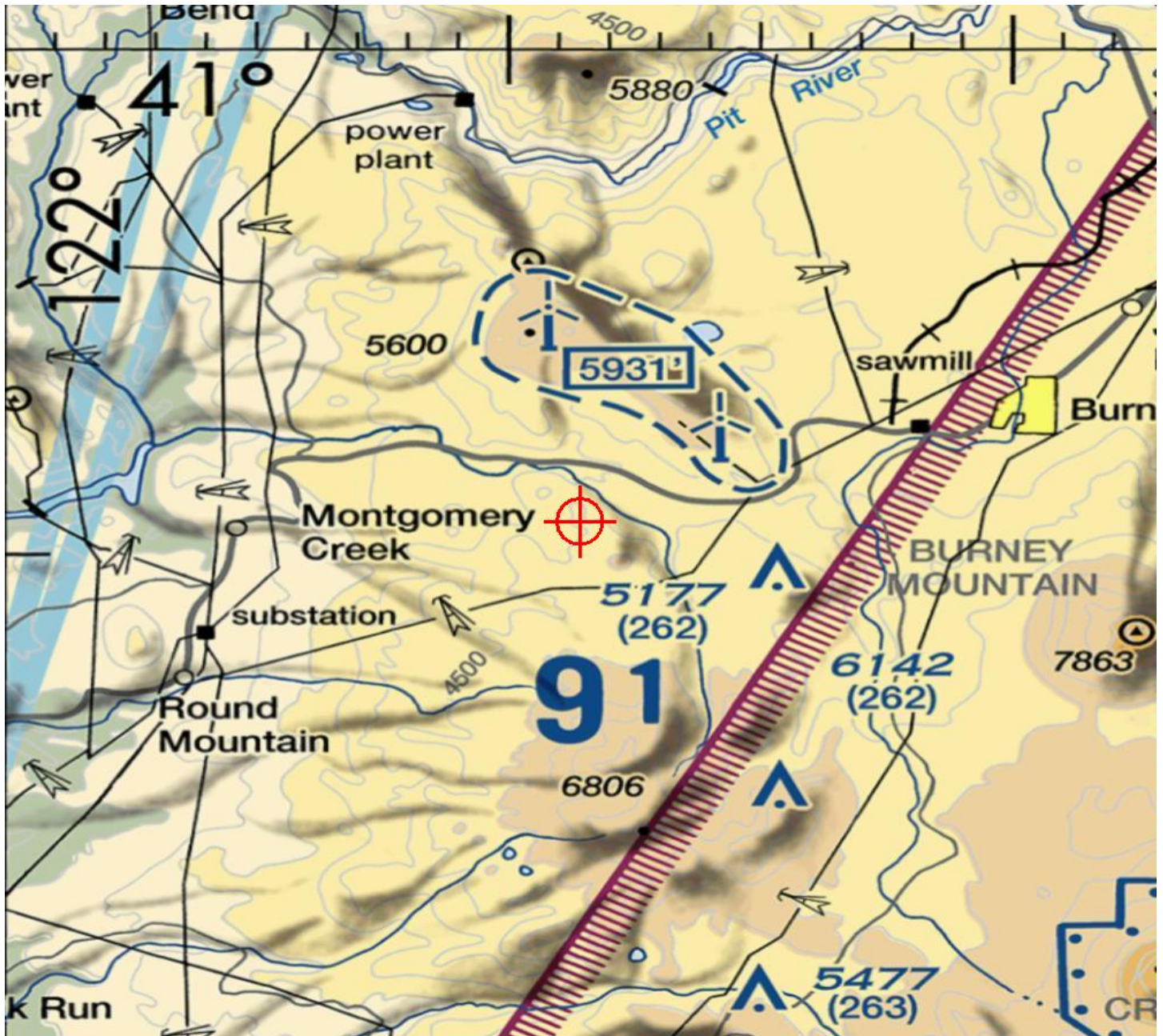
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5275-OE









Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5276-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine C06  
 Location: Burney, CA  
 Latitude: 40-50-28.68N NAD 83  
 Longitude: 121-48-18.39W  
 Heights: 4689 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5368 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5276-OE.

**Signature Control No: 440833048-486754892**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5276-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
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 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
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 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
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 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
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 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
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2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
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2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

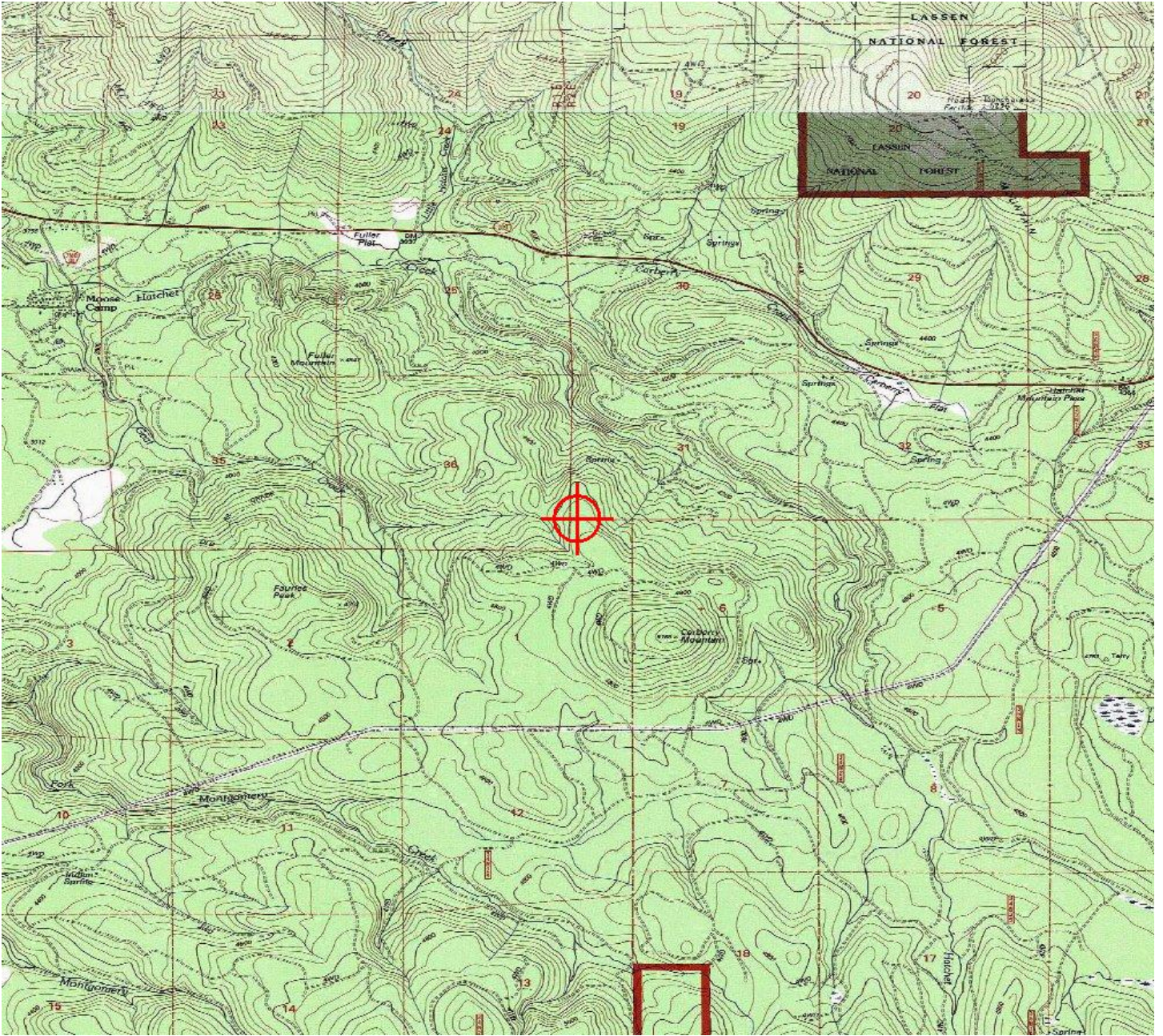
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

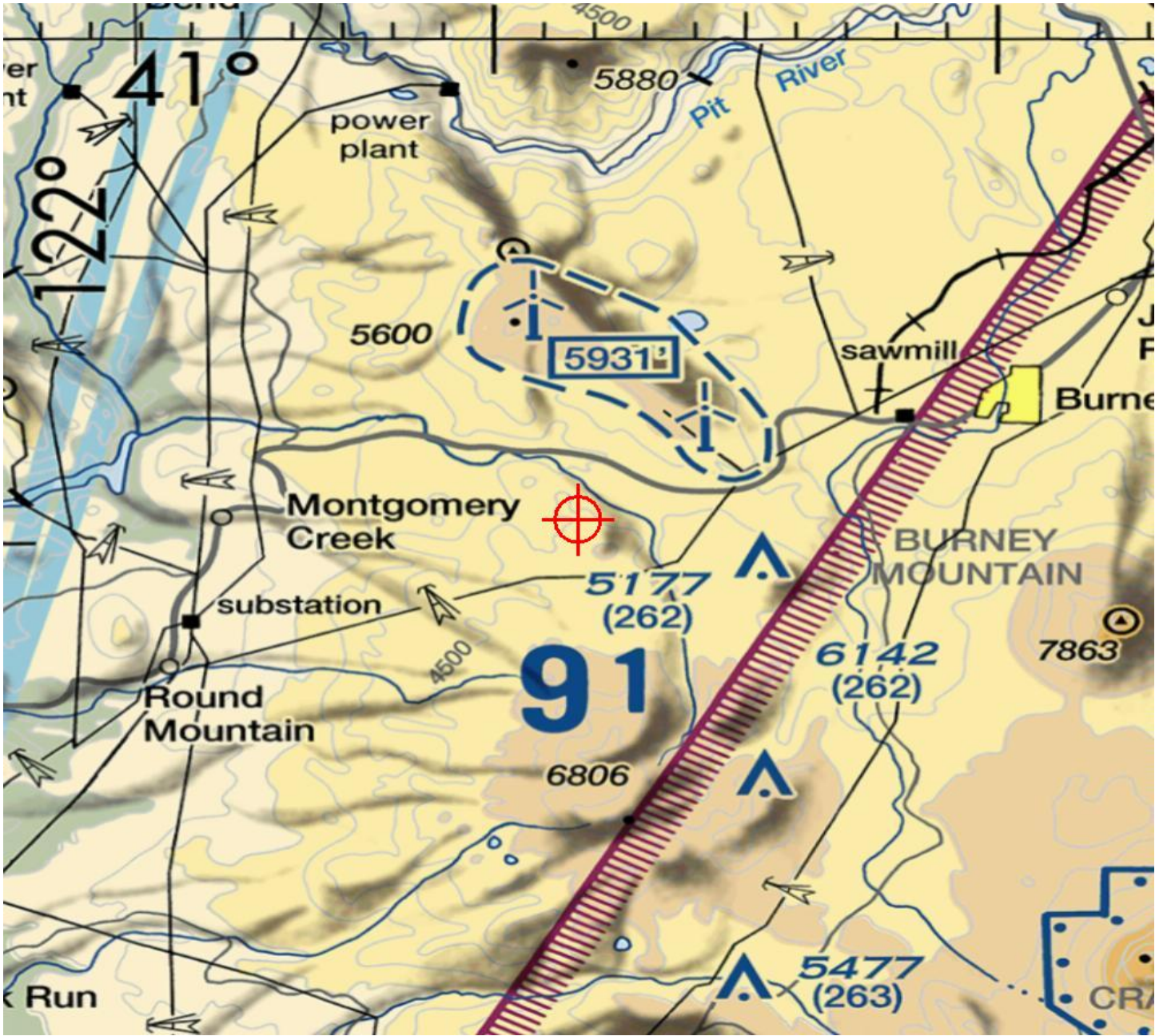


2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5276-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5277-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine C07  
 Location: Burney, CA  
 Latitude: 40-50-18.03N NAD 83  
 Longitude: 121-48-11.98W  
 Heights: 4738 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5417 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5277-OE.

**Signature Control No: 440833049-486754881**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5277-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
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 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /



2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

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At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

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At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

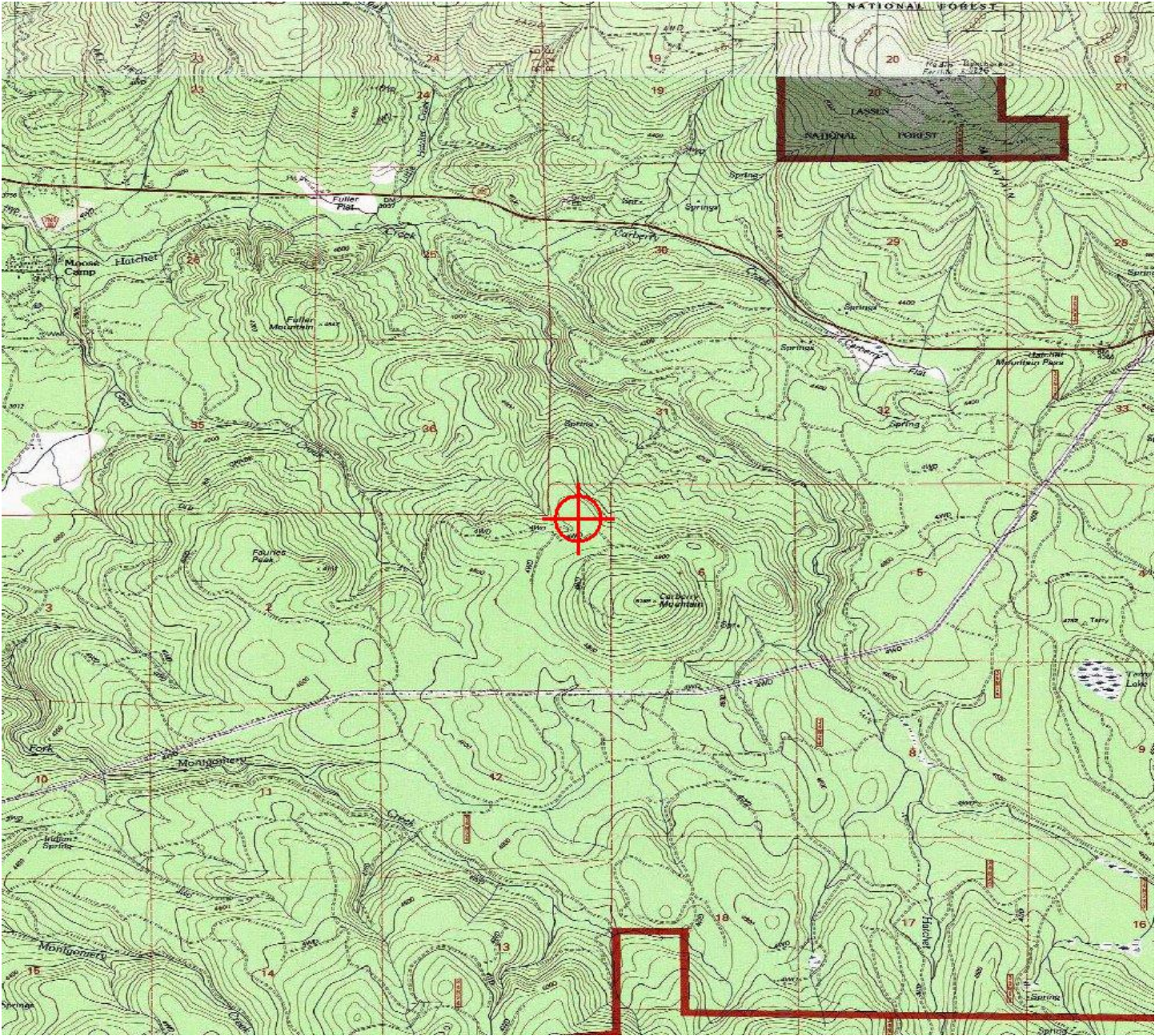
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5277-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5278-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine C08  
 Location: Burney, CA  
 Latitude: 40-49-53.93N NAD 83  
 Longitude: 121-47-50.84W  
 Heights: 5178 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5857 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be



used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5278-OE.

**Signature Control No: 440833051-486754894**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5278-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

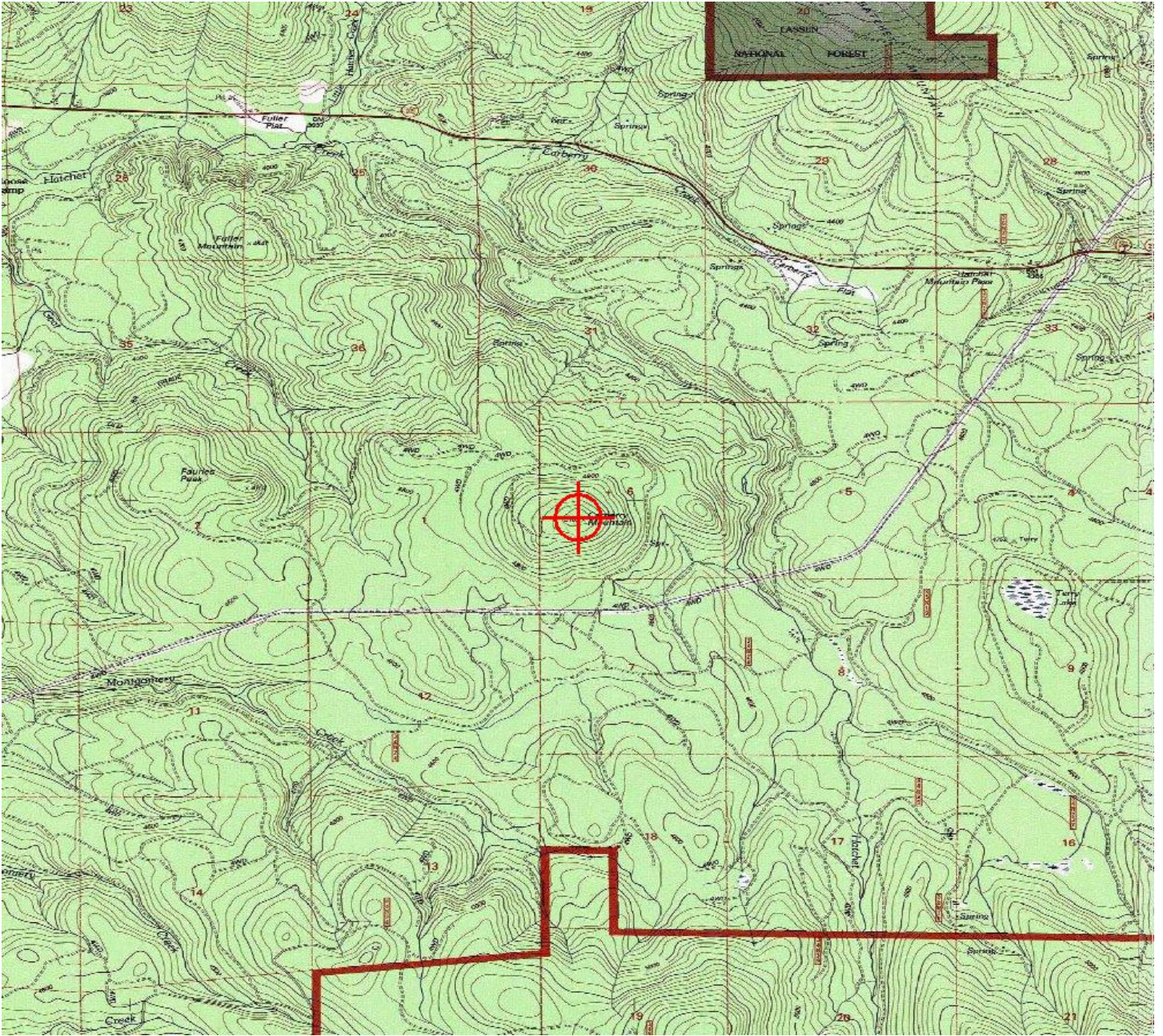
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

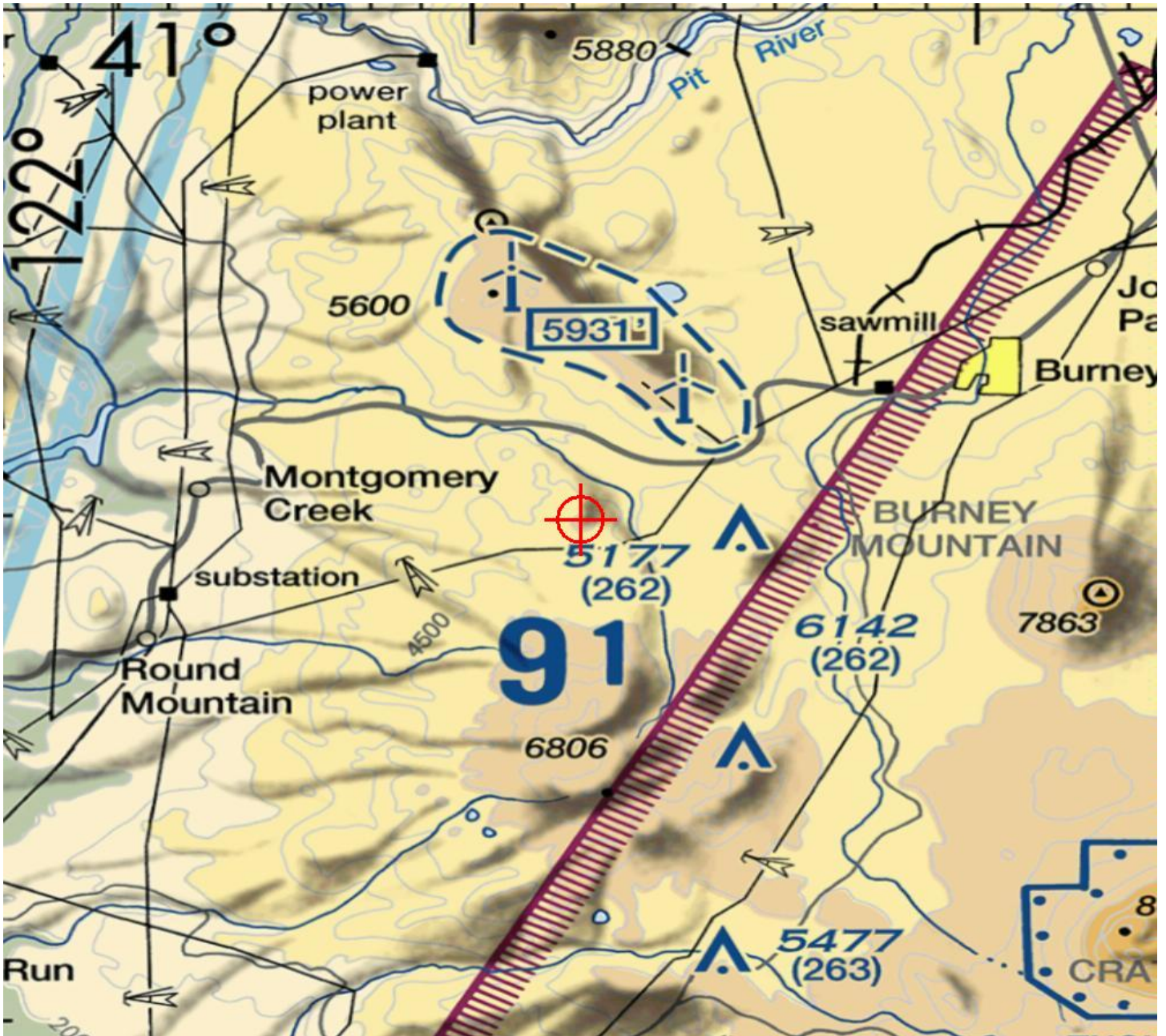
2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5278-OE









Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5279-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine C09  
 Location: Burney, CA  
 Latitude: 40-49-17.95N NAD 83  
 Longitude: 121-47-30.13W  
 Heights: 4613 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5292 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5279-OE.

**Signature Control No: 440833054-486754886**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5279-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
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2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
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2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.



c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

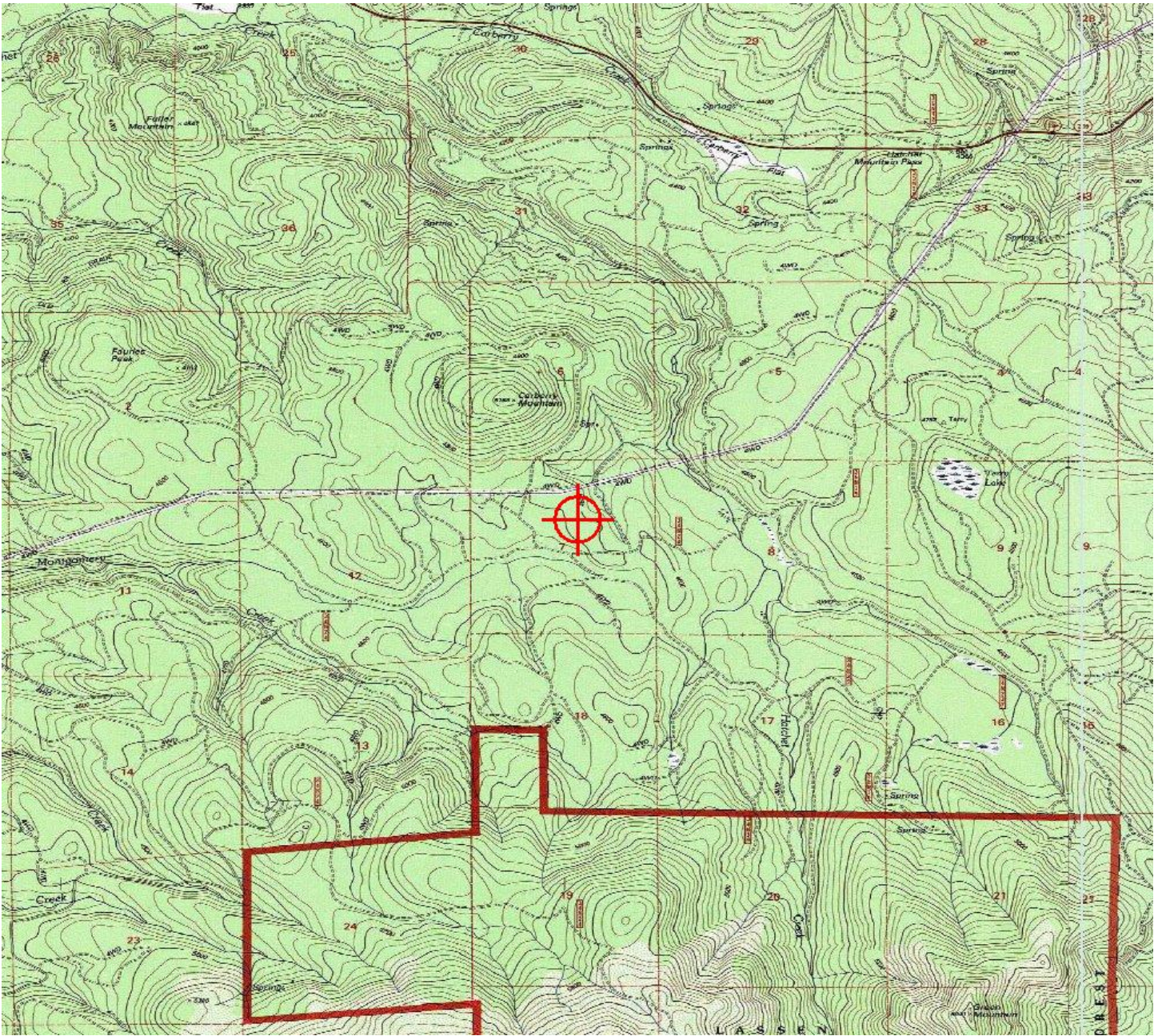
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

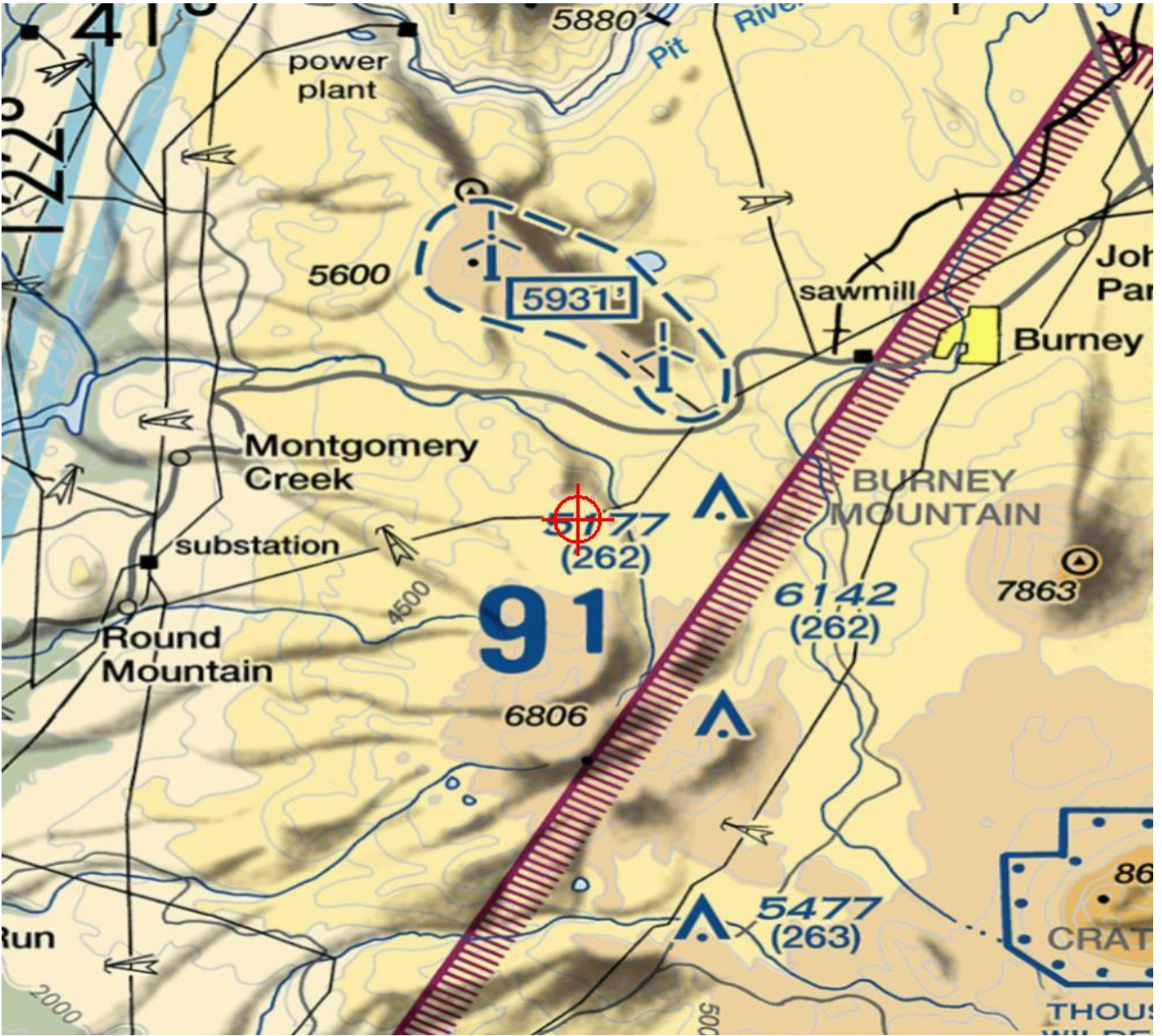
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5279-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5280-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine C10  
 Location: Burney, CA  
 Latitude: 40-49-11.50N NAD 83  
 Longitude: 121-47-10.30W  
 Heights: 4607 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5286 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5280-OE.

**Signature Control No: 440833055-486754880**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5280-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /



2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

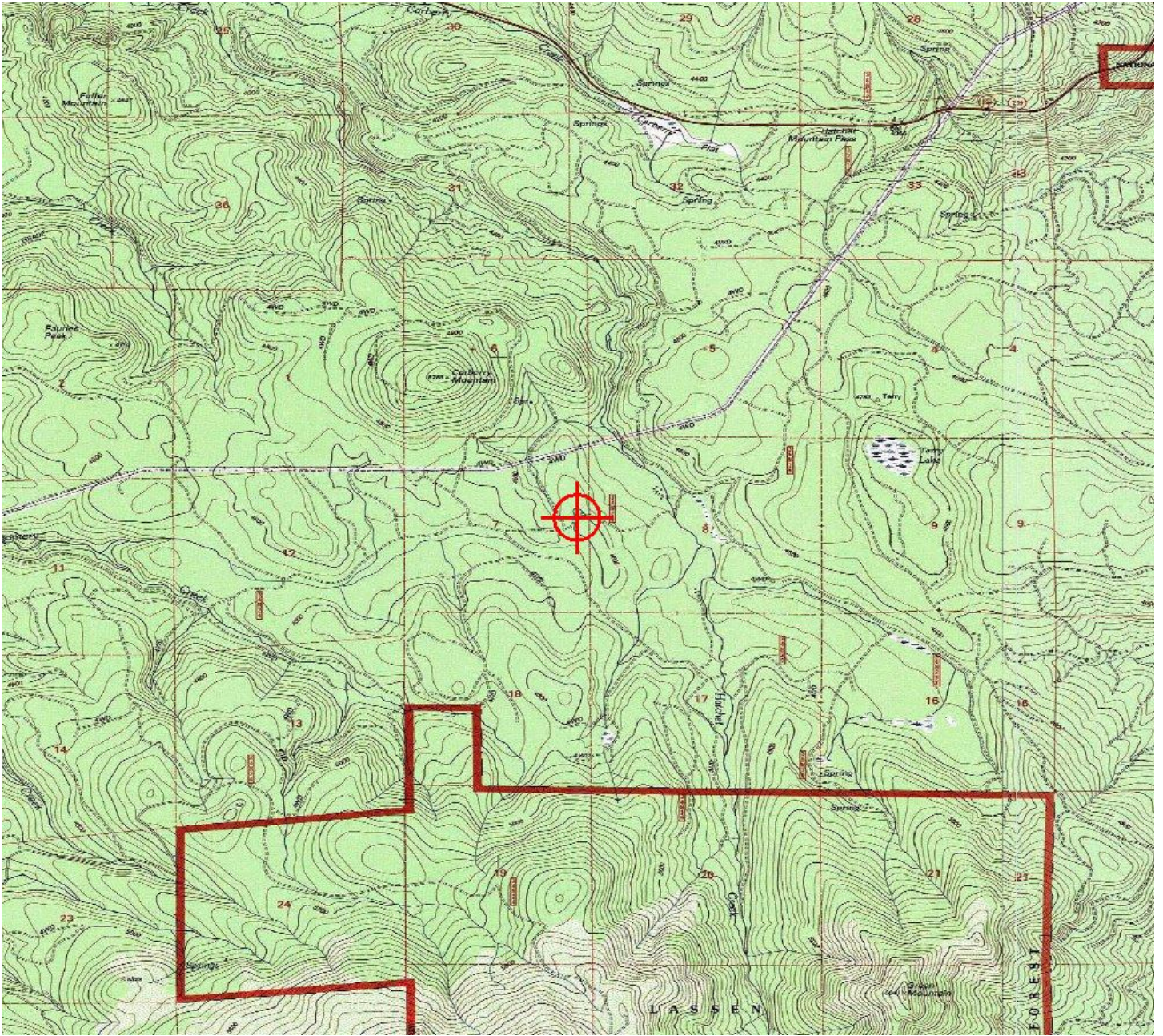
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

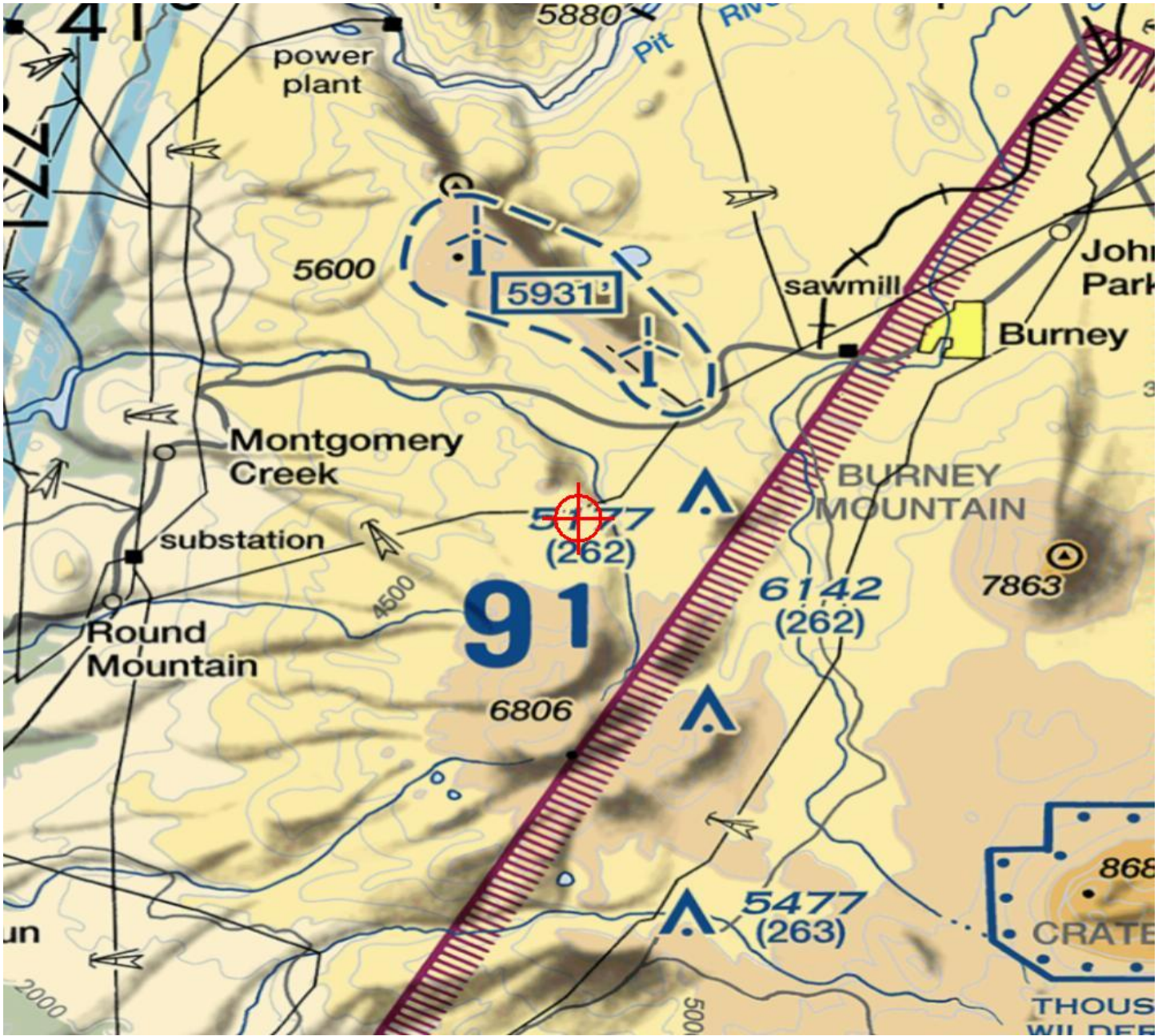
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5280-OE







Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-WTW-5281-OE

Issued Date: 07/01/2021

Parker Lewis  
CG Fountain Wind LLC  
1001 McKinney St.  
Suite 700  
Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine C11  
Location: Burney, CA  
Latitude: 40-48-55.92N NAD 83  
Longitude: 121-47-01.52W  
Heights: 4610 feet site elevation (SE)  
679 feet above ground level (AGL)  
5289 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)  
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:



- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

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If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

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Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5281-OE.

**Signature Control No: 440833056-486755197**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5281-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

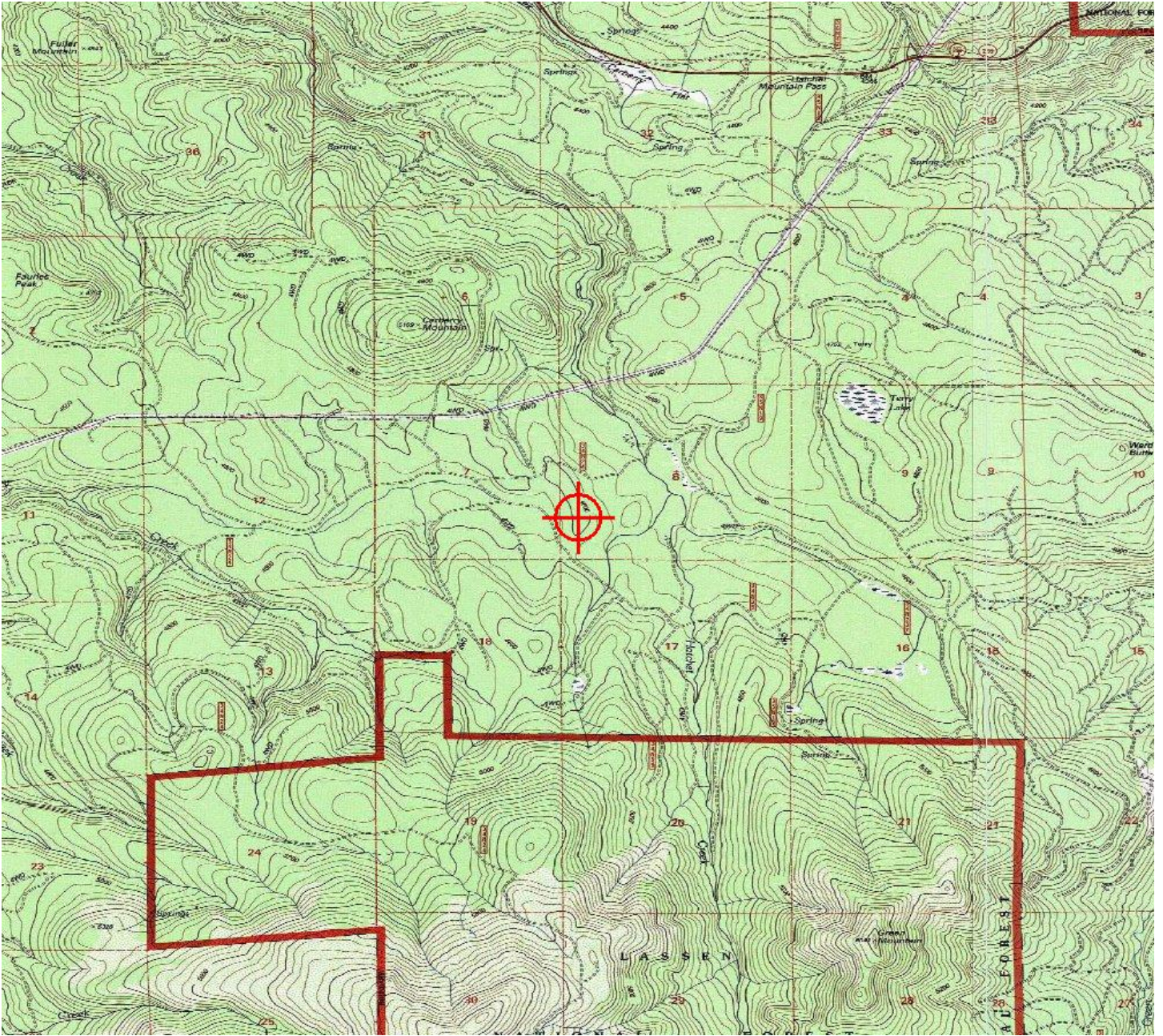
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

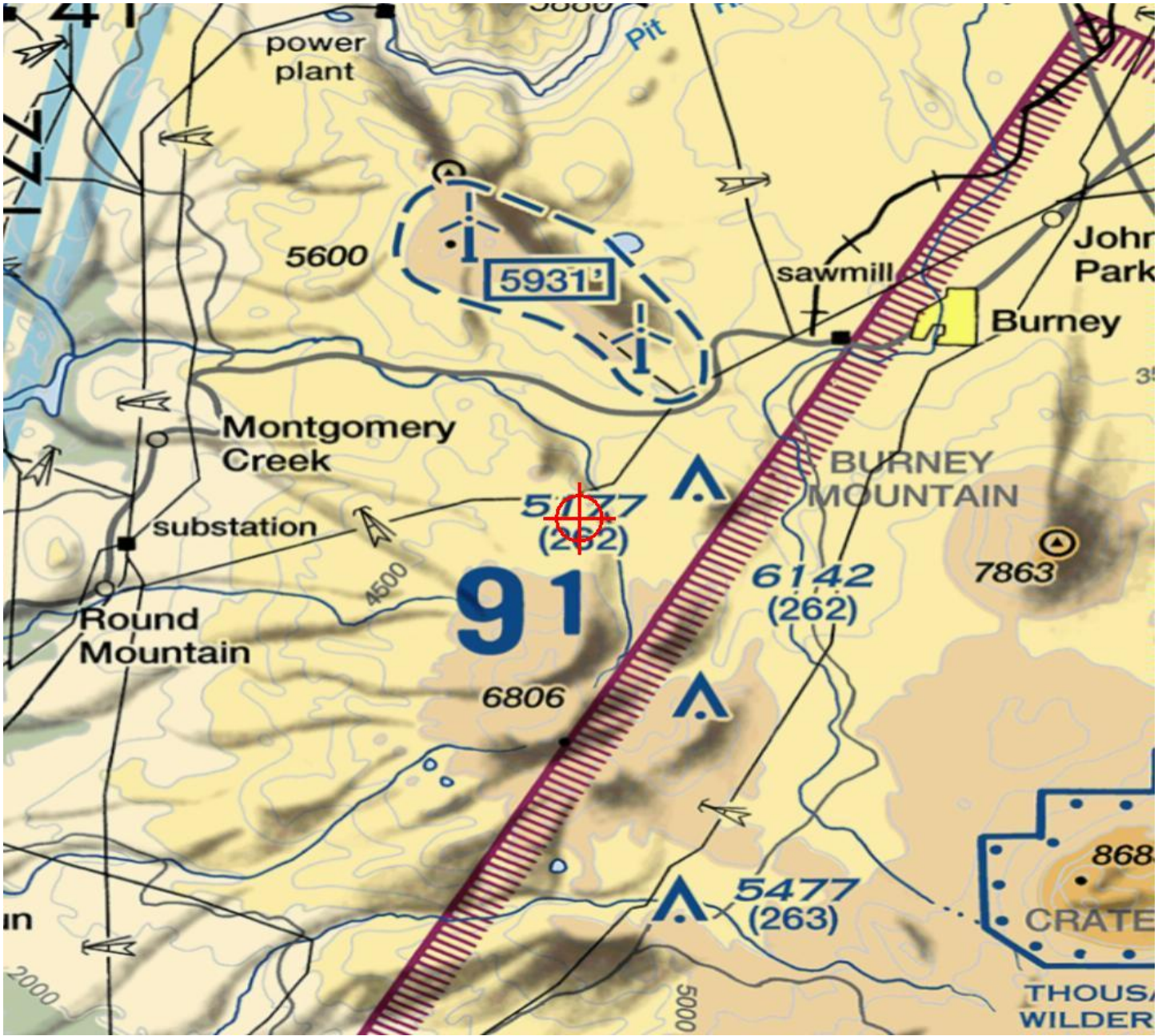
Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.



TOPO Map for ASN 2020-WTW-5281-OE



Sectional Map for ASN 2020-WTW-5281-OE





Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5282-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine D01  
 Location: Burney, CA  
 Latitude: 40-51-54.09N NAD 83  
 Longitude: 121-52-15.87W  
 Heights: 3737 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 4416 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5282-OE.

**Signature Control No: 440833057-486755229**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5282-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
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2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
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2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE



At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

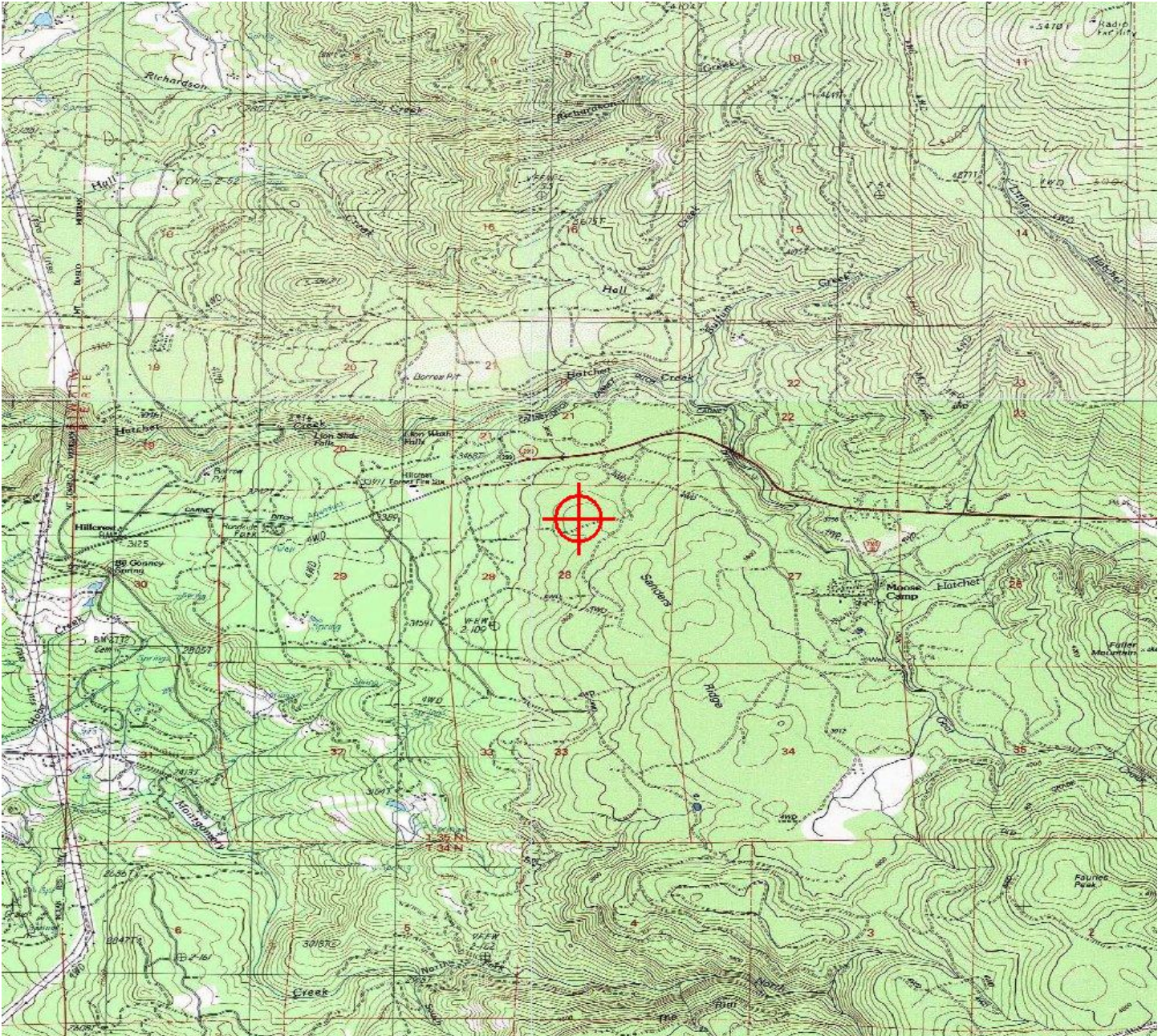
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

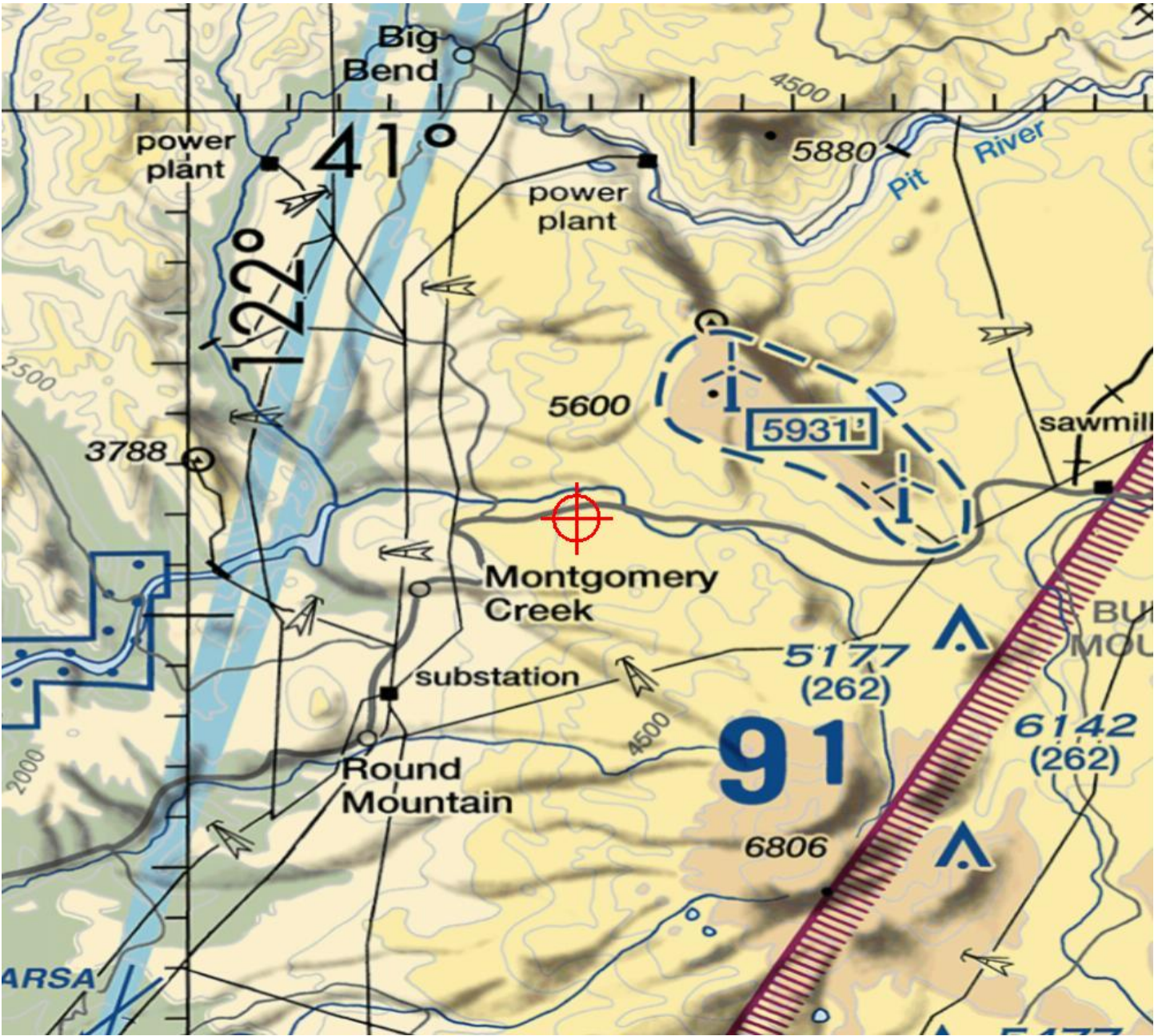
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5282-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5283-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine D02  
 Location: Burney, CA  
 Latitude: 40-51-38.69N NAD 83  
 Longitude: 121-51-58.64W  
 Heights: 3889 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 4568 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5283-OE.

**Signature Control No: 440833058-486755230**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)



## Additional information for ASN 2020-WTW-5283-OE

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2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
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 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
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 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
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 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
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 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
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2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
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2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
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2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

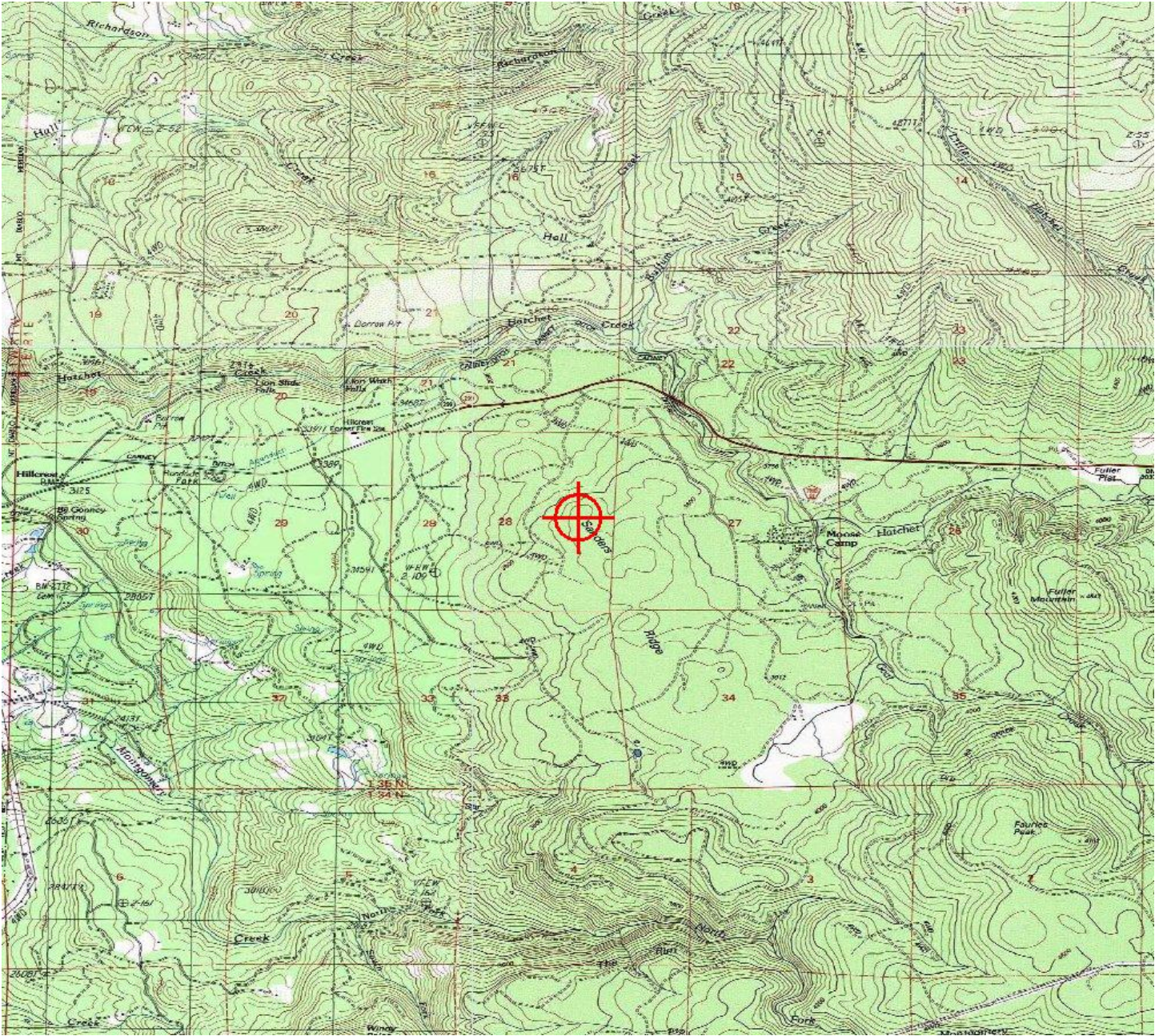
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

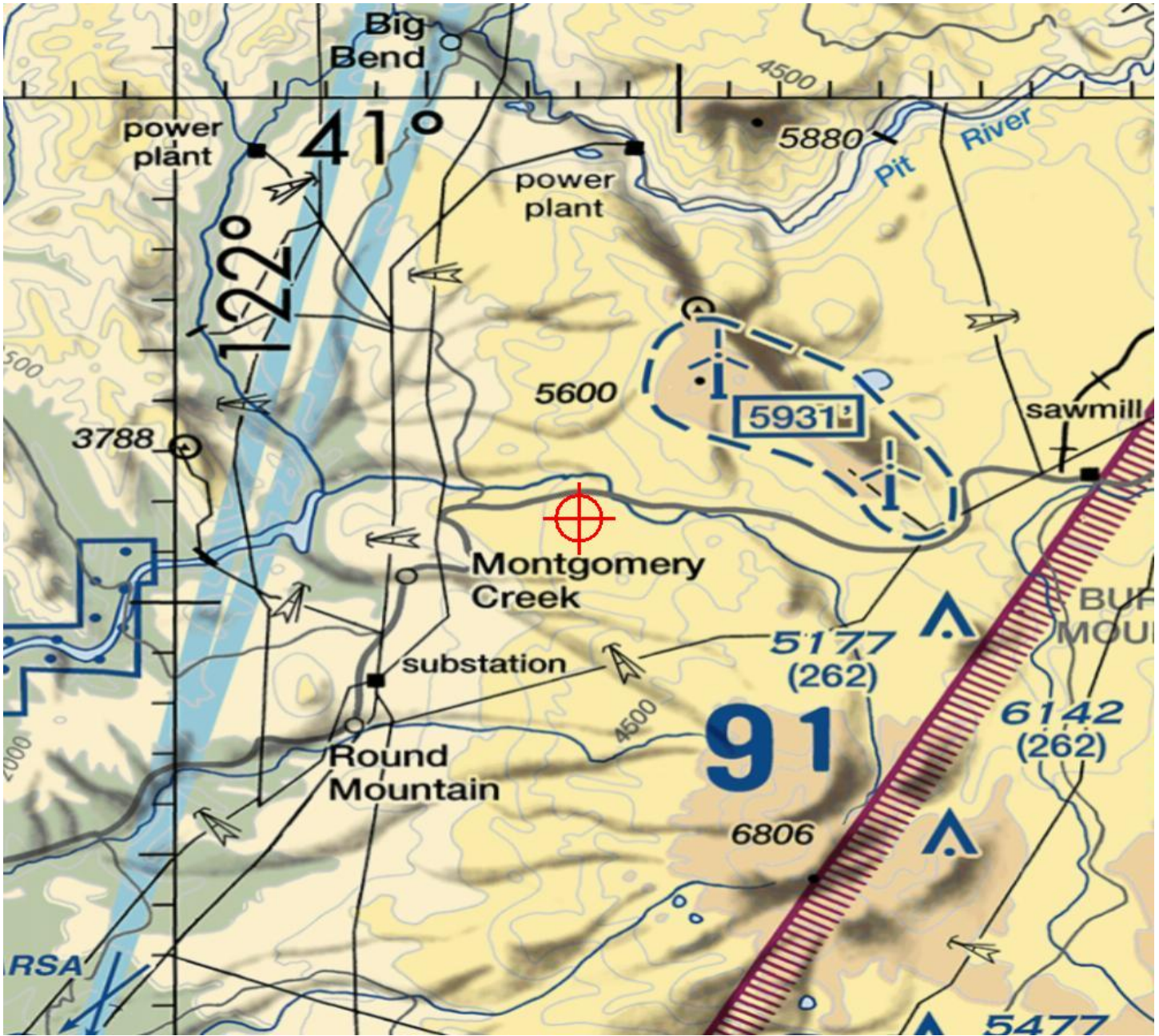
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5283-OE









Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5284-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine D03  
 Location: Burney, CA  
 Latitude: 40-51-27.69N NAD 83  
 Longitude: 121-51-40.82W  
 Heights: 3931 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 4610 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5284-OE.

**Signature Control No: 440833059-486755253**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5284-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

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 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
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 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
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 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
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 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

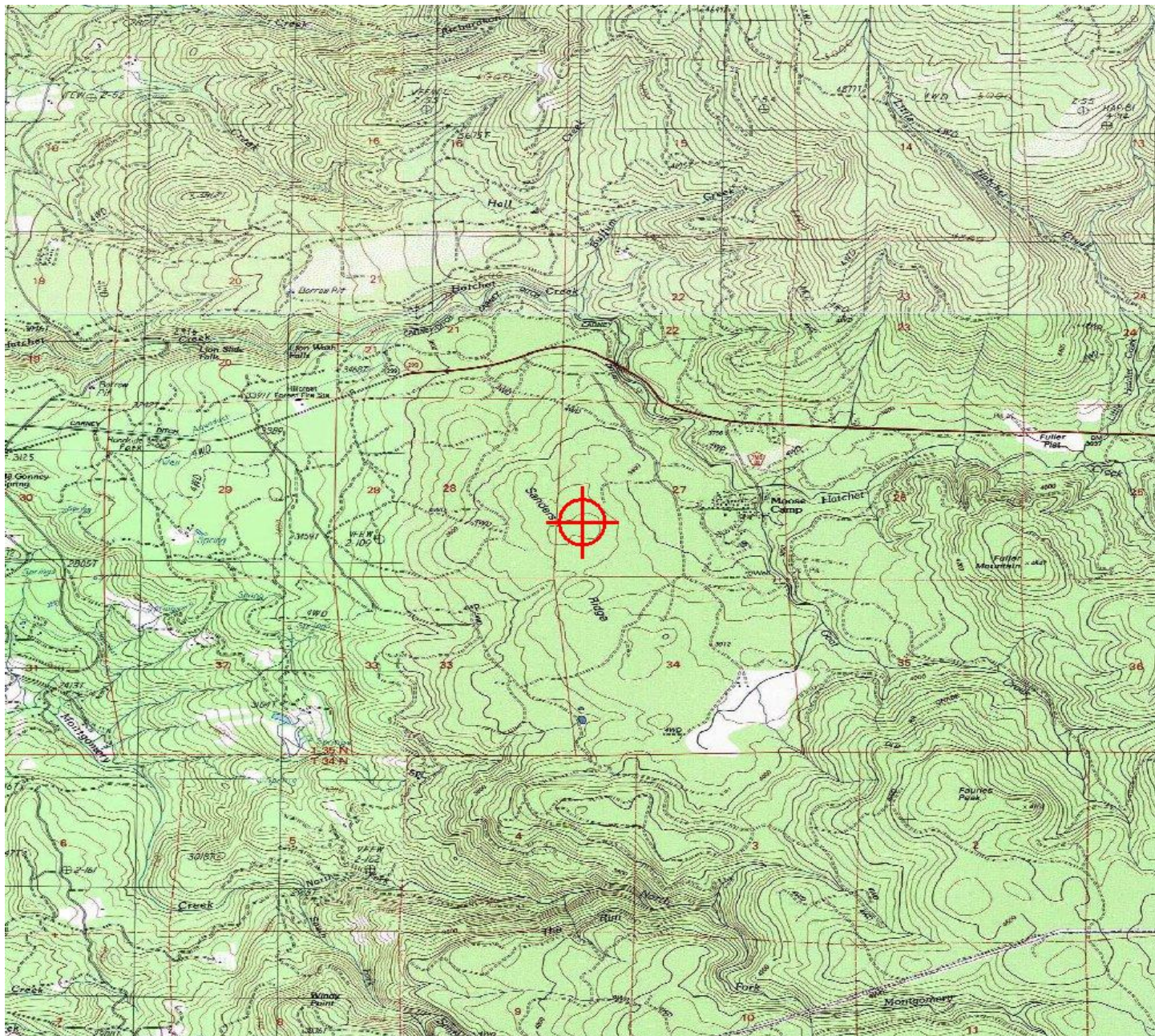
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE



2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5284-OE



Sectional Map for ASN 2020-WTW-5284-OE





Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-WTW-5285-OE

Issued Date: 07/01/2021

Parker Lewis  
CG Fountain Wind LLC  
1001 McKinney St.  
Suite 700  
Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Wind Turbine D04
Location:	Burney, CA
Latitude:	40-50-58.12N NAD 83
Longitude:	121-51-52.01W
Heights:	3901 feet site elevation (SE) 679 feet above ground level (AGL) 4580 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5285-OE.

**Signature Control No: 440833060-486755269**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5285-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
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 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
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 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /



2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

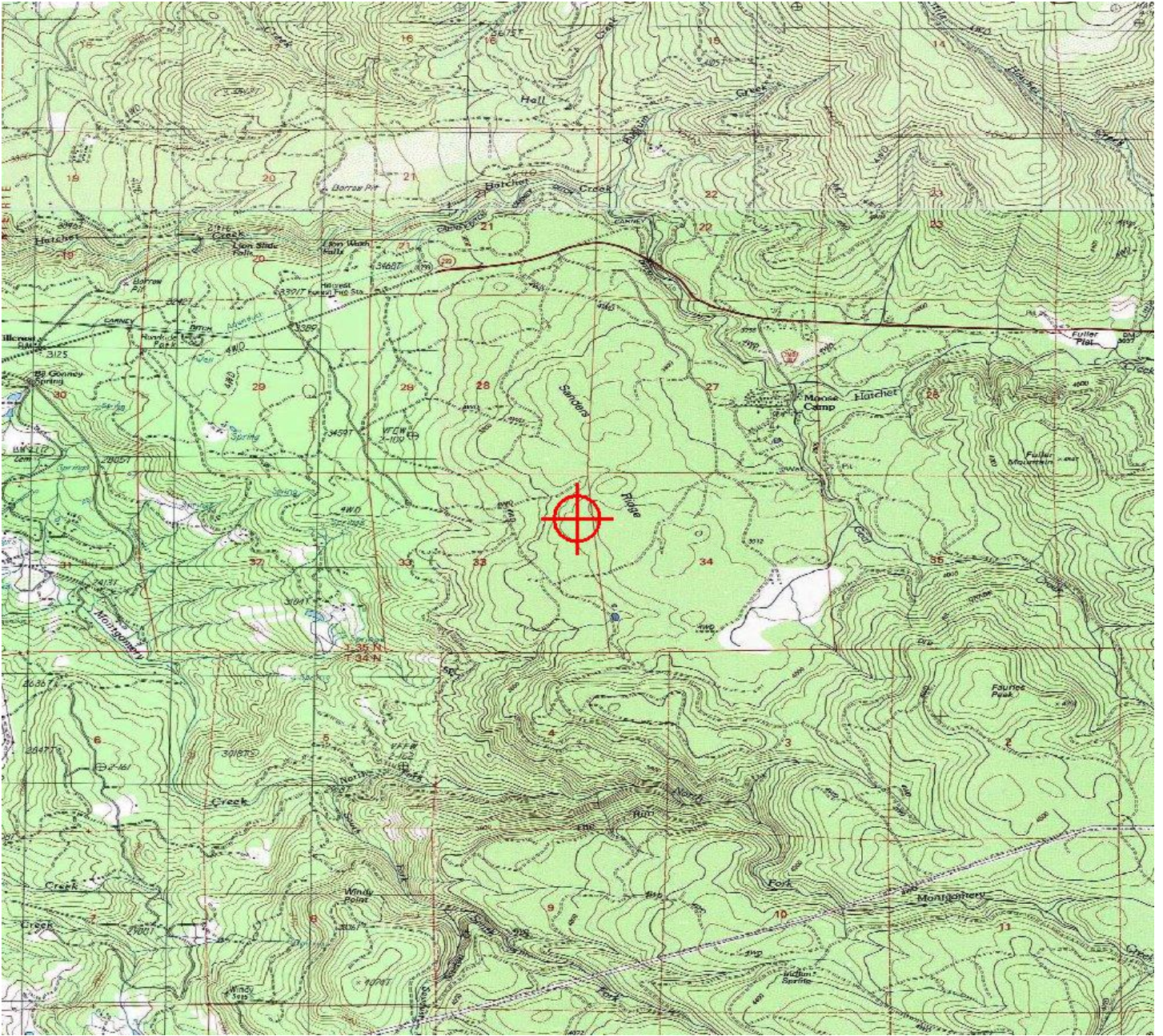
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5285-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5286-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine D05  
 Location: Burney, CA  
 Latitude: 40-50-45.46N NAD 83  
 Longitude: 121-51-21.92W  
 Heights: 3970 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 4649 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be



used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5286-OE.

**Signature Control No: 440833061-486755292**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5286-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

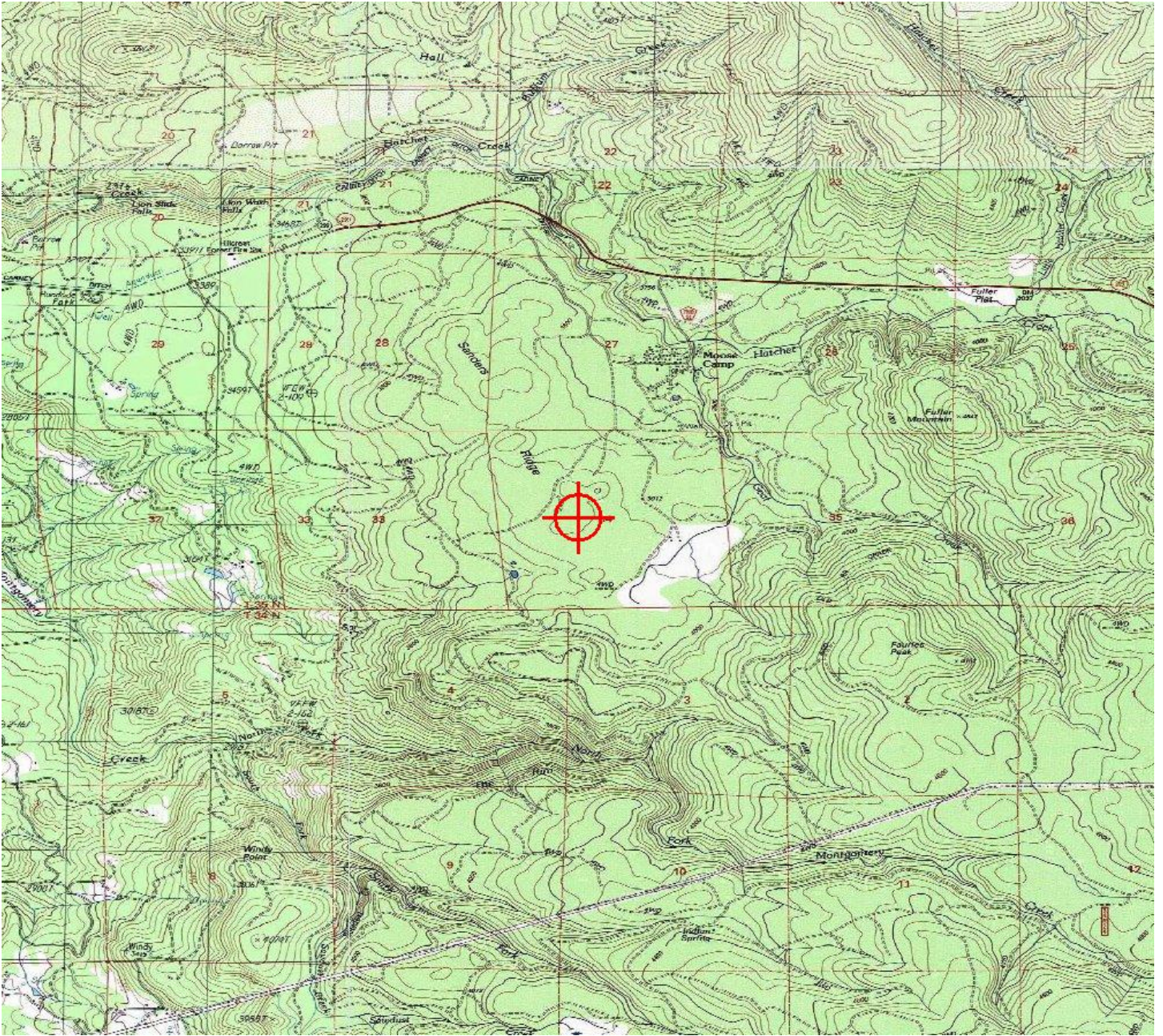
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5286-OE









Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-WTW-5287-OE

Issued Date: 07/01/2021

Parker Lewis  
CG Fountain Wind LLC  
1001 McKinney St.  
Suite 700  
Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine E01  
Location: Burney, CA  
Latitude: 40-50-04.49N NAD 83  
Longitude: 121-51-47.80W  
Heights: 4203 feet site elevation (SE)  
679 feet above ground level (AGL)  
4882 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 60 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5287-OE.

**Signature Control No: 440833062-486752770**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5287-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.



c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

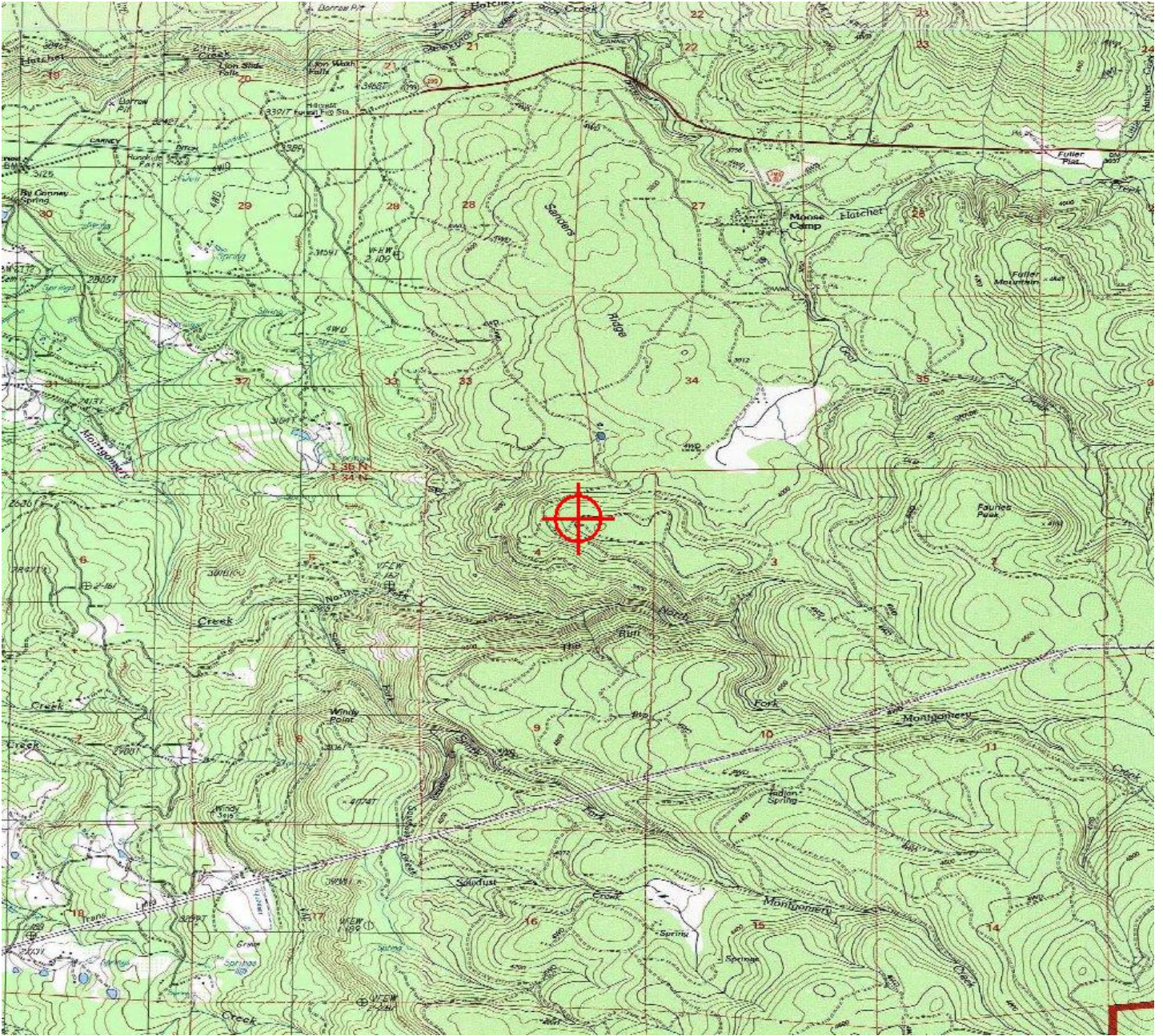
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5287-OE







Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-WTW-5288-OE

Issued Date: 07/01/2021

Parker Lewis  
CG Fountain Wind LLC  
1001 McKinney St.  
Suite 700  
Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine E02  
Location: Burney, CA  
Latitude: 40-50-00.31N NAD 83  
Longitude: 121-51-33.80W  
Heights: 4223 feet site elevation (SE)  
679 feet above ground level (AGL)  
4902 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 60 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5288-OE.

**Signature Control No: 440833063-486752774**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5288-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /



2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

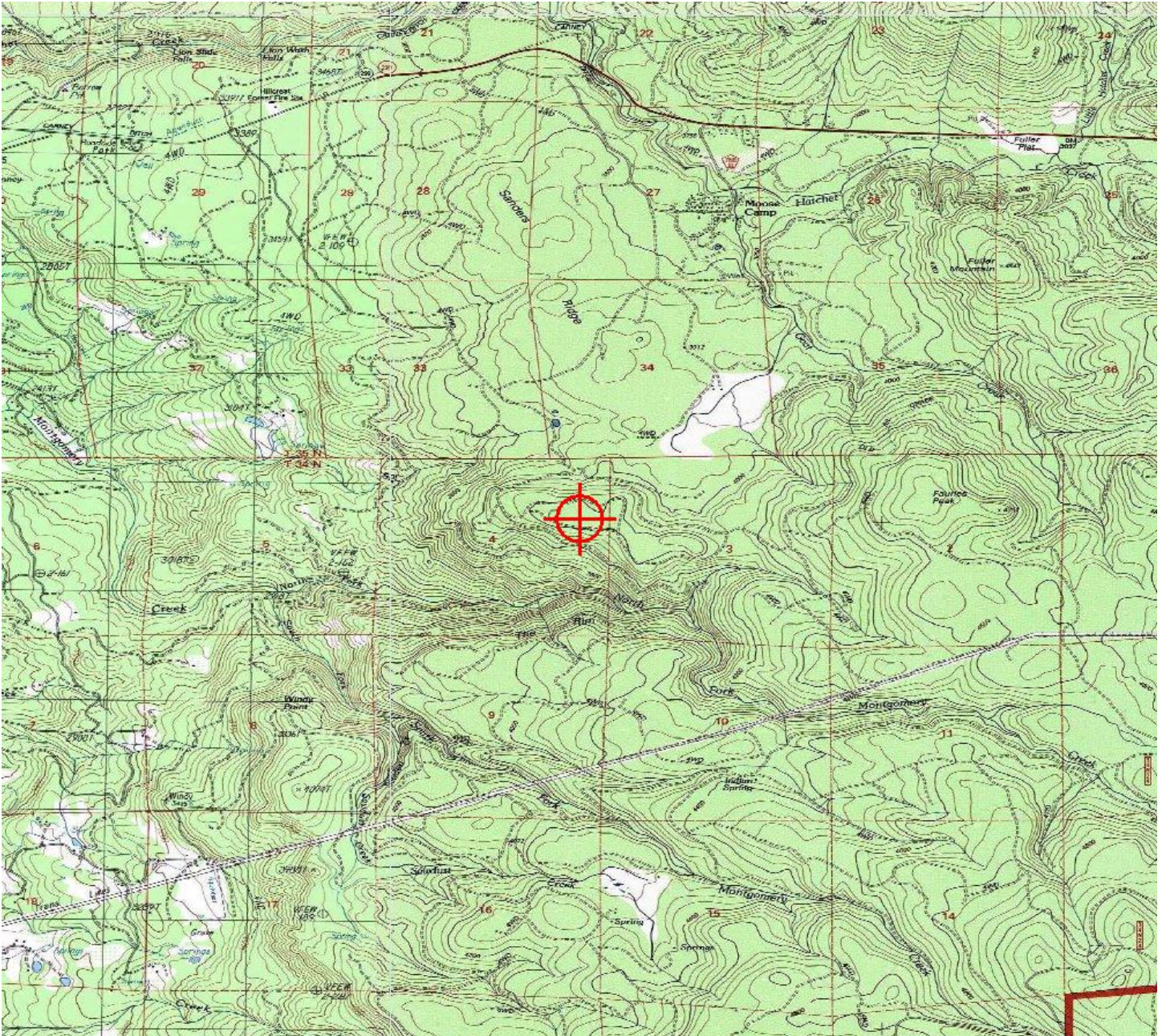
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

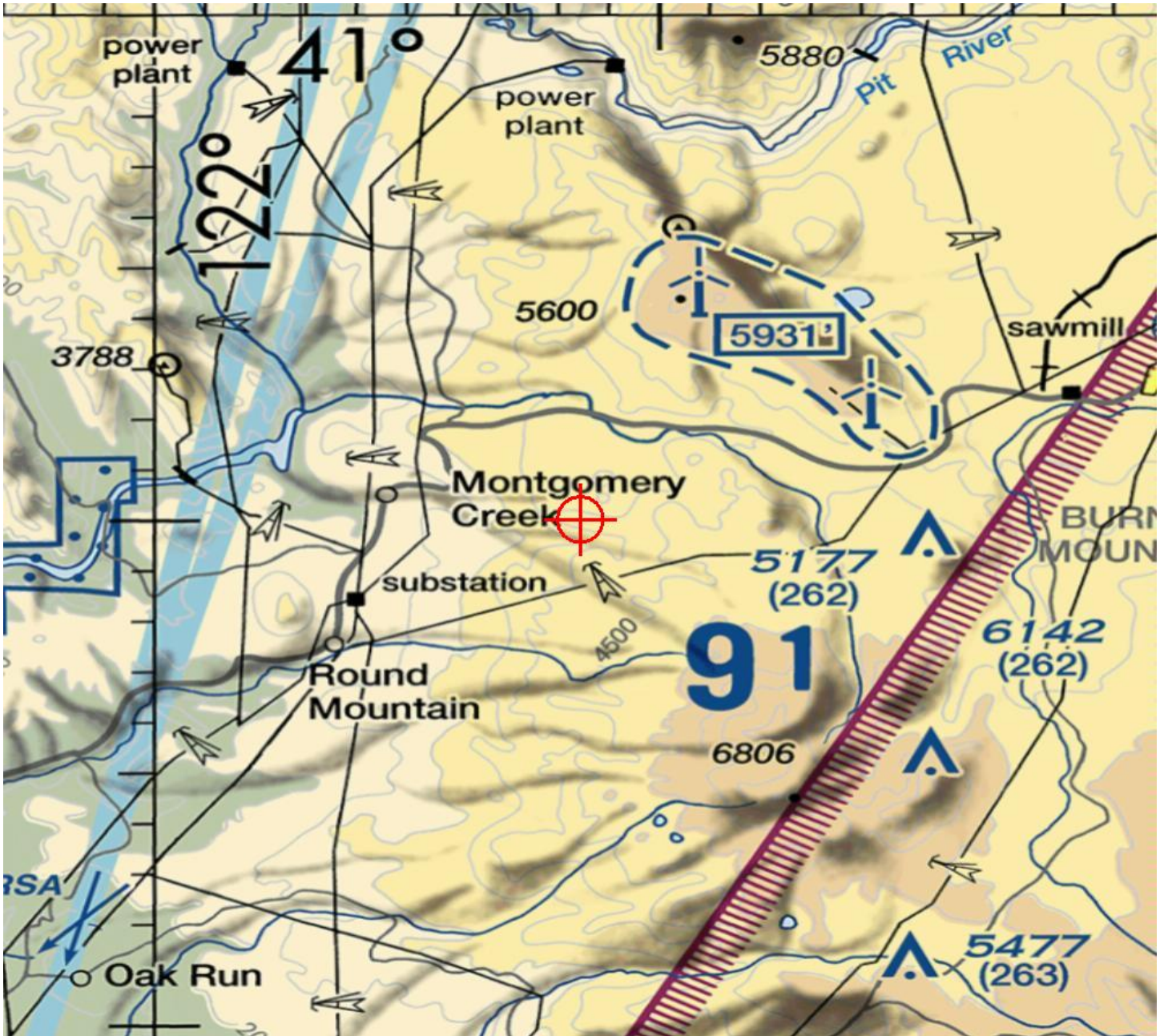
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5288-OE







Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-WTW-5289-OE

Issued Date: 07/01/2021

Parker Lewis  
CG Fountain Wind LLC  
1001 McKinney St.  
Suite 700  
Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Wind Turbine E03
Location:	Burney, CA
Latitude:	40-49-57.92N NAD 83
Longitude:	121-51-20.17W
Heights:	4213 feet site elevation (SE) 679 feet above ground level (AGL) 4892 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 60 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:



- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5289-OE.

**Signature Control No: 440833064-486752769**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5289-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

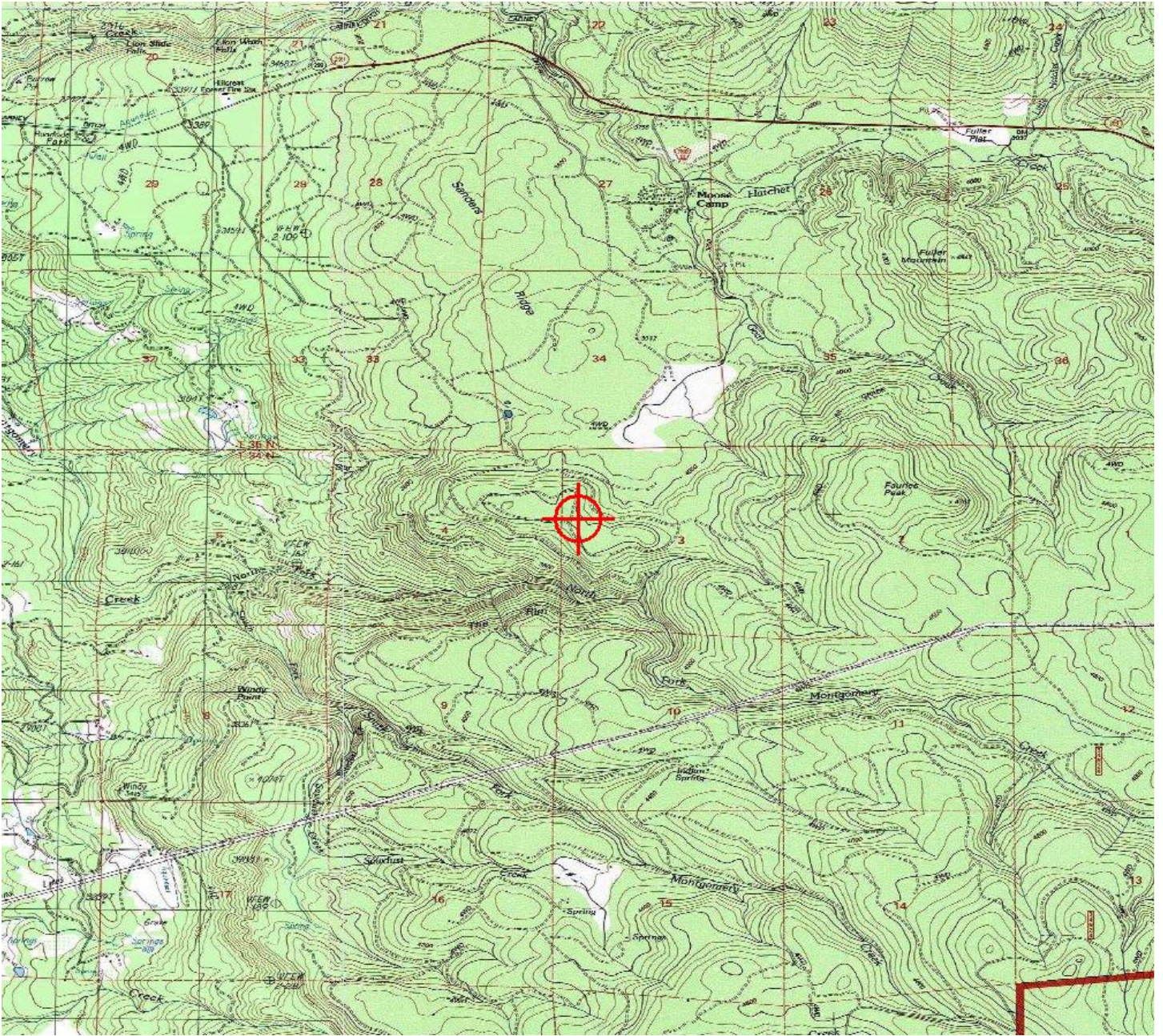
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

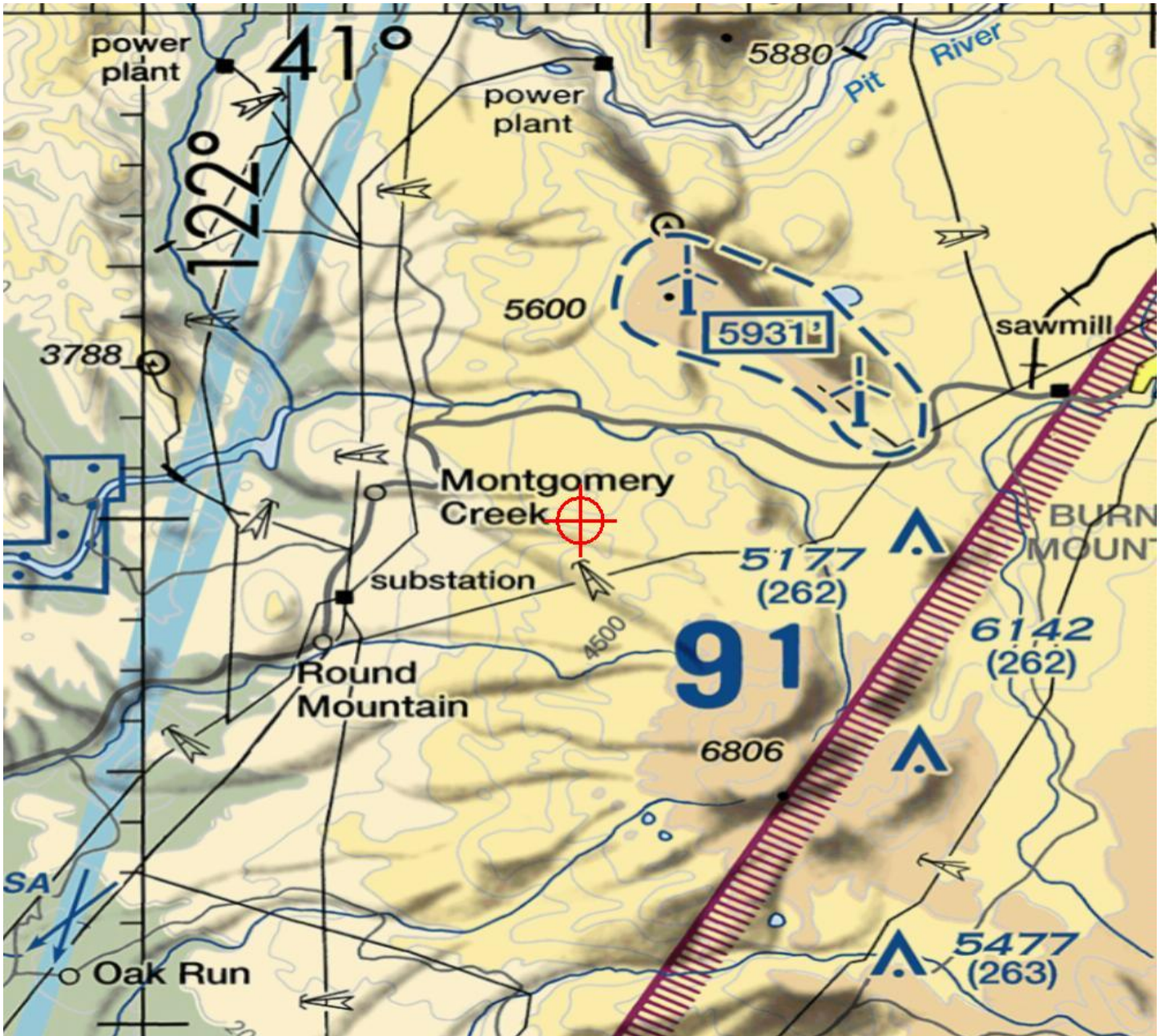
2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.



TOPO Map for ASN 2020-WTW-5289-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5290-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine E04  
 Location: Burney, CA  
 Latitude: 40-49-54.02N NAD 83  
 Longitude: 121-51-03.40W  
 Heights: 4256 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 4935 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5290-OE.

**Signature Control No: 440833066-486755295**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5290-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE



At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

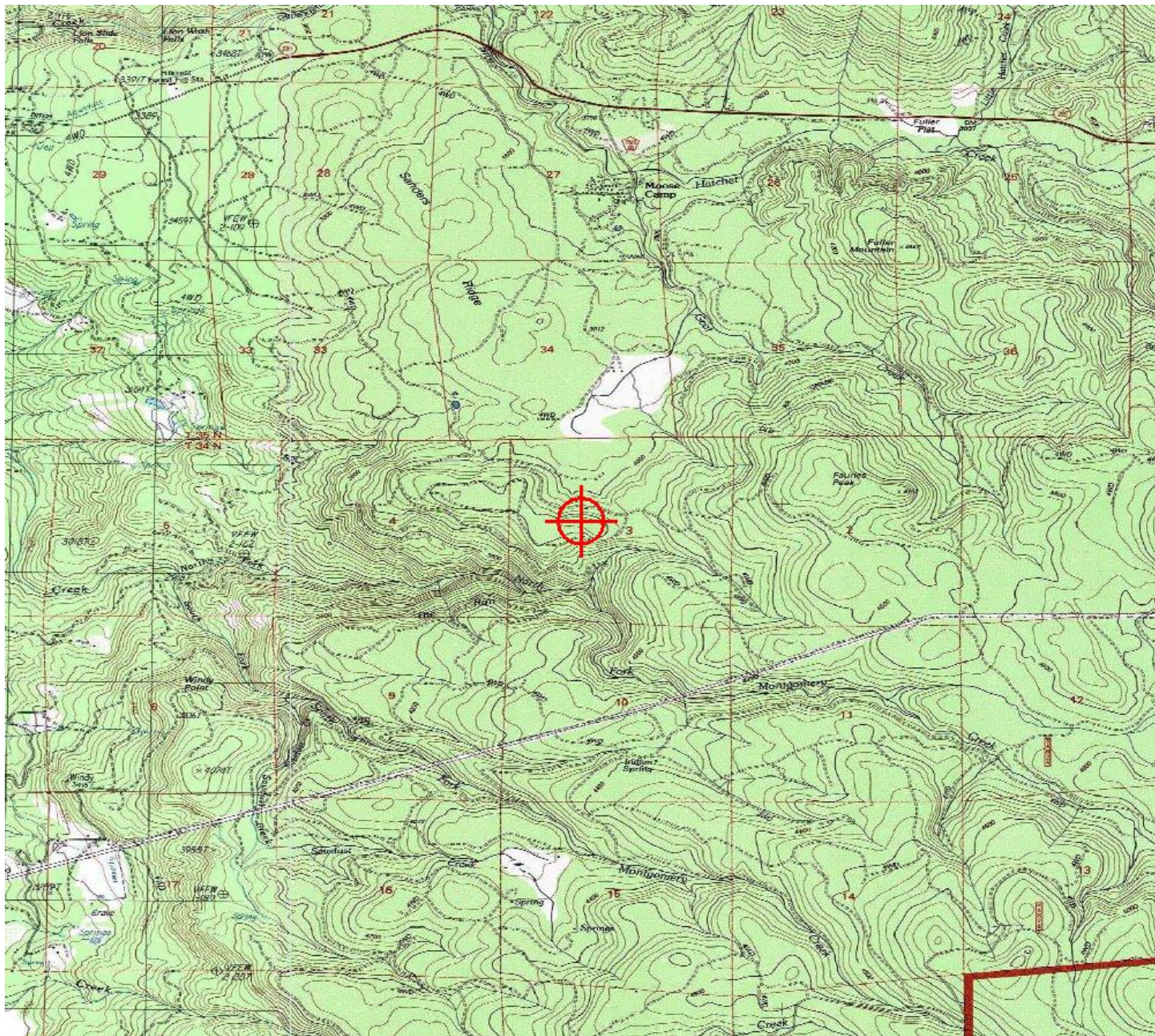
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5290-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5291-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine E05  
 Location: Burney, CA  
 Latitude: 40-49-53.11N NAD 83  
 Longitude: 121-50-44.95W  
 Heights: 4150 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 4829 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5291-OE.

**Signature Control No: 440833070-486755296**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)



## Additional information for ASN 2020-WTW-5291-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

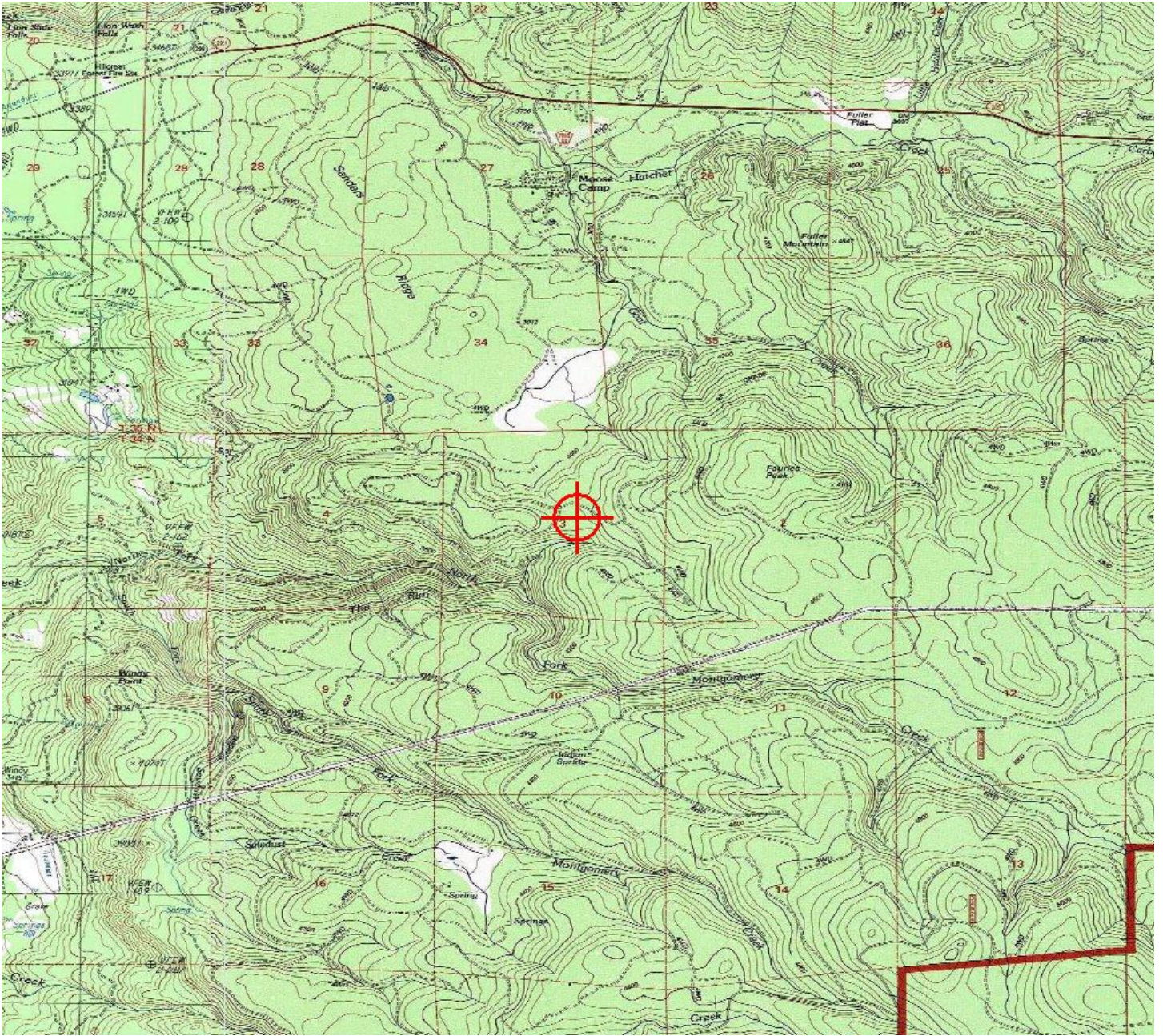
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

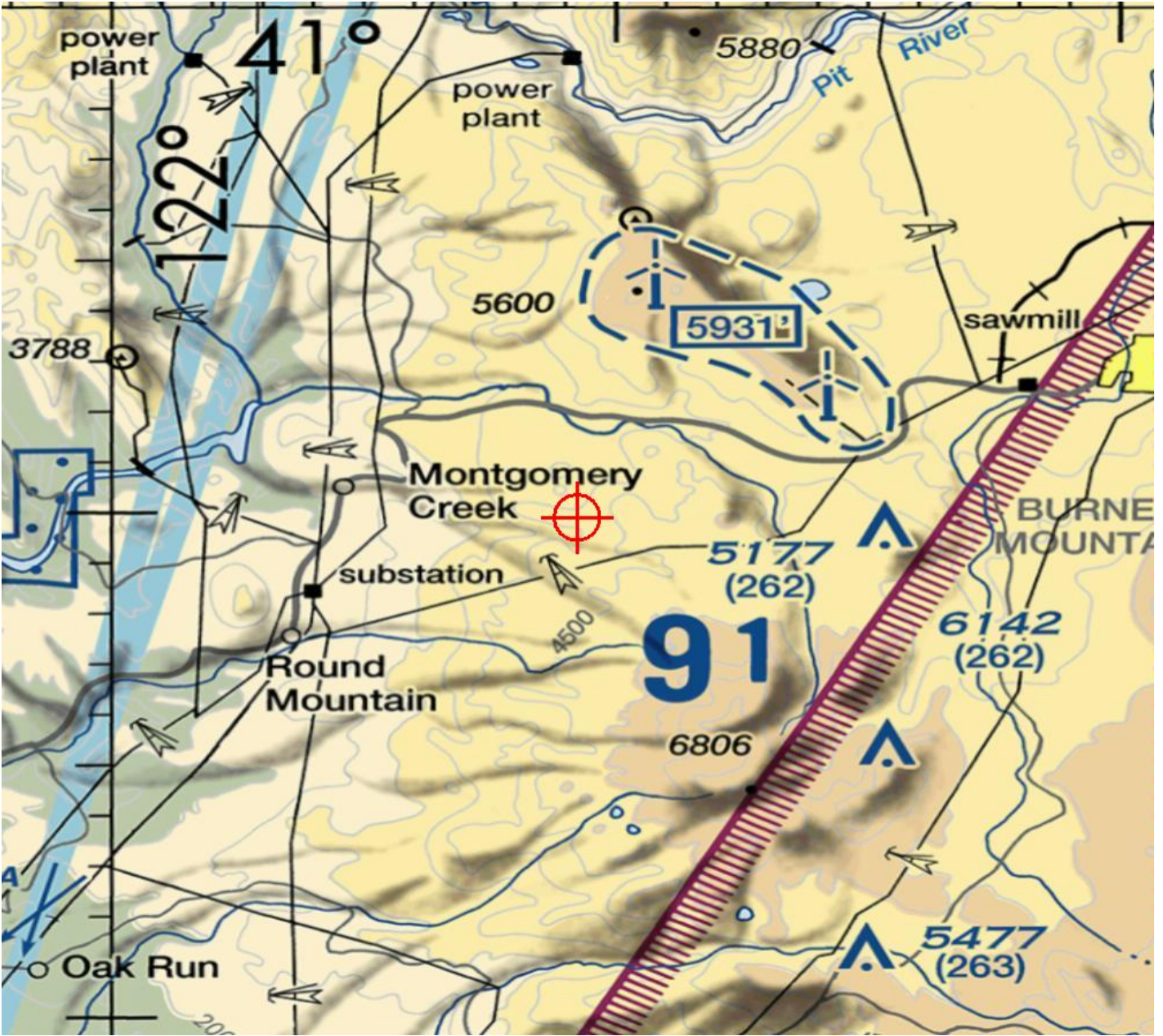
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5291-OE









Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5292-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine F01  
 Location: Burney, CA  
 Latitude: 40-50-05.15N NAD 83  
 Longitude: 121-49-49.54W  
 Heights: 4780 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5459 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5292-OE.

**Signature Control No: 440833071-486755297**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5292-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
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Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
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 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

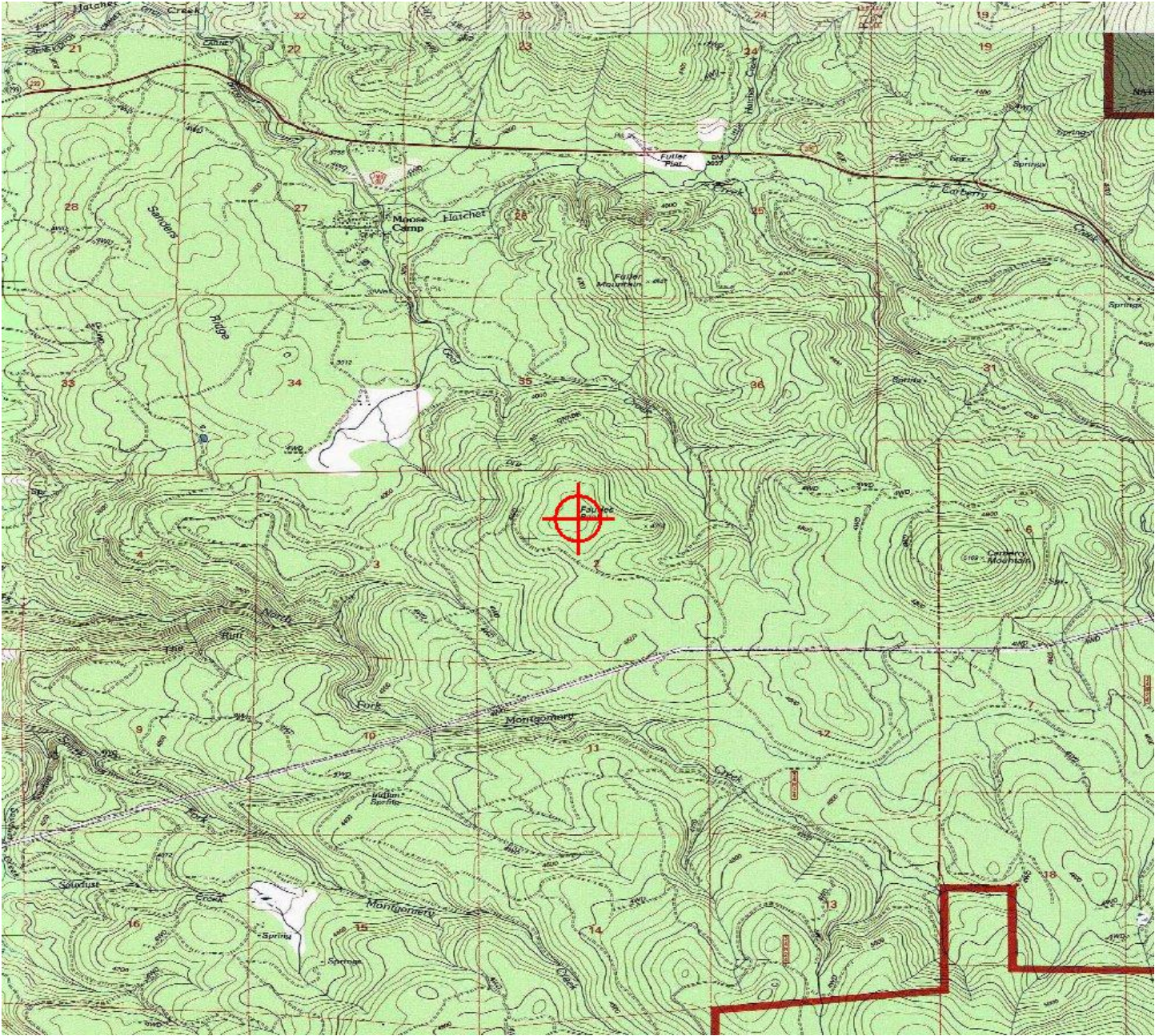
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

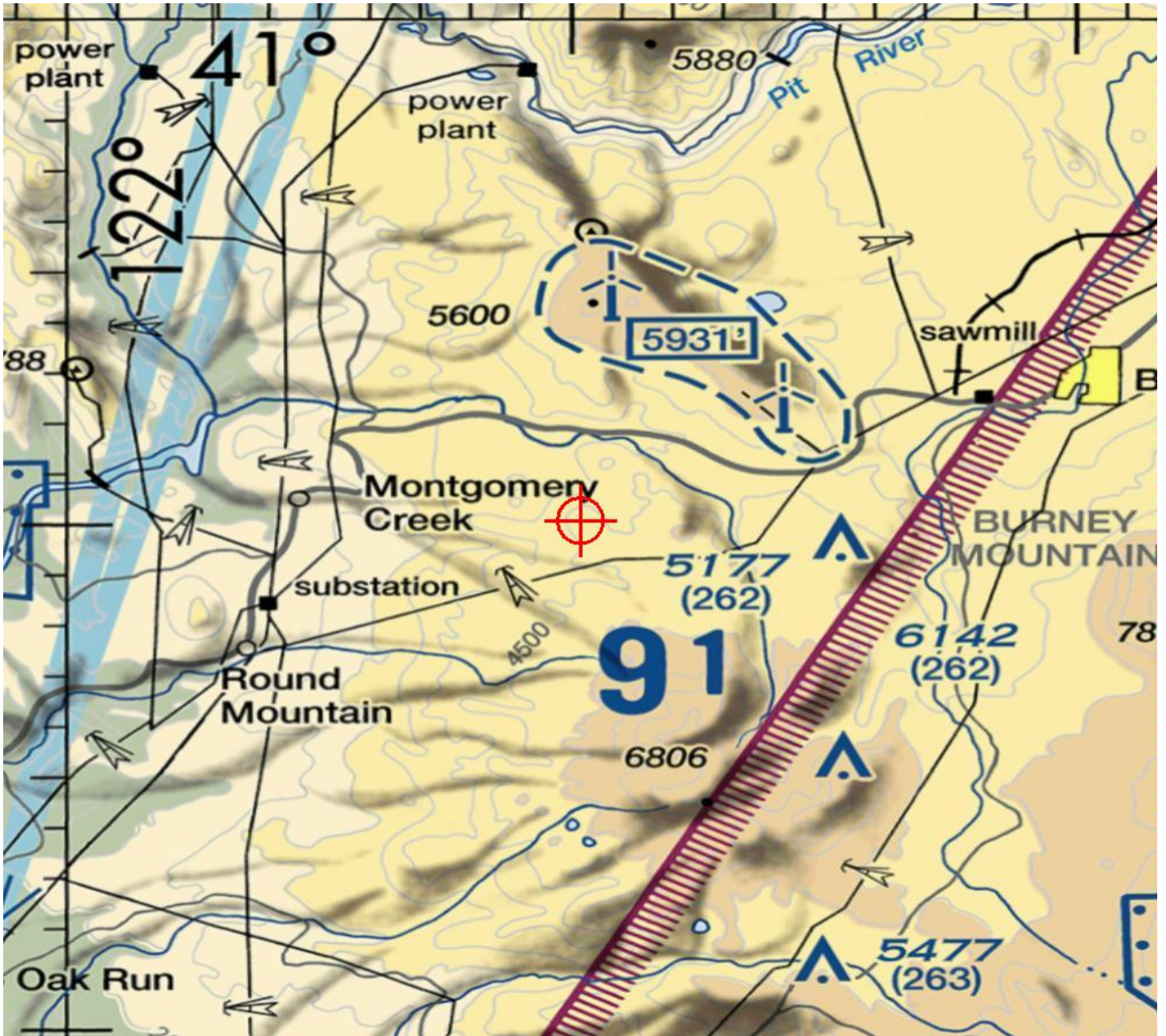


2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5292-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5293-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine F02  
 Location: Burney, CA  
 Latitude: 40-49-45.47N NAD 83  
 Longitude: 121-49-45.42W  
 Heights: 4623 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5302 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5293-OE.

**Signature Control No: 440833072-486755298**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5293-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

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For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

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The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

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2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
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 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
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 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
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 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
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 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
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 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
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 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /



2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

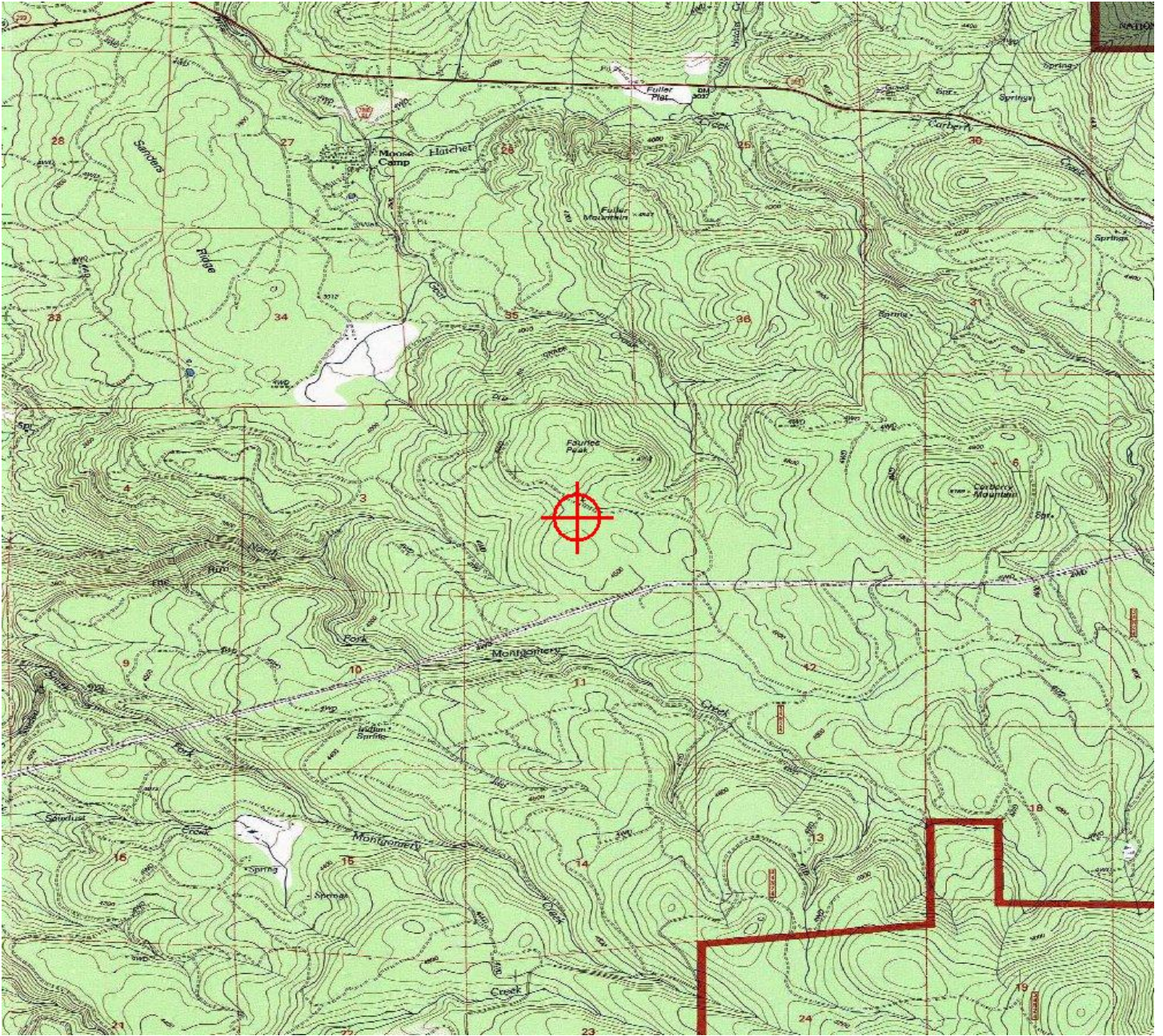
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

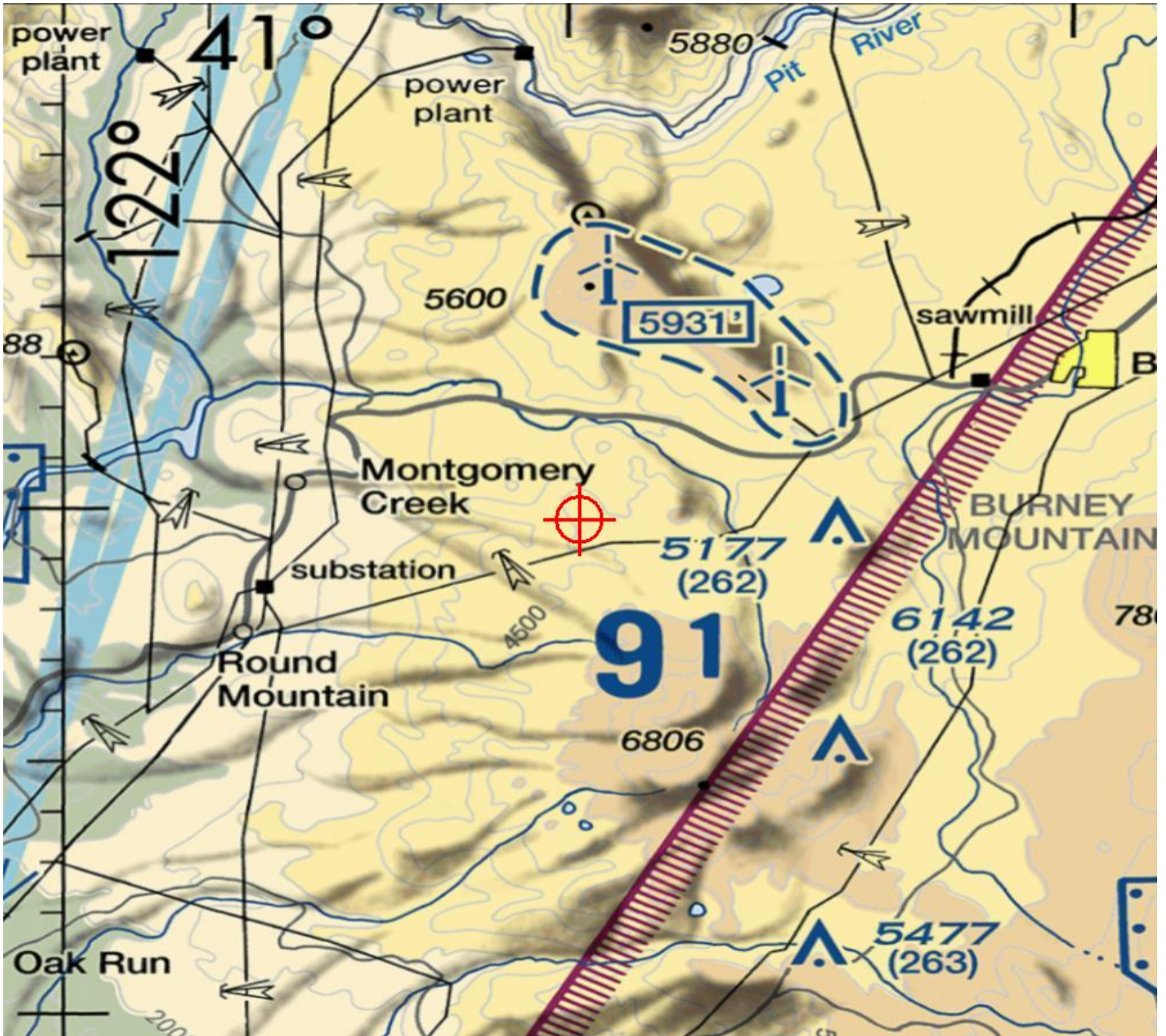
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5293-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5294-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine F03  
 Location: Burney, CA  
 Latitude: 40-49-33.93N NAD 83  
 Longitude: 121-49-41.25W  
 Heights: 4646 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5325 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be



used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5294-OE.

**Signature Control No: 440833073-486755300**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5294-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
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 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
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 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

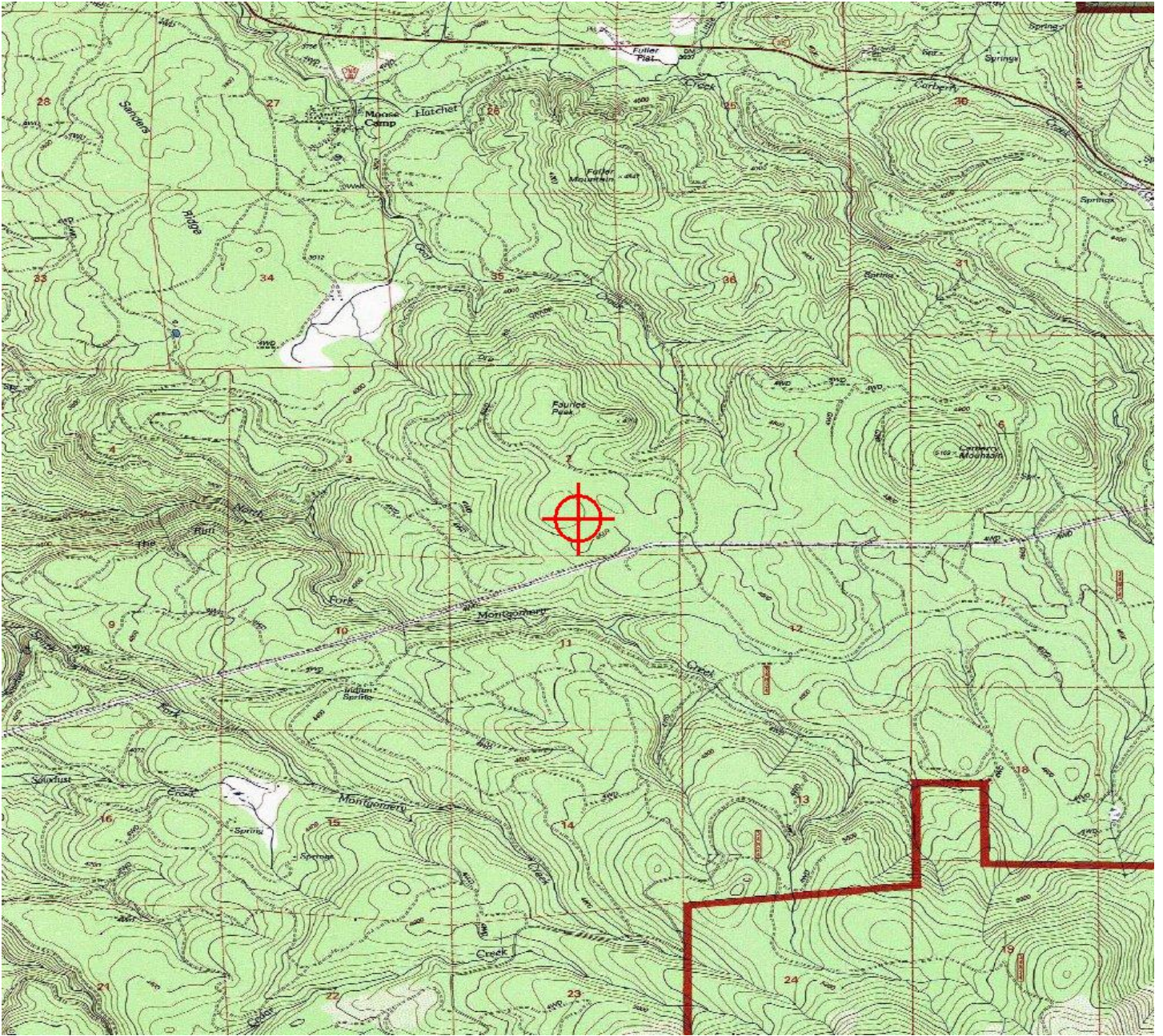
#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

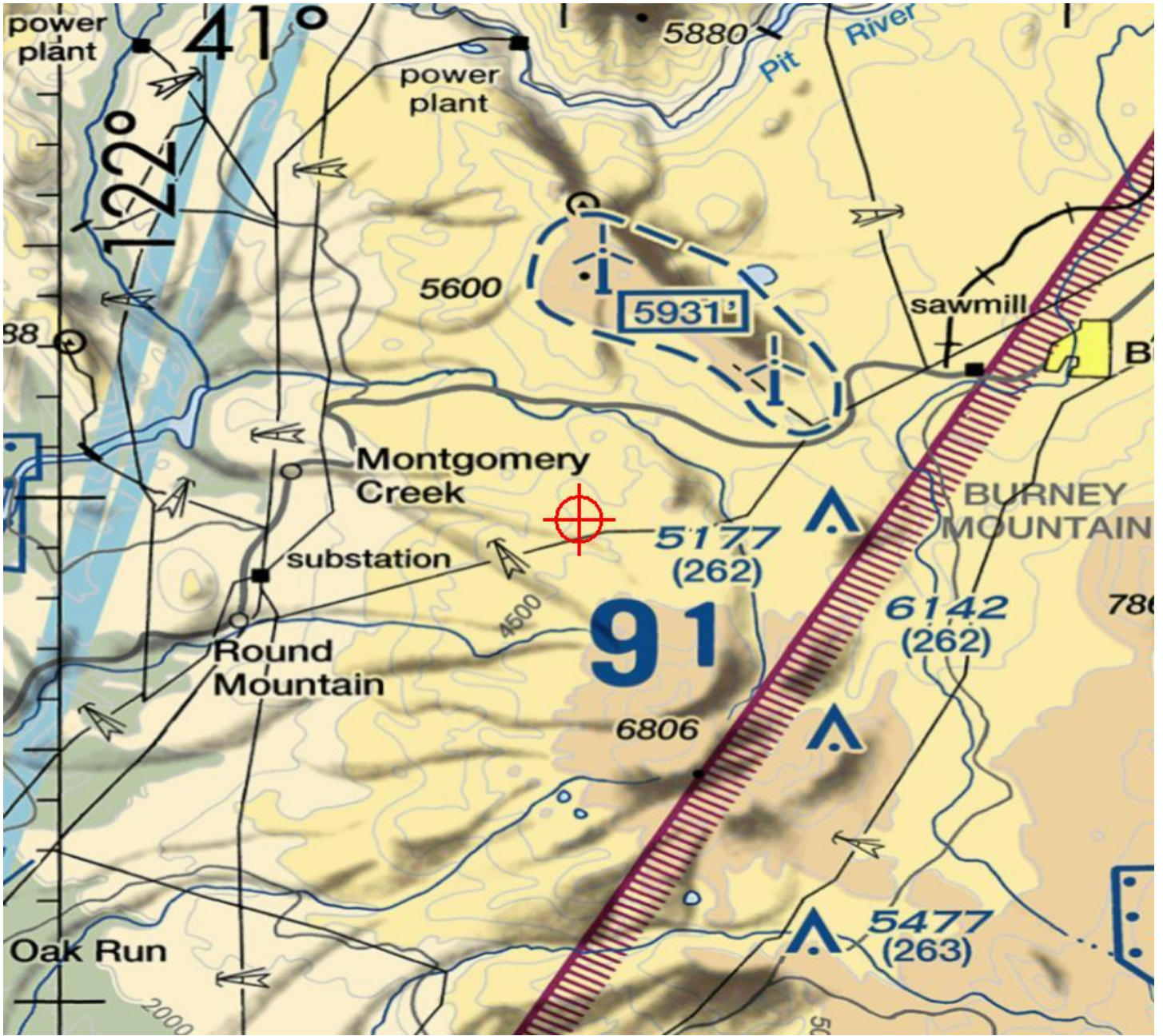
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.









Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5295-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine F04  
 Location: Burney, CA  
 Latitude: 40-49-16.67N NAD 83  
 Longitude: 121-48-34.54W  
 Heights: 4705 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5384 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5295-OE.

**Signature Control No: 440833074-486755302**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5295-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
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 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
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 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
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2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.



c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

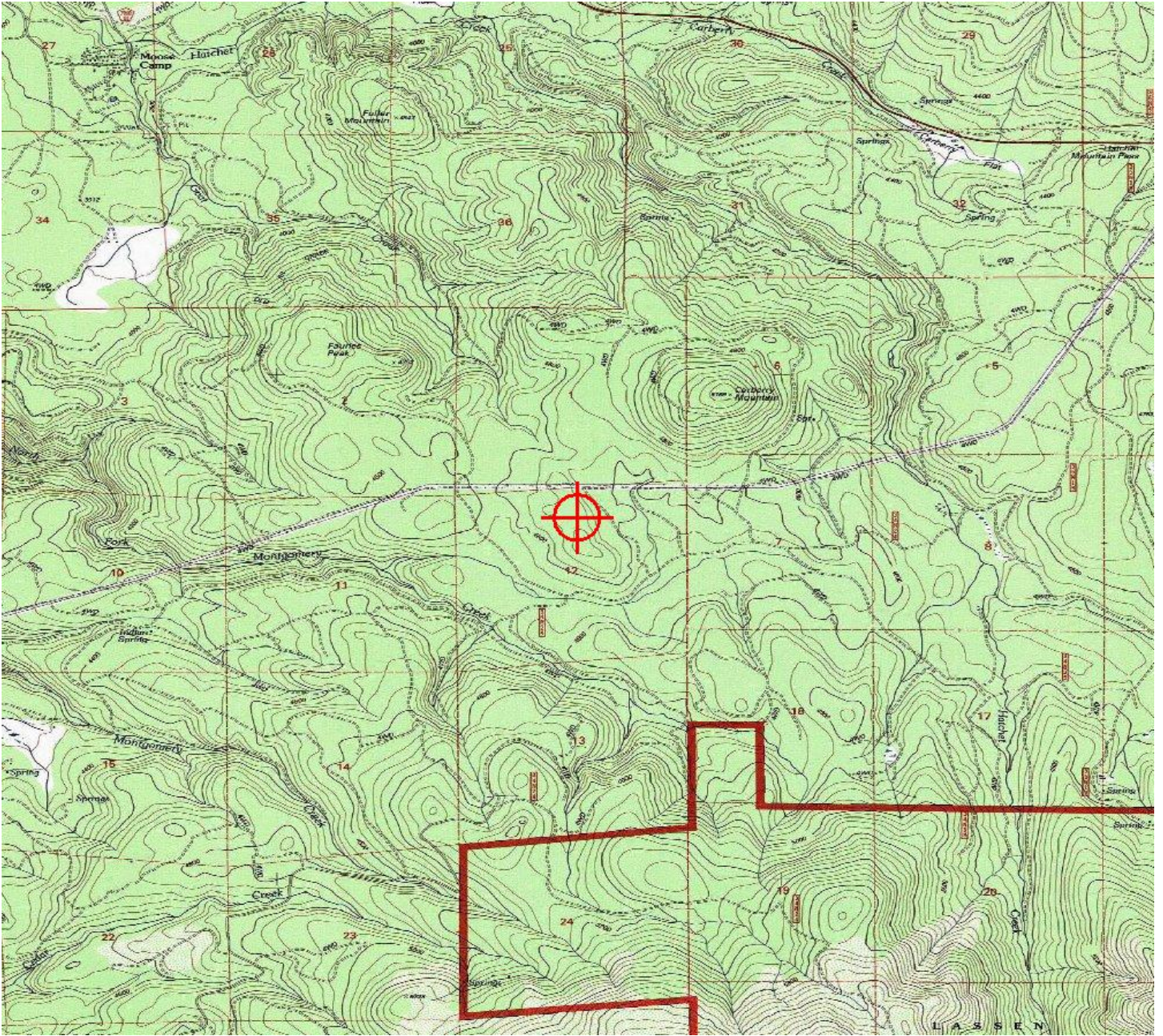
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

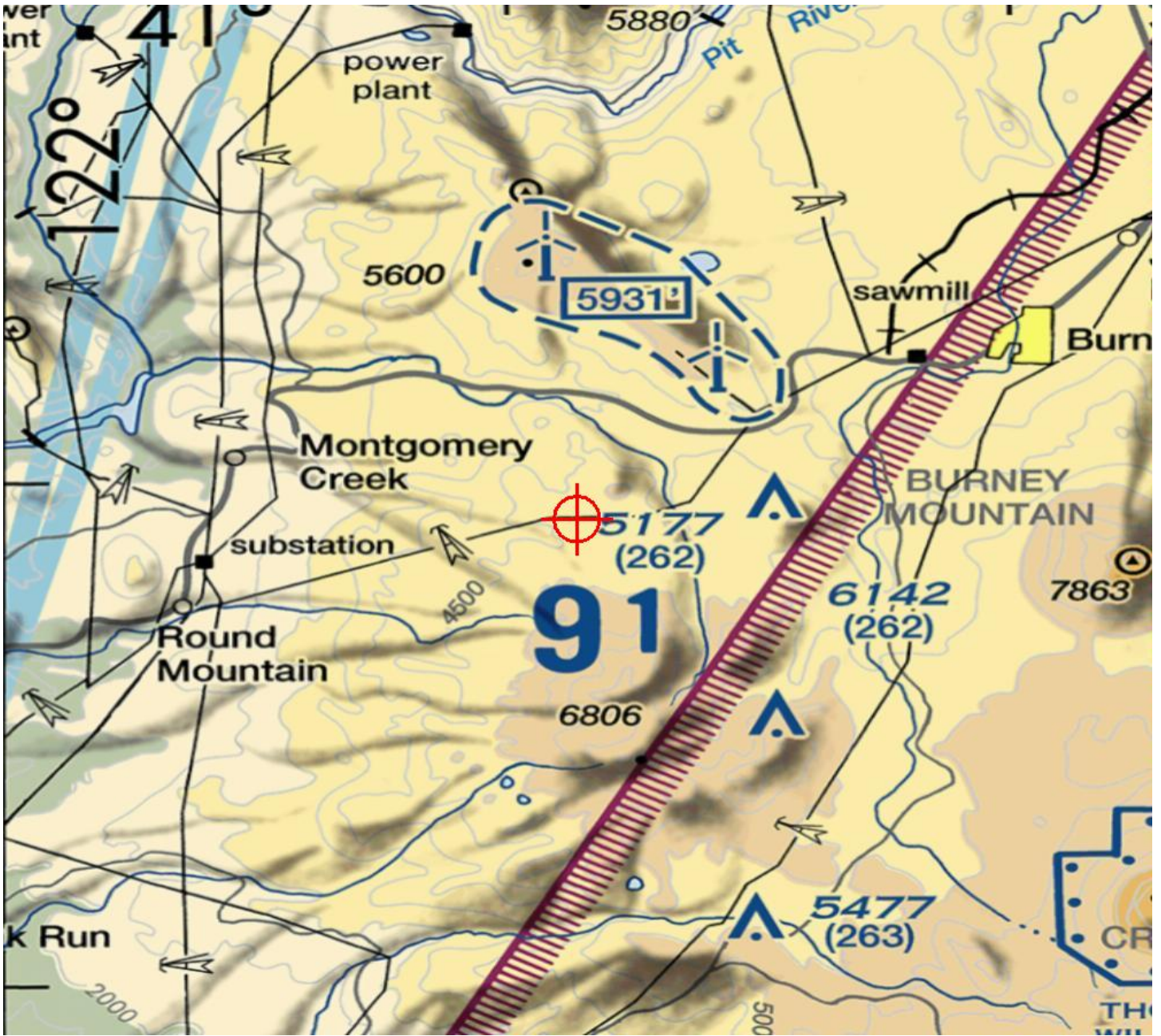
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5295-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5296-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine F05  
 Location: Burney, CA  
 Latitude: 40-49-05.37N NAD 83  
 Longitude: 121-48-27.73W  
 Heights: 4724 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5403 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5296-OE.

**Signature Control No: 440833075-486755304**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5296-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /



2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
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 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
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 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

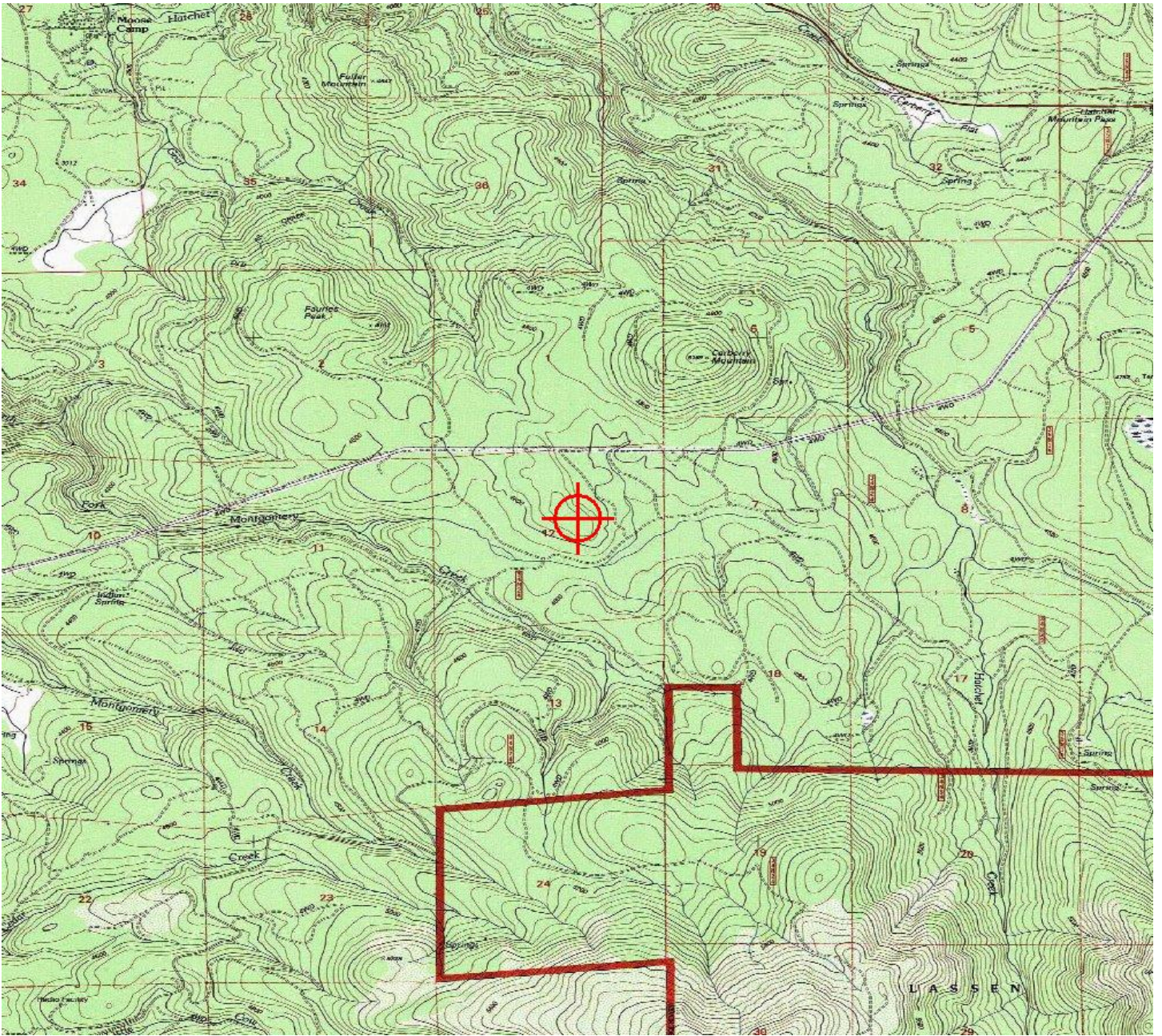
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

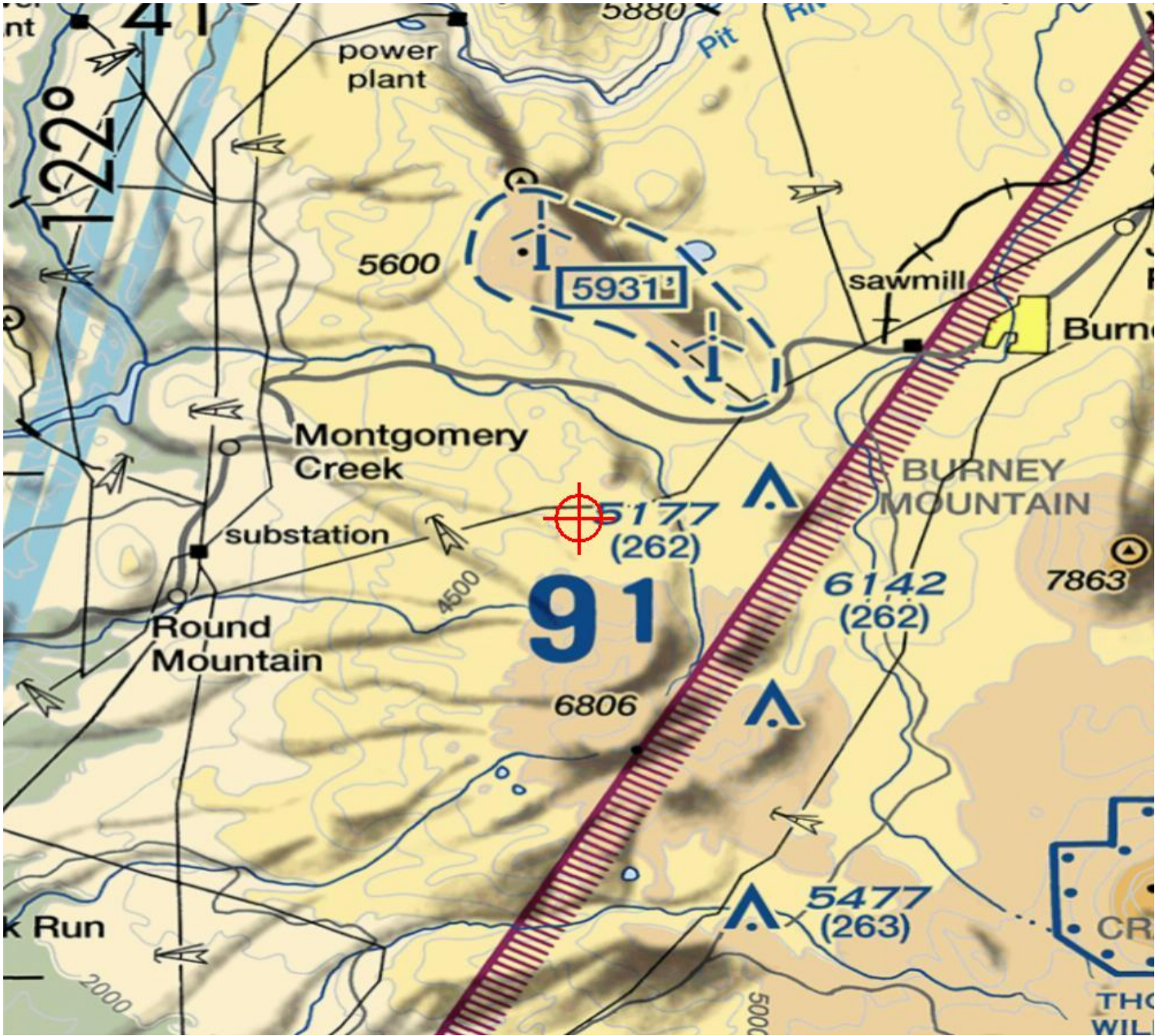
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5296-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5297-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine F06  
 Location: Burney, CA  
 Latitude: 40-48-40.95N NAD 83  
 Longitude: 121-48-25.04W  
 Heights: 4656 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5335 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:



- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5297-OE.

**Signature Control No: 440833076-486755313**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5297-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

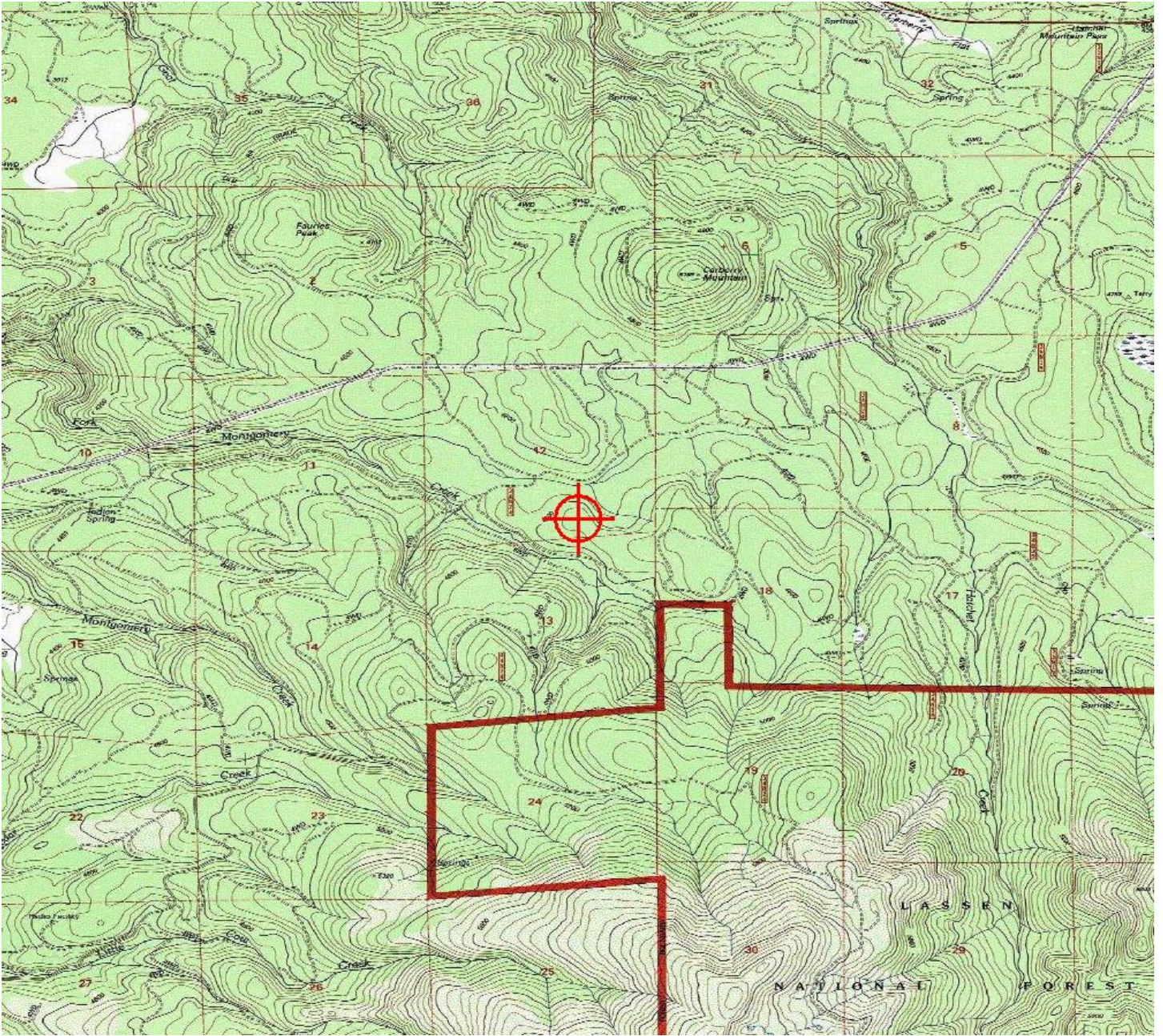
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

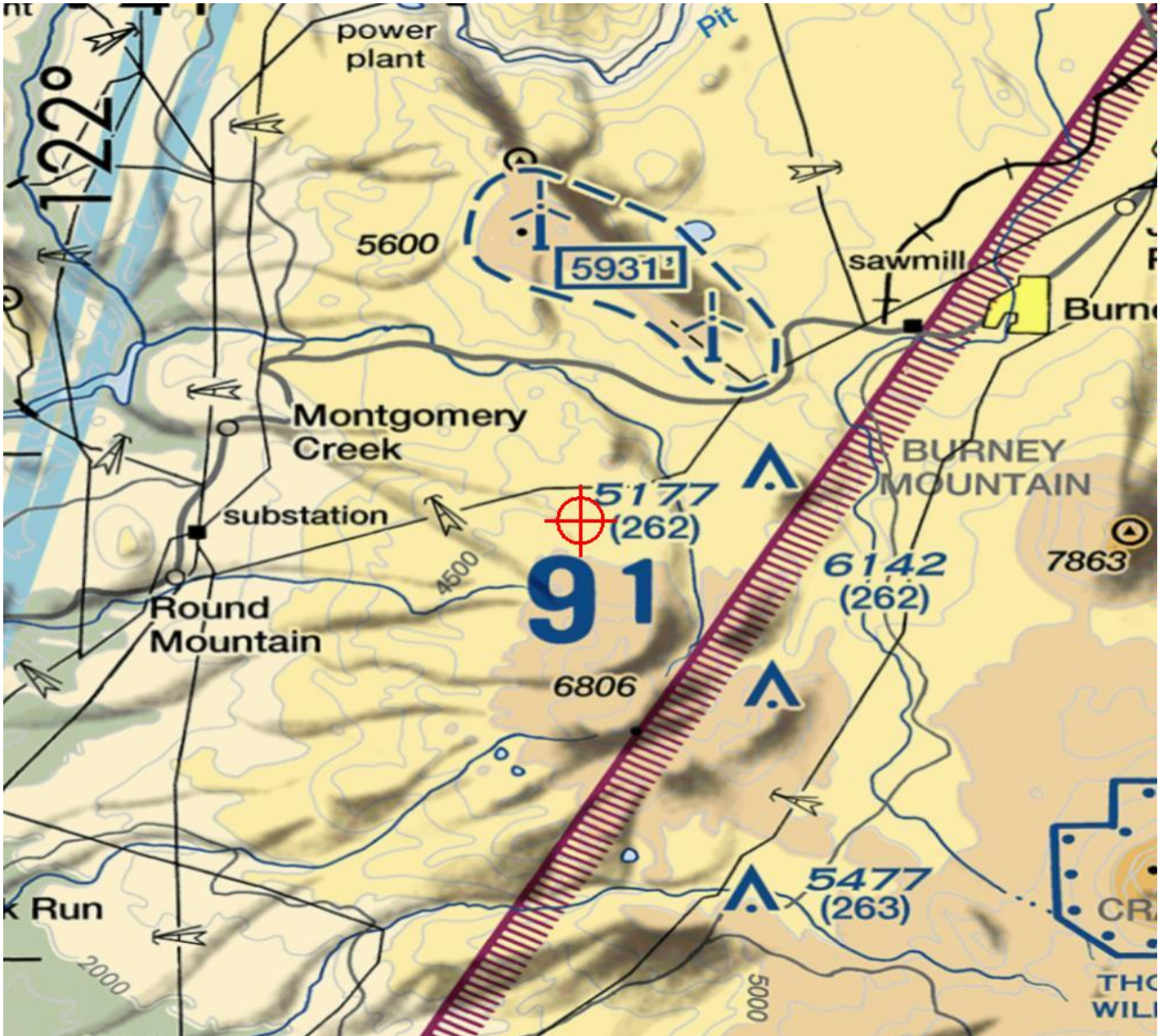
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.









Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5298-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine H01  
 Location: Burney, CA  
 Latitude: 40-48-56.05N NAD 83  
 Longitude: 121-50-04.92W  
 Heights: 4528 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5207 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5298-OE.

**Signature Control No: 440833077-486755317**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5298-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE



At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

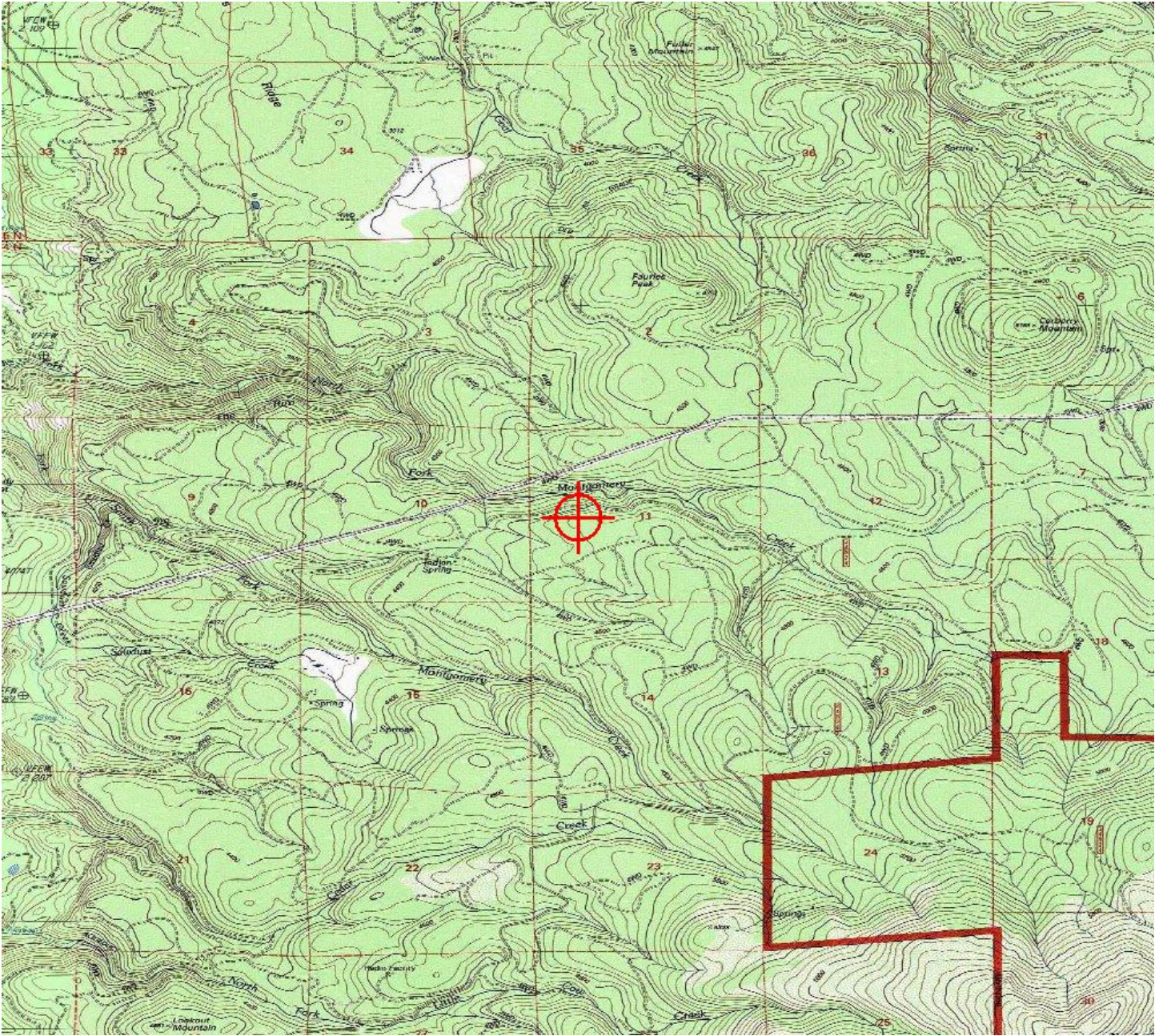
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

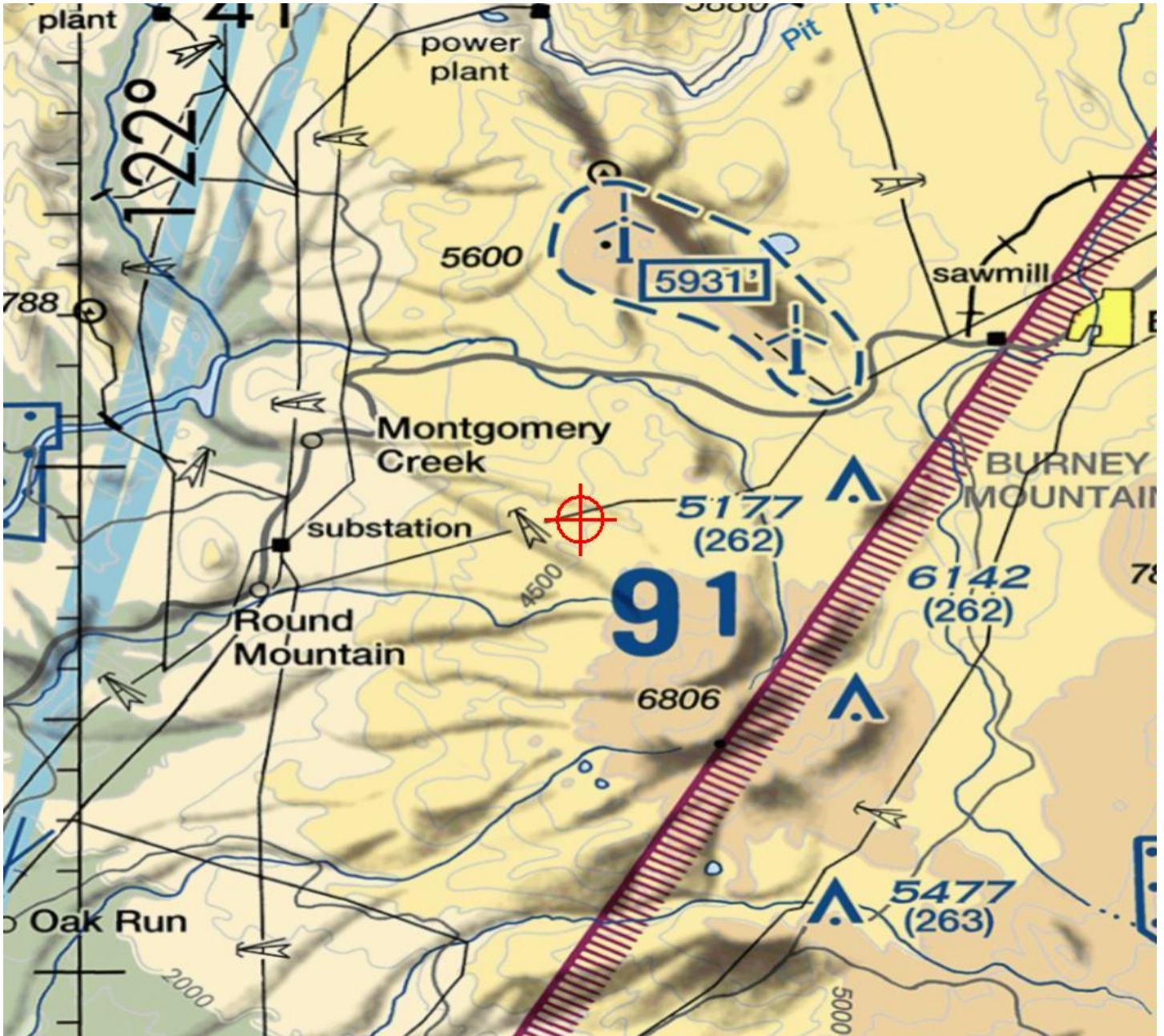
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5298-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5299-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine H02  
 Location: Burney, CA  
 Latitude: 40-48-50.84N NAD 83  
 Longitude: 121-49-49.27W  
 Heights: 4565 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5244 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5299-OE.

**Signature Control No: 440833078-486755314**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)



## Additional information for ASN 2020-WTW-5299-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

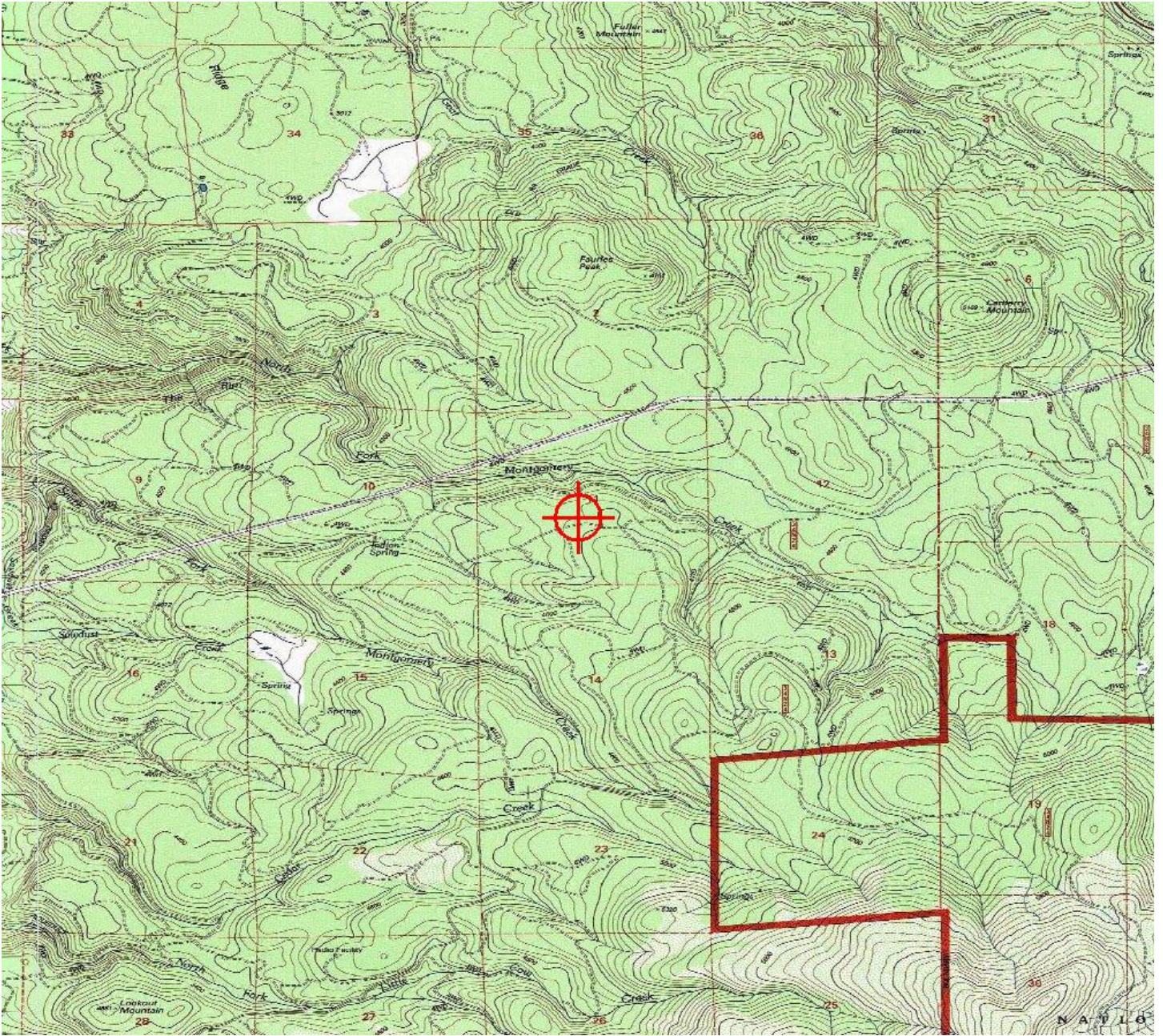
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

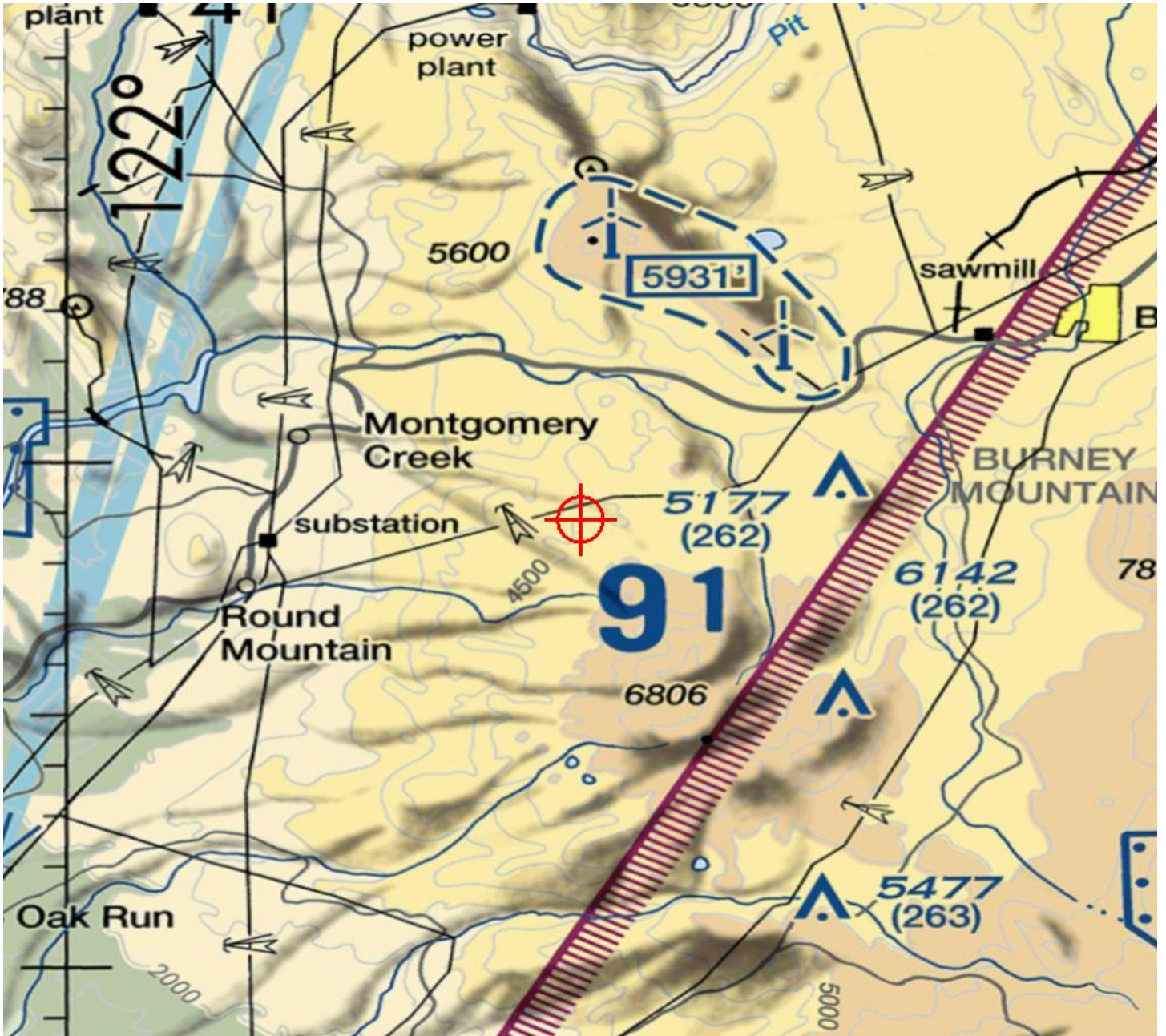
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5299-OE









Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5300-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine H03  
 Location: Burney, CA  
 Latitude: 40-48-39.72N NAD 83  
 Longitude: 121-49-30.66W  
 Heights: 4698 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5377 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5300-OE.

**Signature Control No: 440833079-486755319**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5300-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

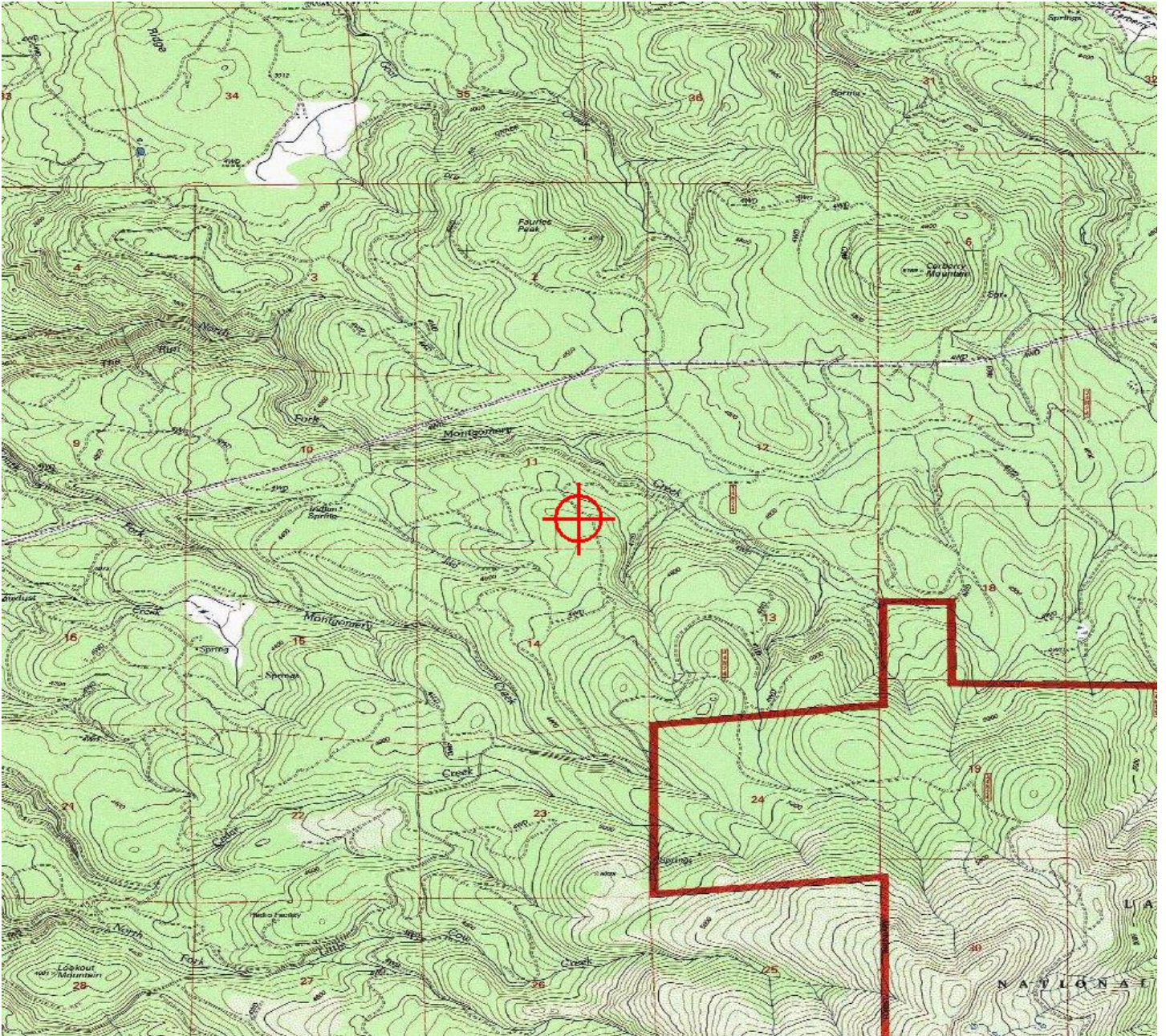
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

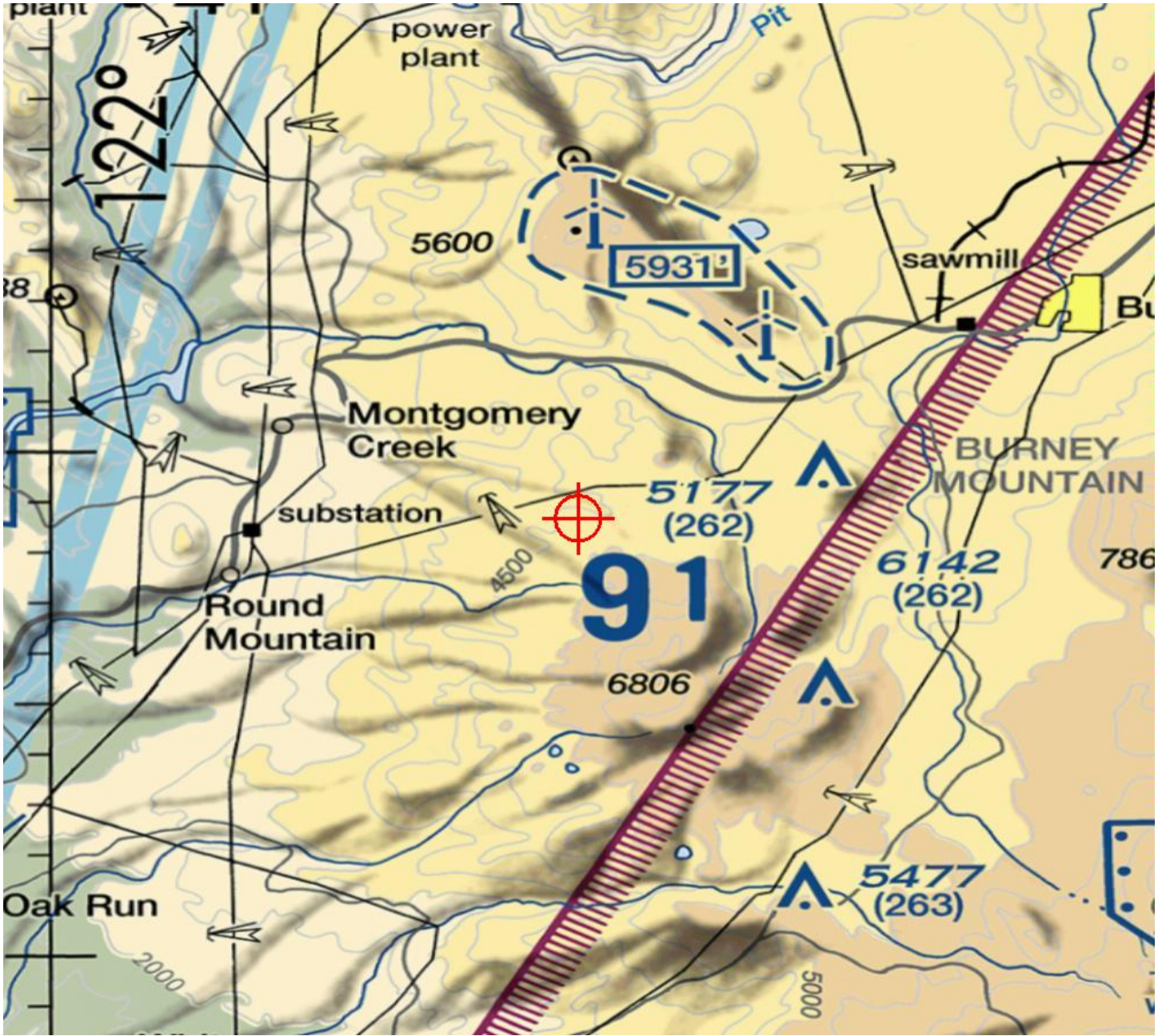


2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5300-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5301-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine J01  
 Location: Burney, CA  
 Latitude: 40-47-59.69N NAD 83  
 Longitude: 121-48-48.88W  
 Heights: 5122 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5801 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5301-OE.

**Signature Control No: 440833080-486755379**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5301-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /



2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

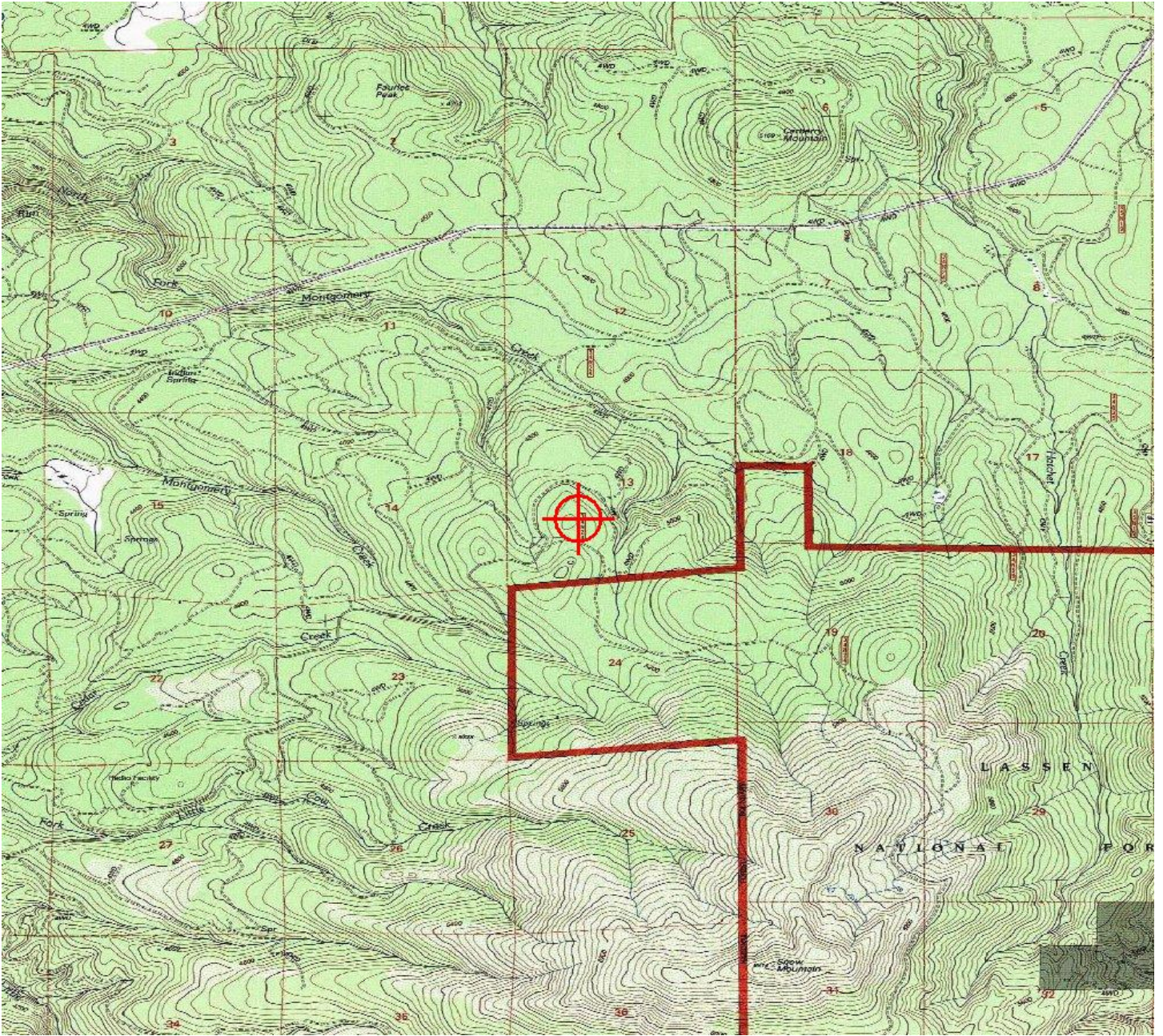
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

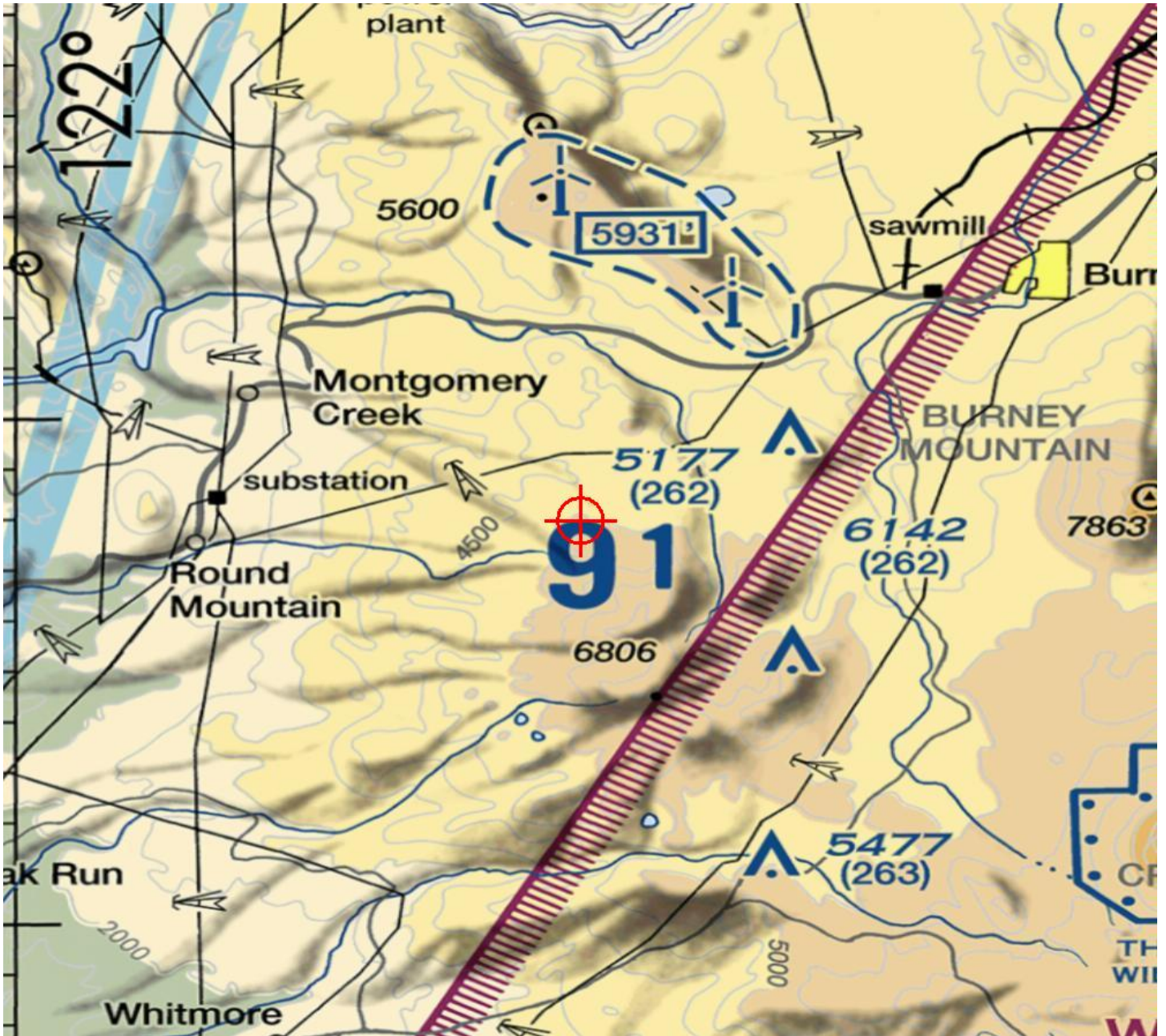
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5301-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5302-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine J02  
 Location: Burney, CA  
 Latitude: 40-47-52.25N NAD 83  
 Longitude: 121-48-18.54W  
 Heights: 5138 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5817 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be



used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5302-OE.

**Signature Control No: 440833081-486755426**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5302-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

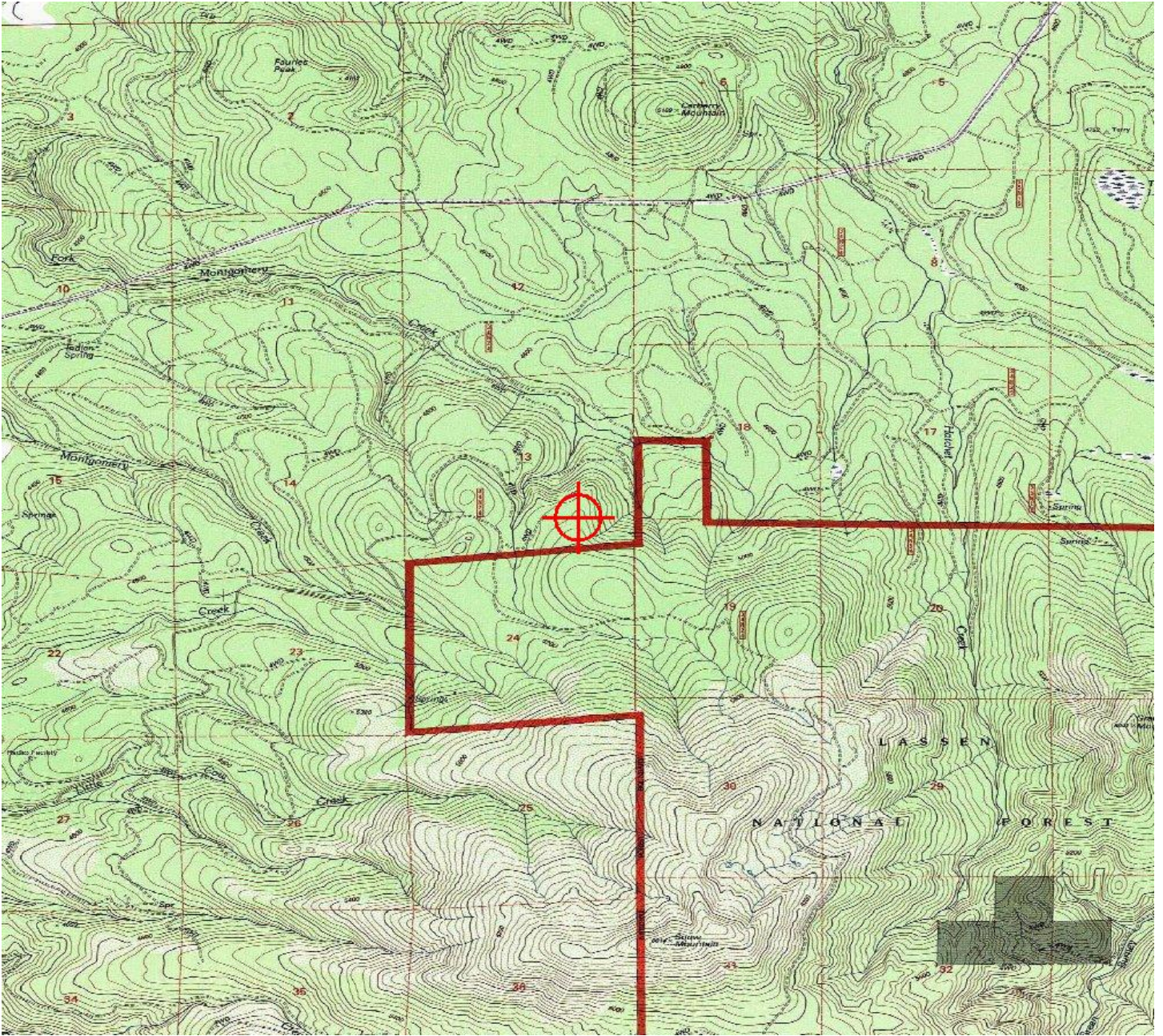
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5302-OE









Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5303-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine K01  
 Location: Burney, CA  
 Latitude: 40-49-01.38N NAD 83  
 Longitude: 121-51-11.92W  
 Heights: 4265 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 4944 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5303-OE.

**Signature Control No: 440833082-486755428**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5303-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

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Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

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2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
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 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
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 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
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2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
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2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
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2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.



c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

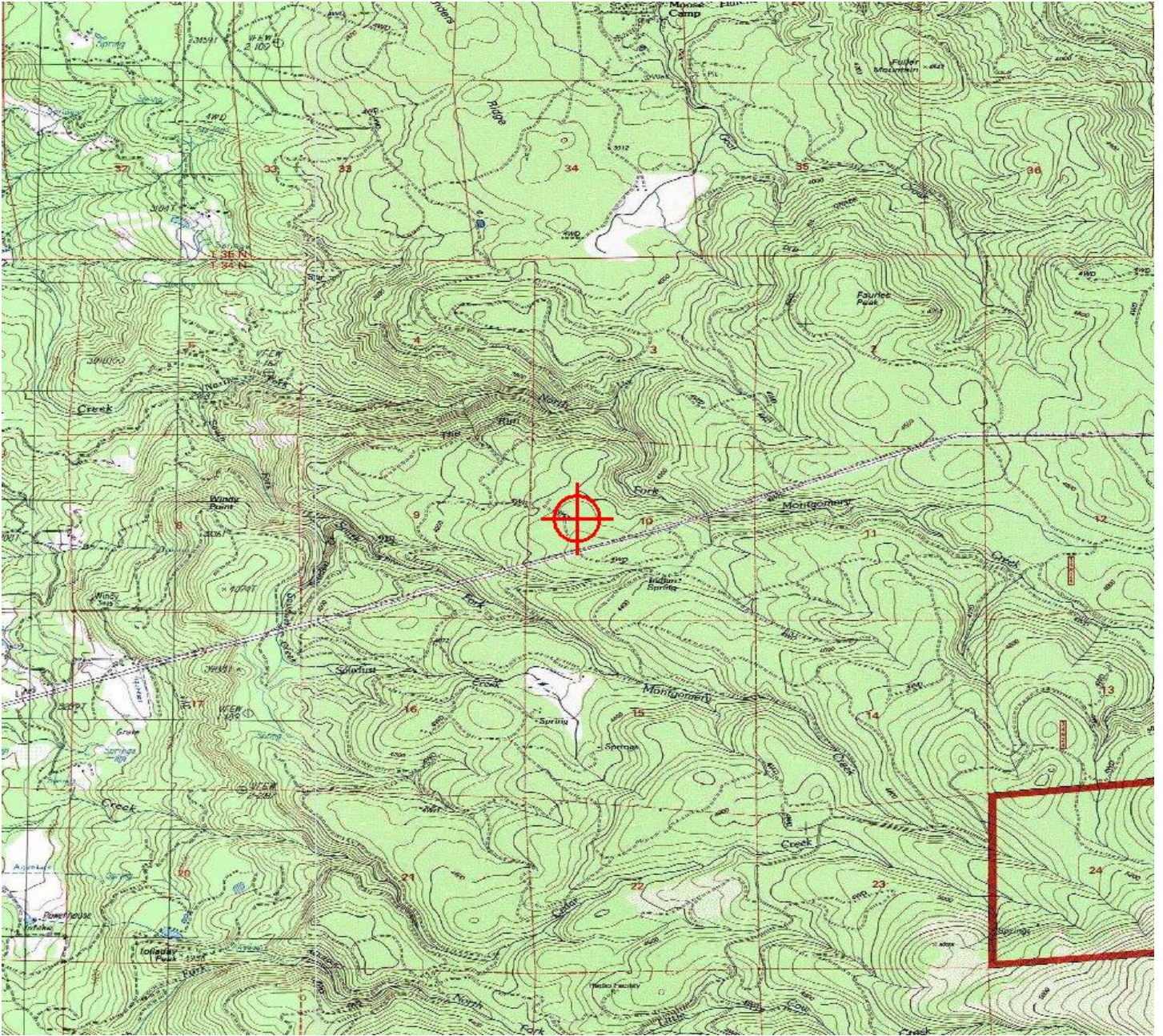
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

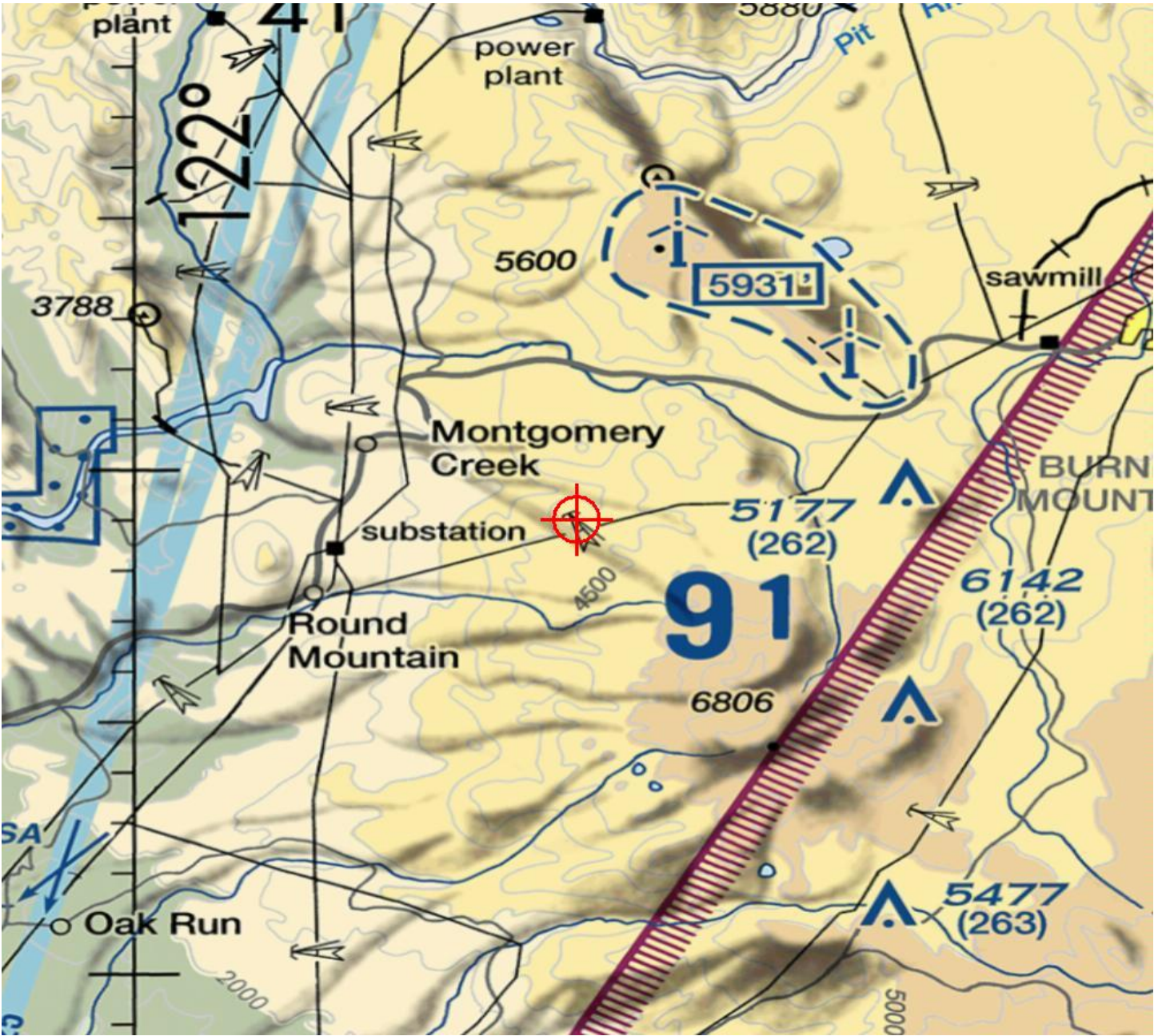
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

# TOPO Map for ASN 2020-WTW-5303-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5304-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine K02  
 Location: Burney, CA  
 Latitude: 40-48-40.25N NAD 83  
 Longitude: 121-50-50.32W  
 Heights: 4418 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5097 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5304-OE.

**Signature Control No: 440833083-486755441**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5304-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /



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 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
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 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
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 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

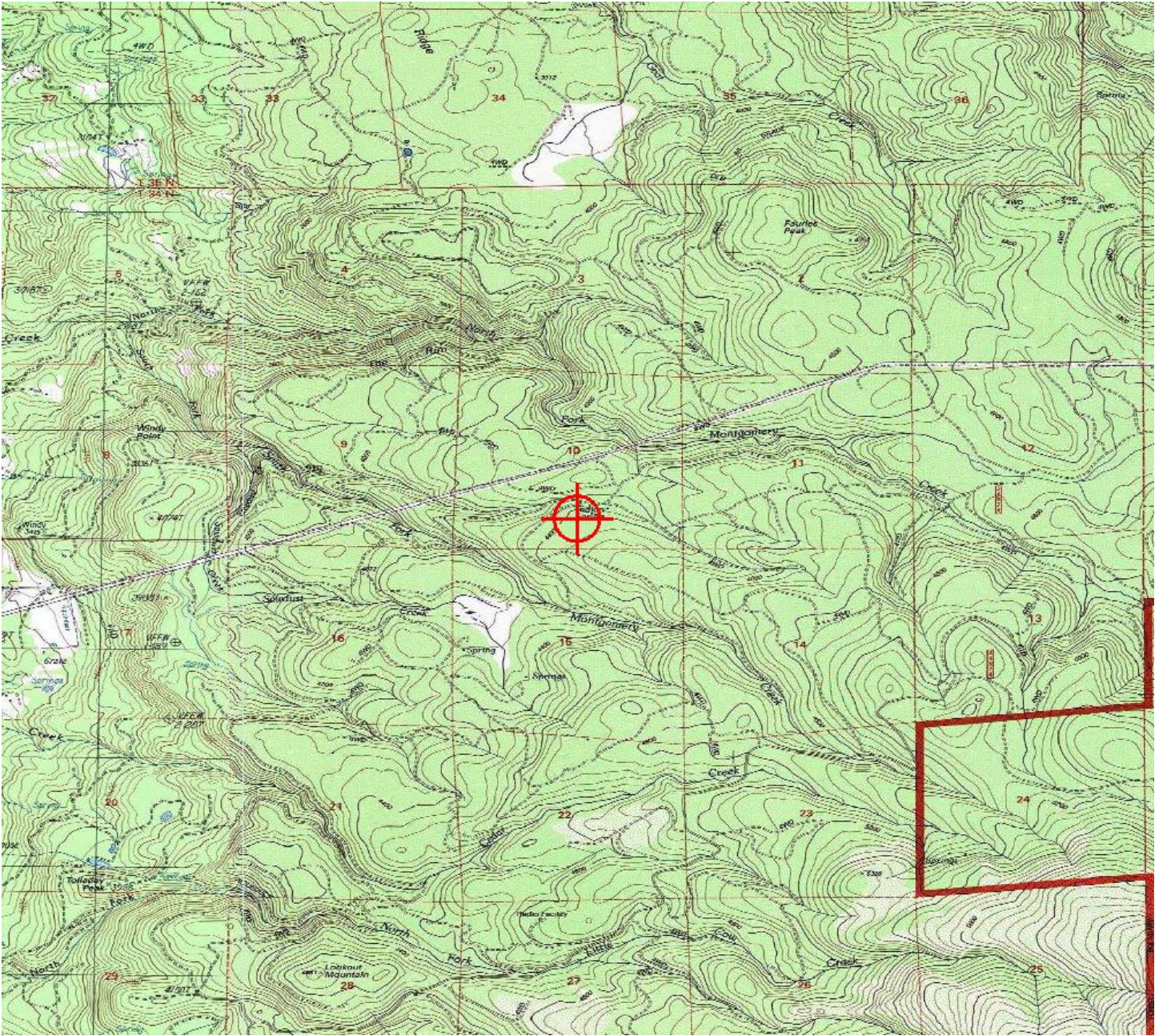
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

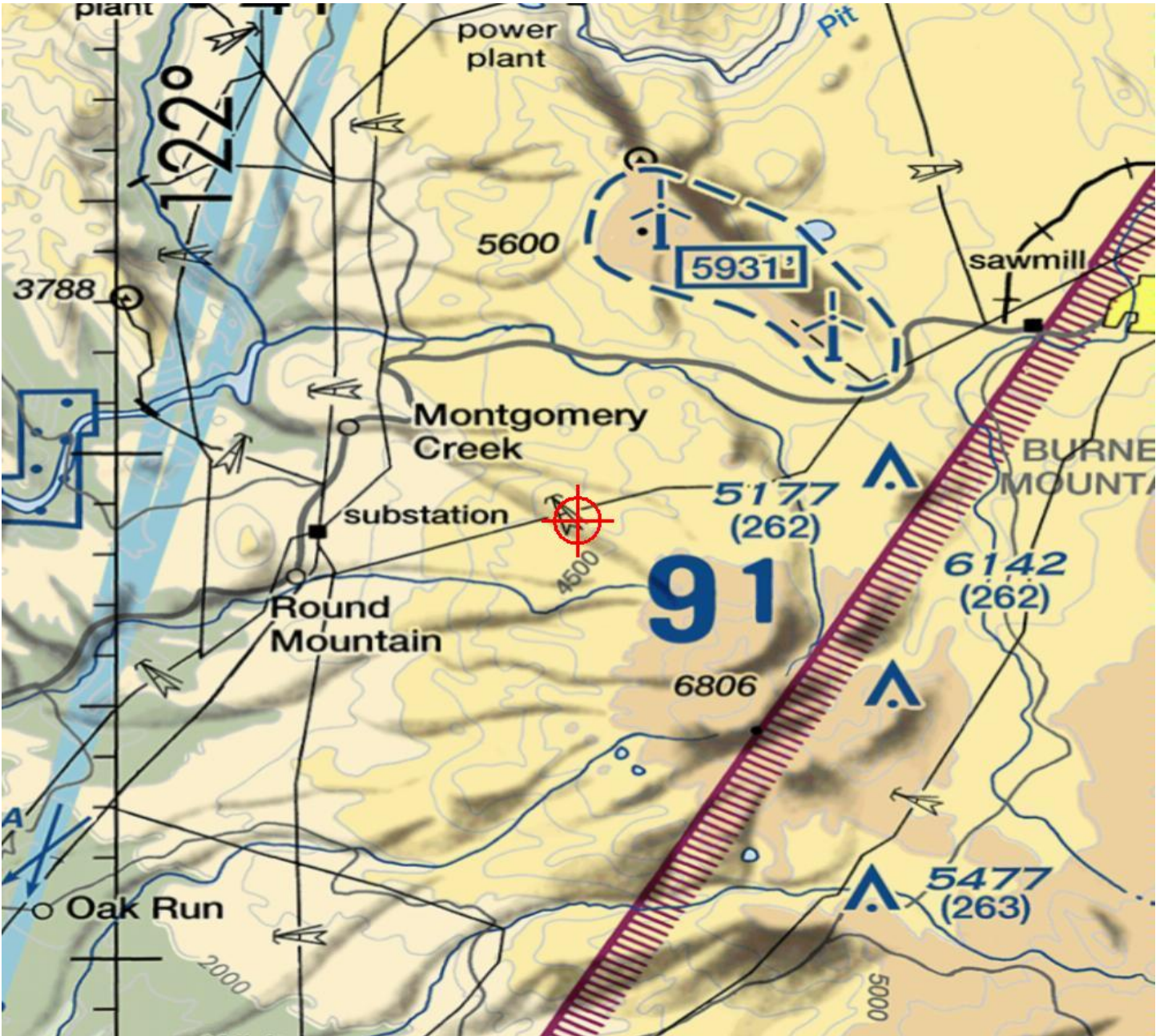
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5304-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5305-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine K03  
 Location: Burney, CA  
 Latitude: 40-48-30.86N NAD 83  
 Longitude: 121-50-39.37W  
 Heights: 4518 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5197 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:



- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5305-OE.

**Signature Control No: 440833084-486755451**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5305-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
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 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
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 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
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 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

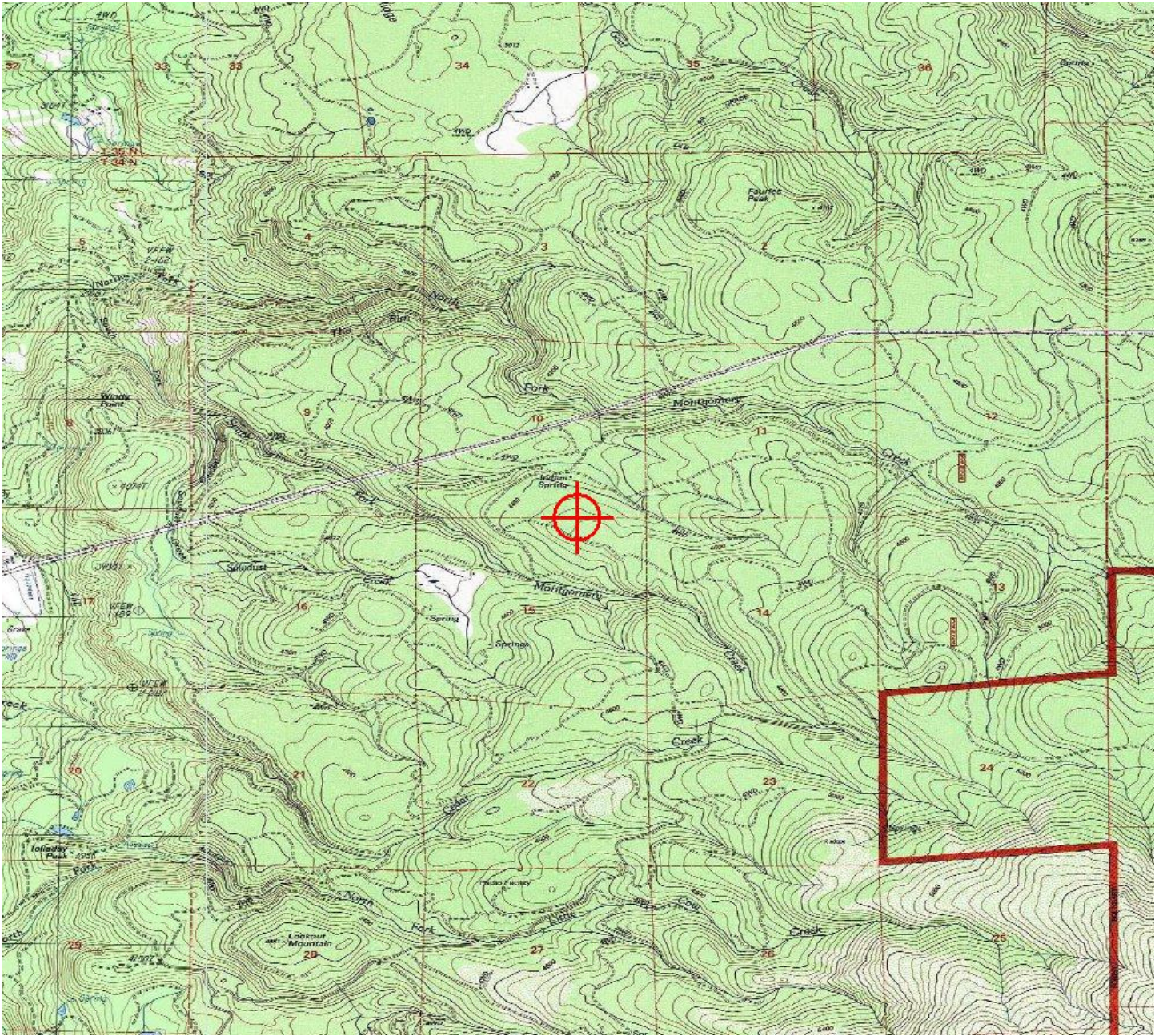
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.



TOPO Map for ASN 2020-WTW-5305-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5306-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine K04  
 Location: Burney, CA  
 Latitude: 40-48-22.89N NAD 83  
 Longitude: 121-50-27.78W  
 Heights: 4538 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5217 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5306-OE.

**Signature Control No: 440833085-486755452**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5306-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
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 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
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 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
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 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE



At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

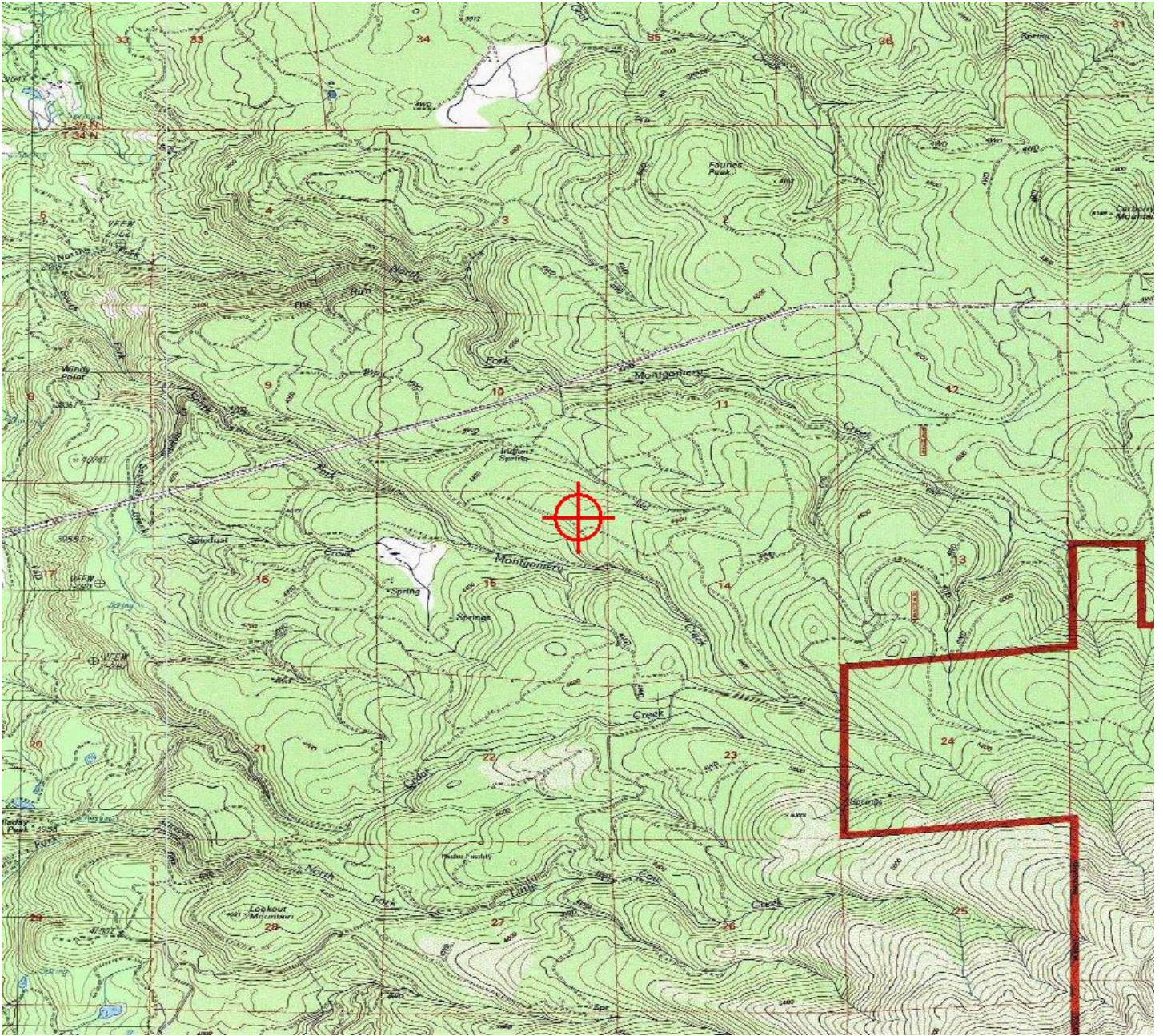
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5306-OE



Sectional Map for ASN 2020-WTW-5306-OE





Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5307-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine K05  
 Location: Burney, CA  
 Latitude: 40-48-12.64N NAD 83  
 Longitude: 121-50-18.85W  
 Heights: 4570 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5249 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5307-OE.

**Signature Control No: 440833088-486755455**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)



## Additional information for ASN 2020-WTW-5307-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

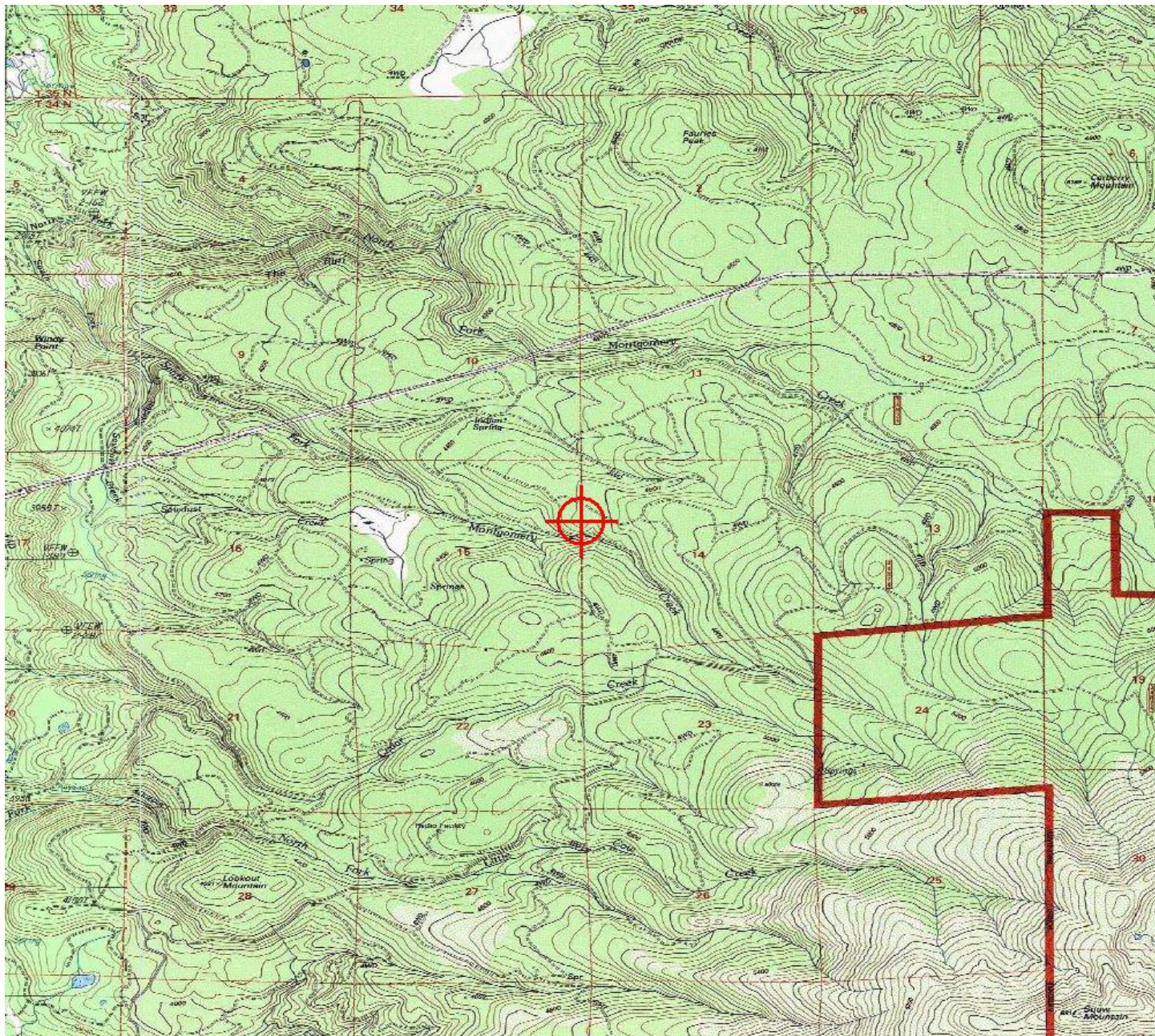
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5307-OE









Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5308-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine K06  
 Location: Burney, CA  
 Latitude: 40-48-12.69N NAD 83  
 Longitude: 121-49-46.55W  
 Heights: 4790 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5469 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5308-OE.

**Signature Control No: 440833089-486755469**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5308-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

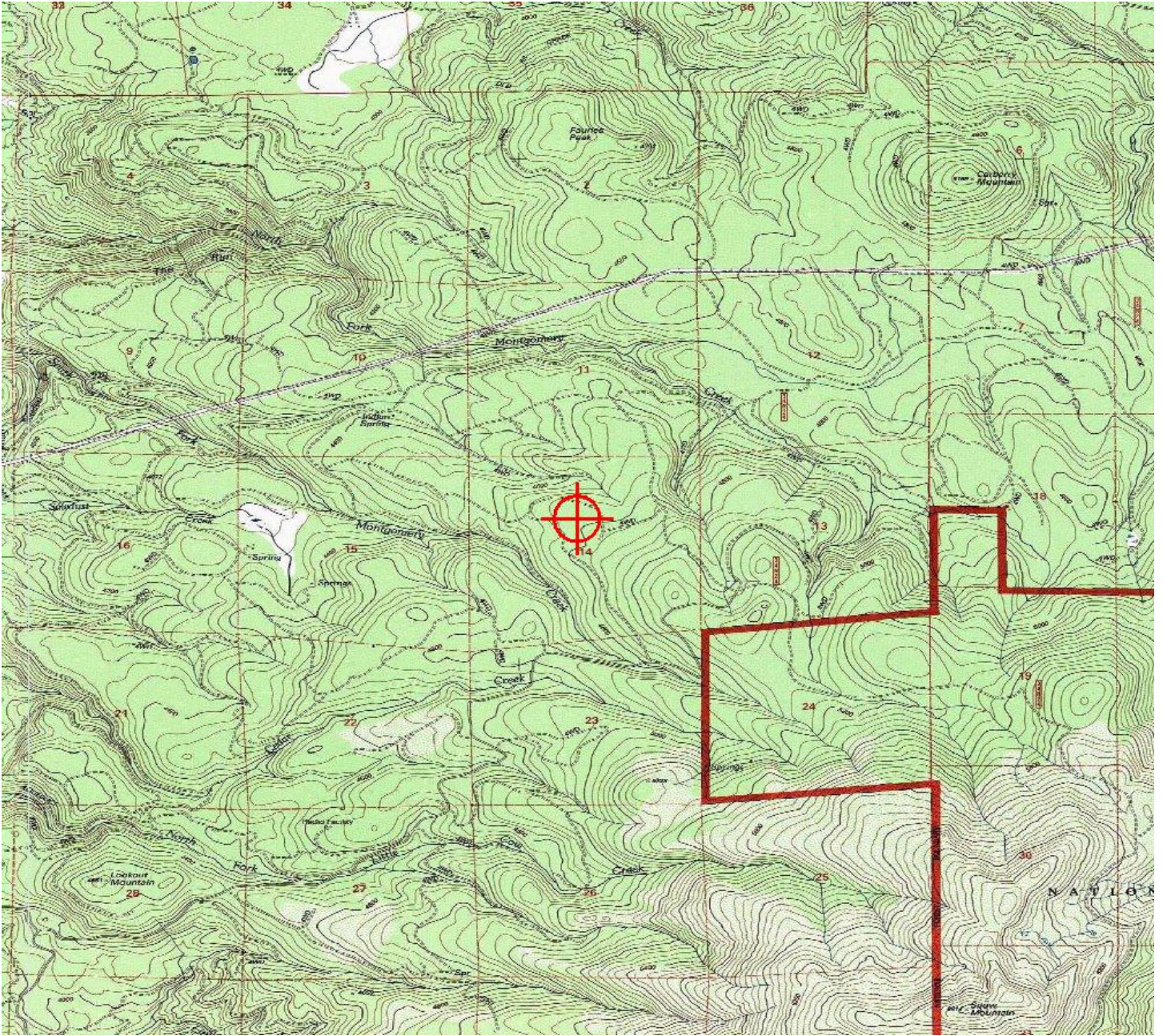
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

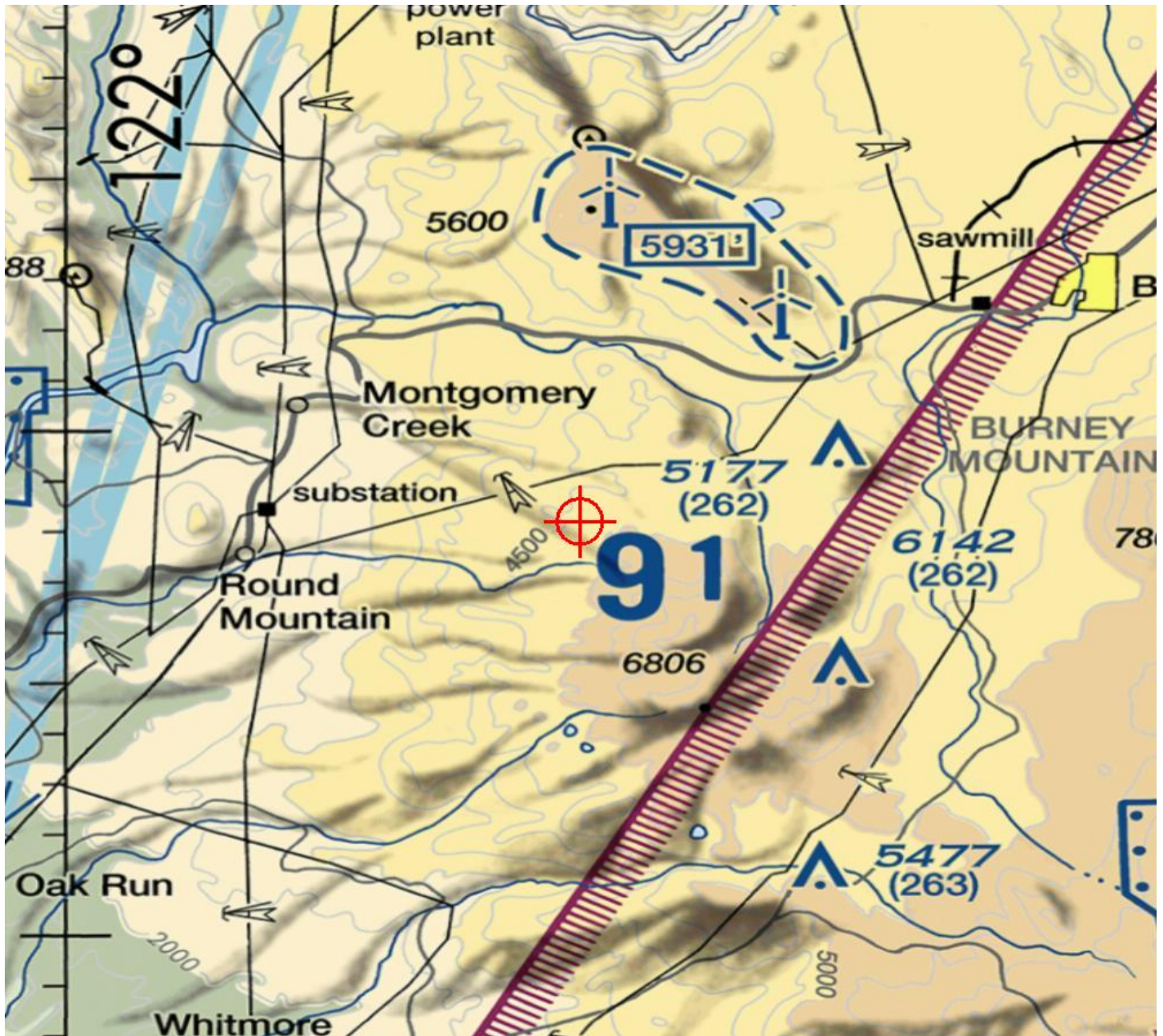


2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5308-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5309-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine K07  
 Location: Burney, CA  
 Latitude: 40-48-08.05N NAD 83  
 Longitude: 121-49-33.30W  
 Heights: 4859 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5538 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5309-OE.

**Signature Control No: 440833090-486755470**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5309-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /



2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

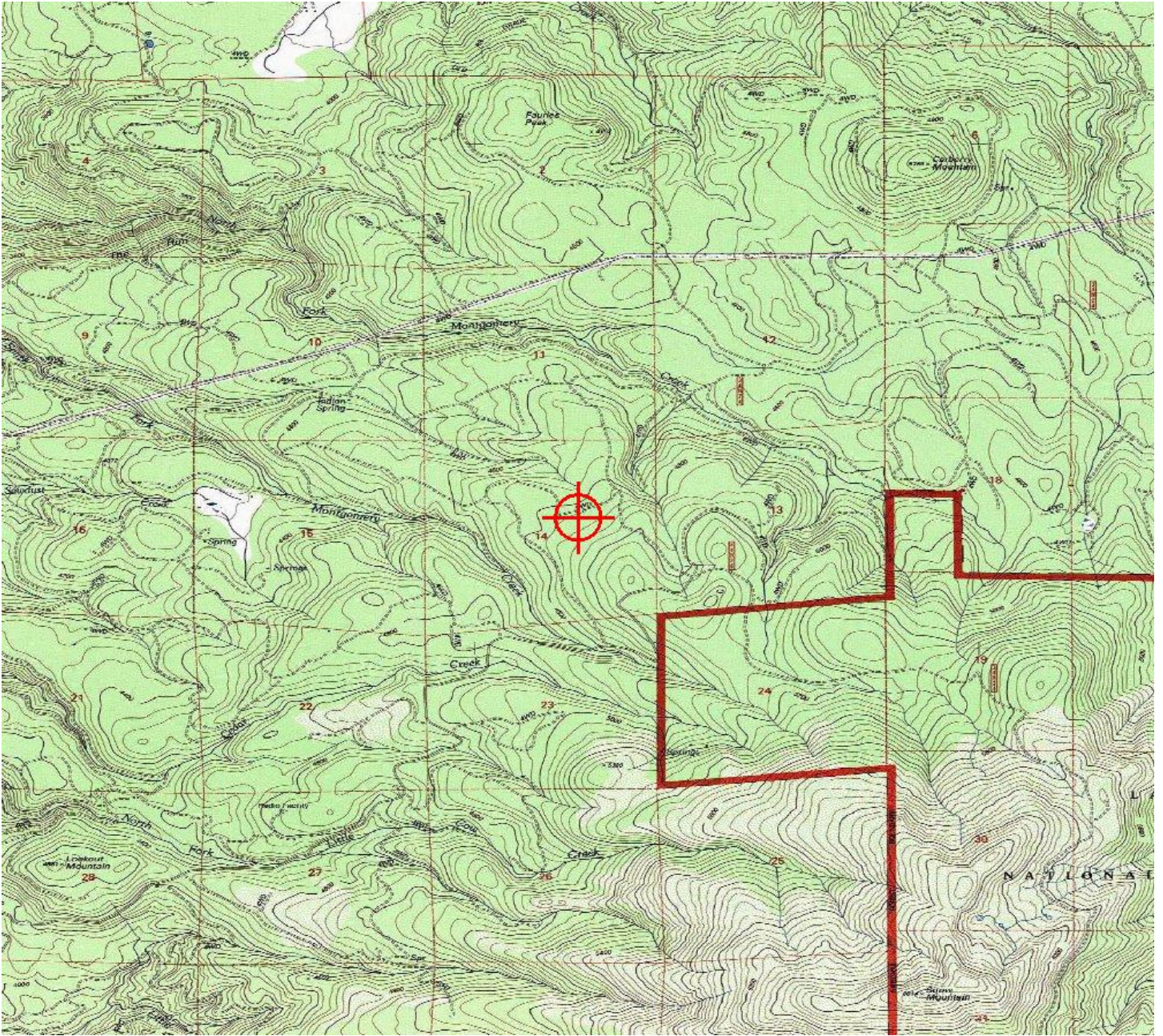
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5309-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5310-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine L04  
 Location: Burney, CA  
 Latitude: 40-47-44.06N NAD 83  
 Longitude: 121-50-33.35W  
 Heights: 4807 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5486 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be



used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5310-OE.

**Signature Control No: 440833091-486755472**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5310-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

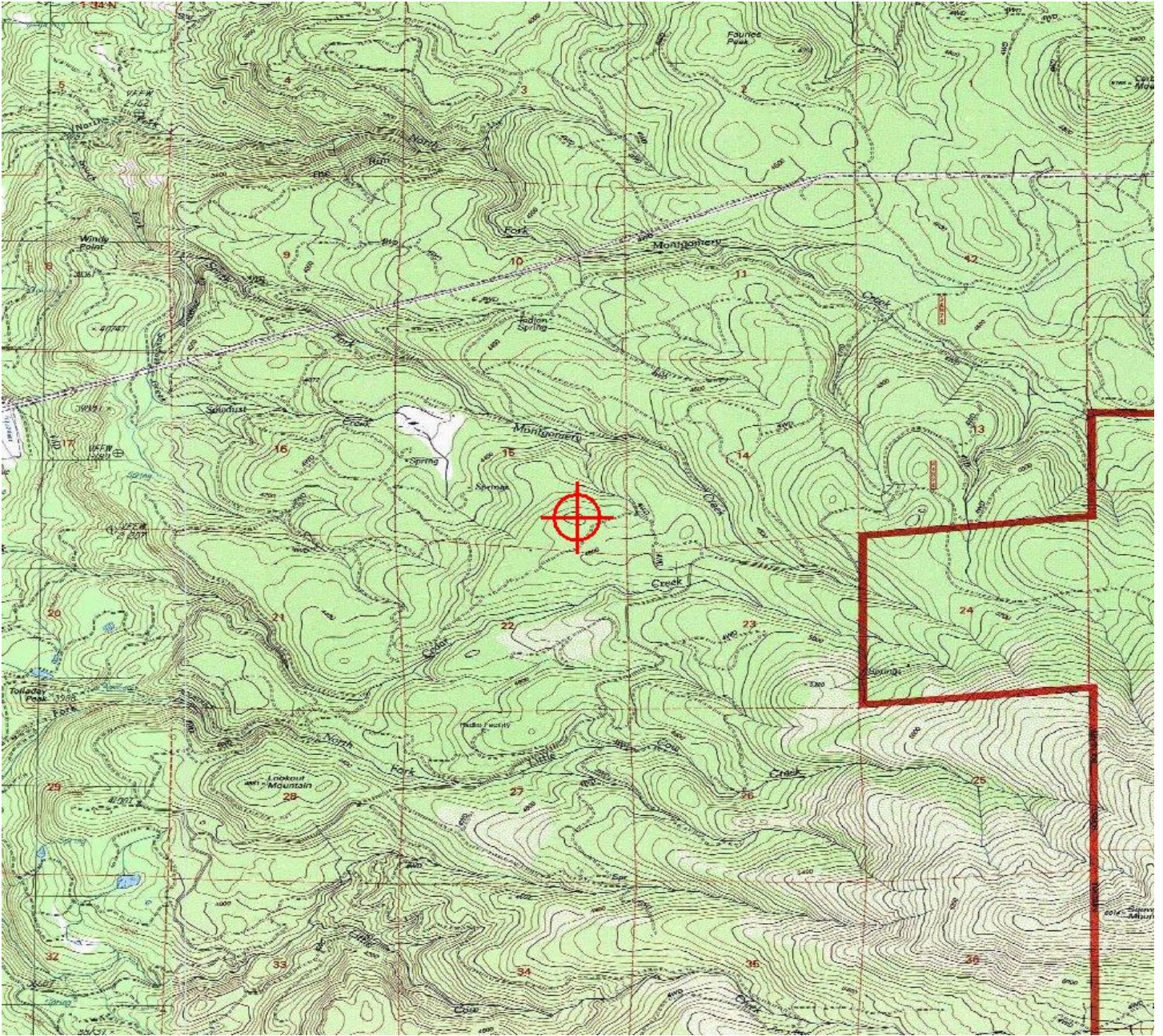
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

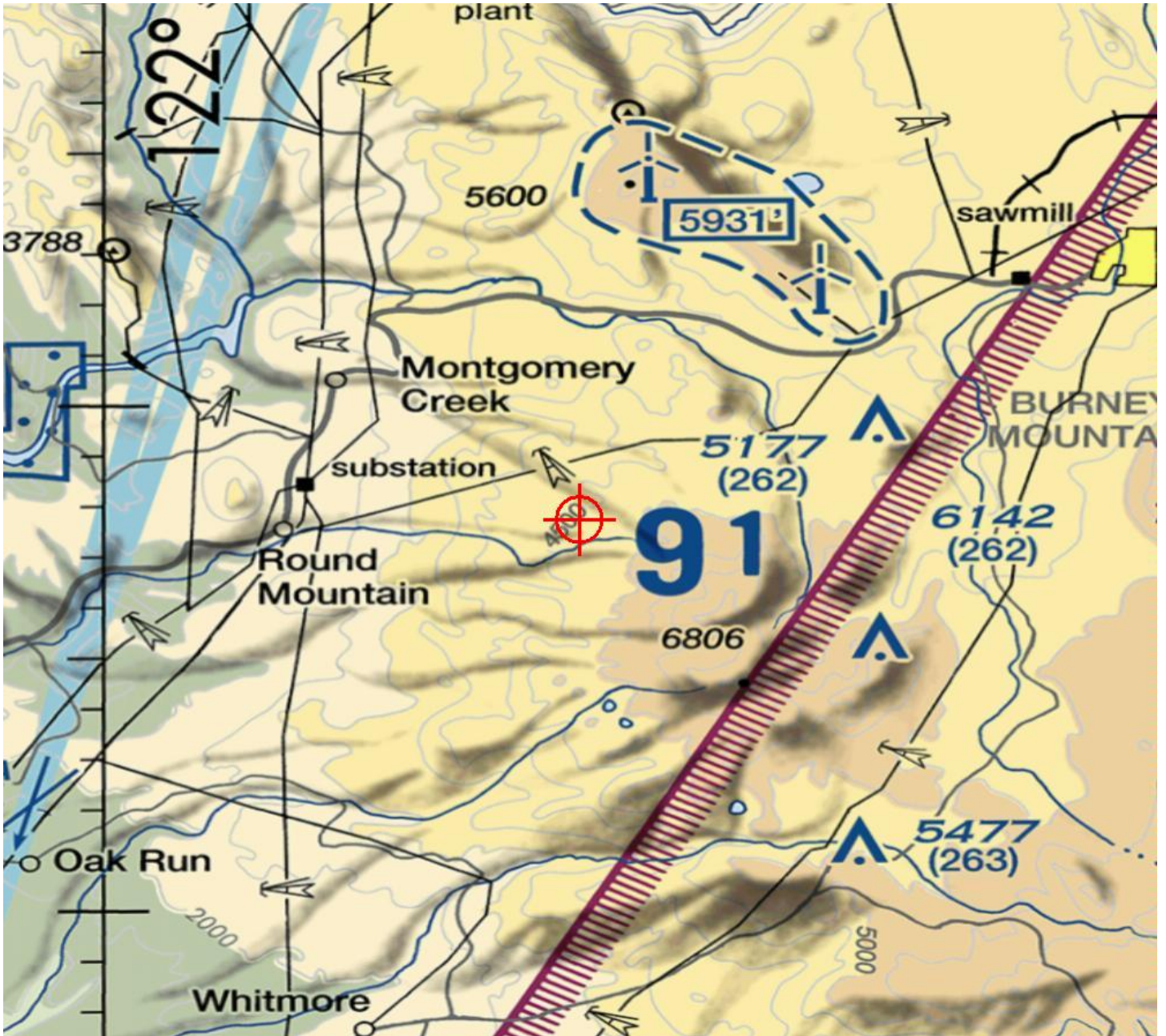
2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5310-OE









Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-WTW-5311-OE

Issued Date: 07/01/2021

Parker Lewis  
CG Fountain Wind LLC  
1001 McKinney St.  
Suite 700  
Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine L05  
Location: Burney, CA  
Latitude: 40-47-33.46N NAD 83  
Longitude: 121-50-27.03W  
Heights: 4808 feet site elevation (SE)  
679 feet above ground level (AGL)  
5487 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5311-OE.

**Signature Control No: 440833093-486755477**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5311-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.



c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

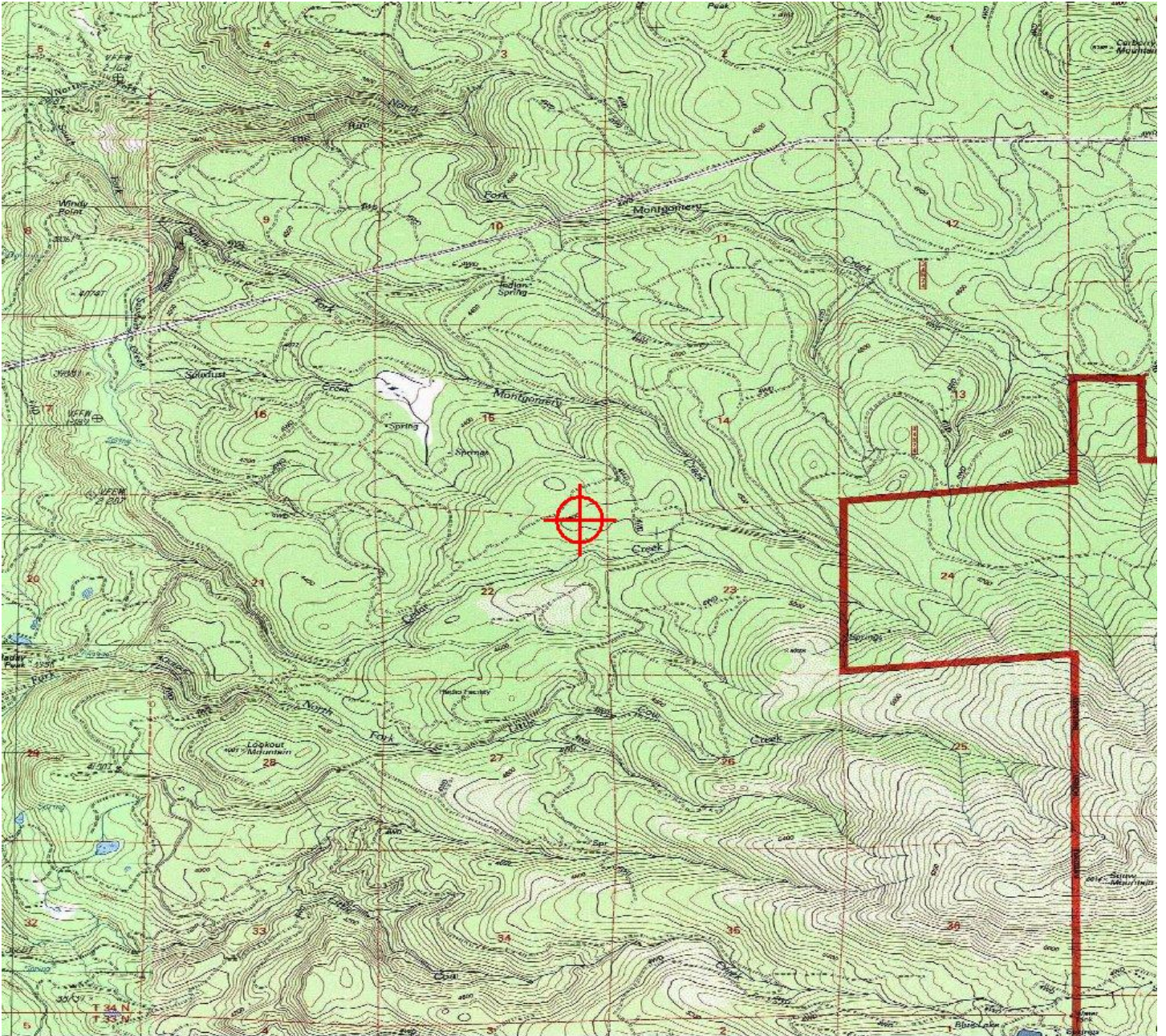
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

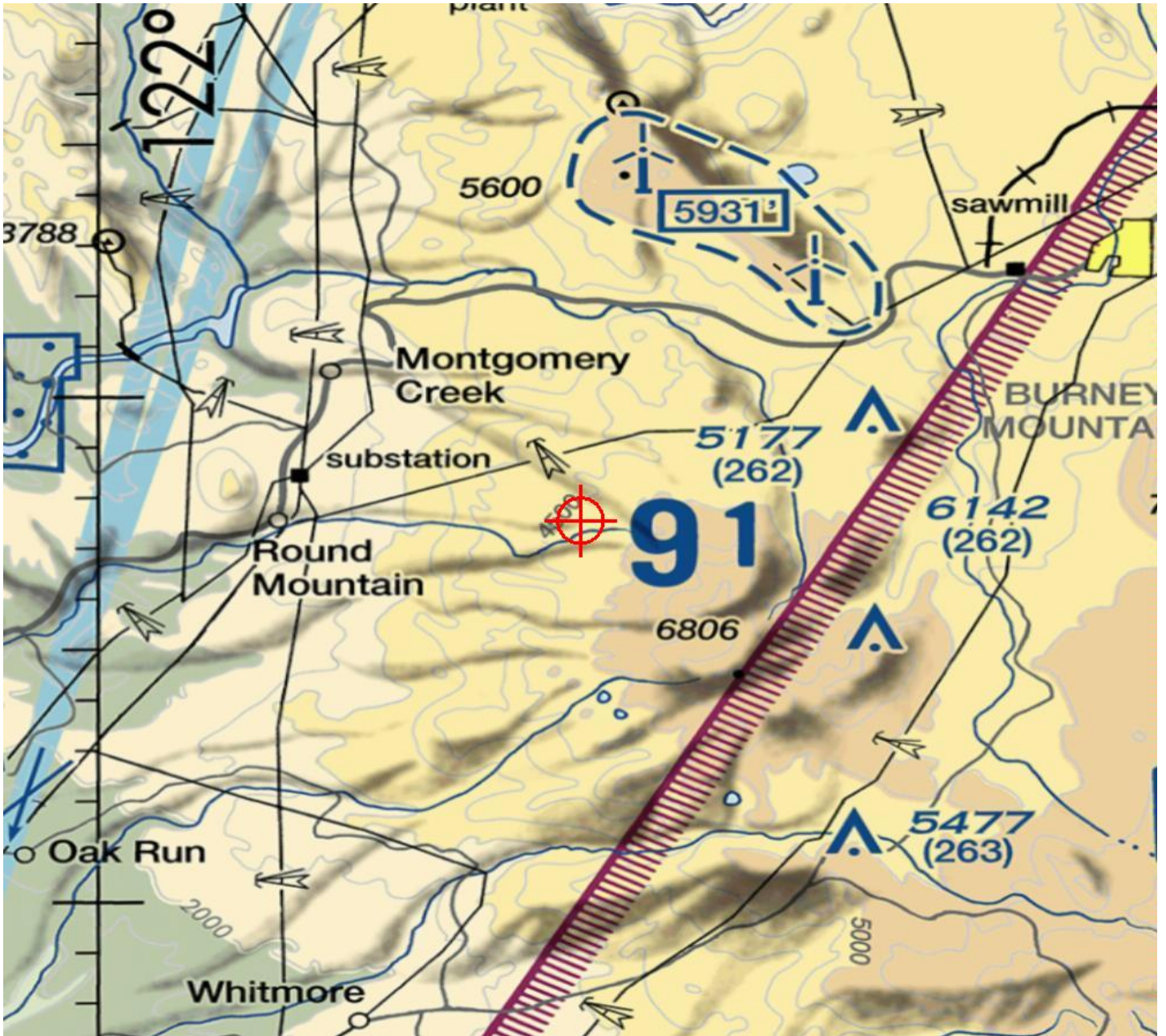
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5311-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5312-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine L06  
 Location: Burney, CA  
 Latitude: 40-47-31.39N NAD 83  
 Longitude: 121-50-04.72W  
 Heights: 4817 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5496 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5312-OE.

**Signature Control No: 440833098-486755481**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5312-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
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Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /



2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
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 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

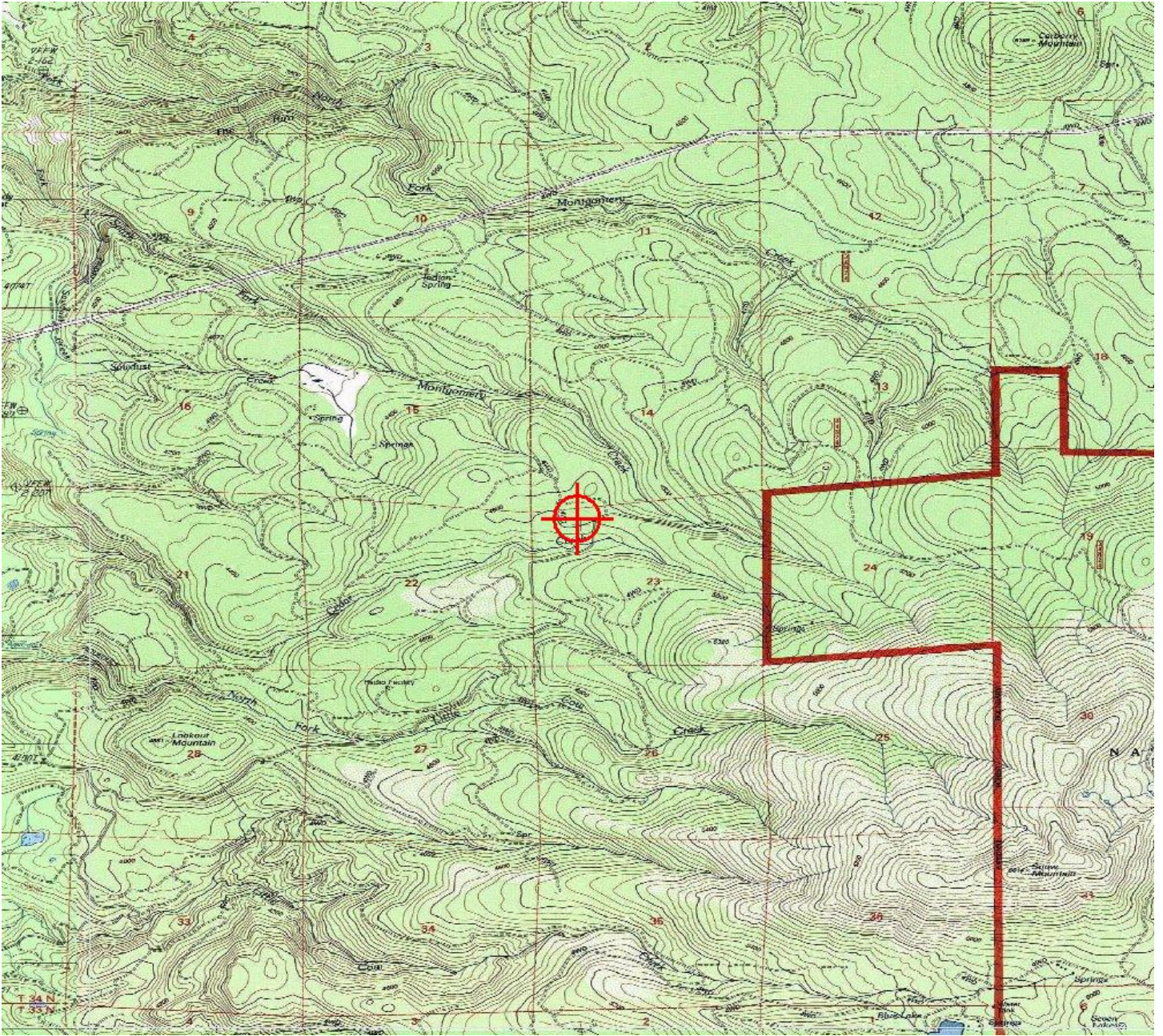
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

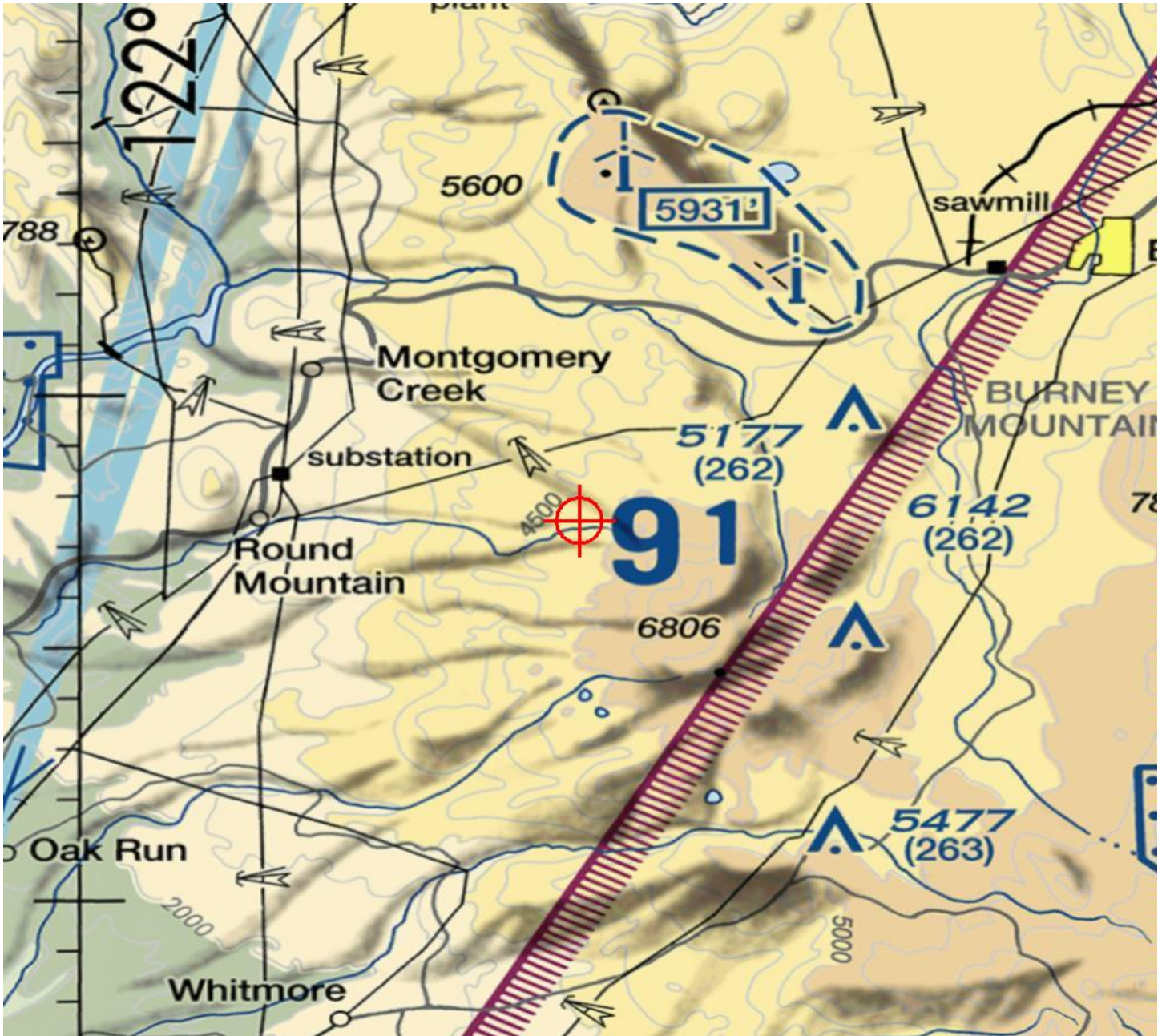
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5312-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5313-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine L07  
 Location: Burney, CA  
 Latitude: 40-47-16.17N NAD 83  
 Longitude: 121-49-57.60W  
 Heights: 4908 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5587 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:



- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5313-OE.

**Signature Control No: 440833104-486755483**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5313-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

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For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

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2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
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 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
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 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
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 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
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 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
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2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
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2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
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2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
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2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

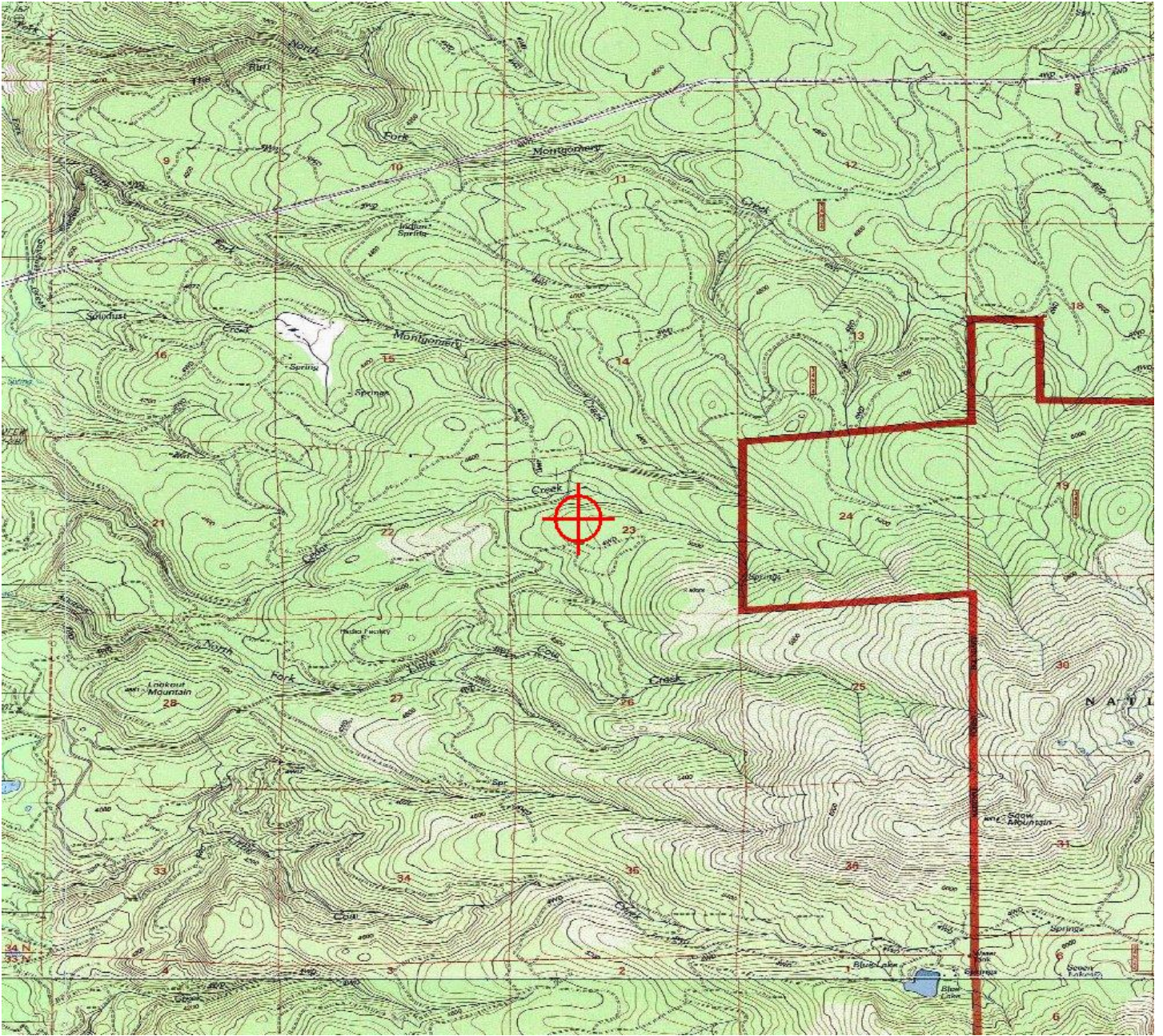
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

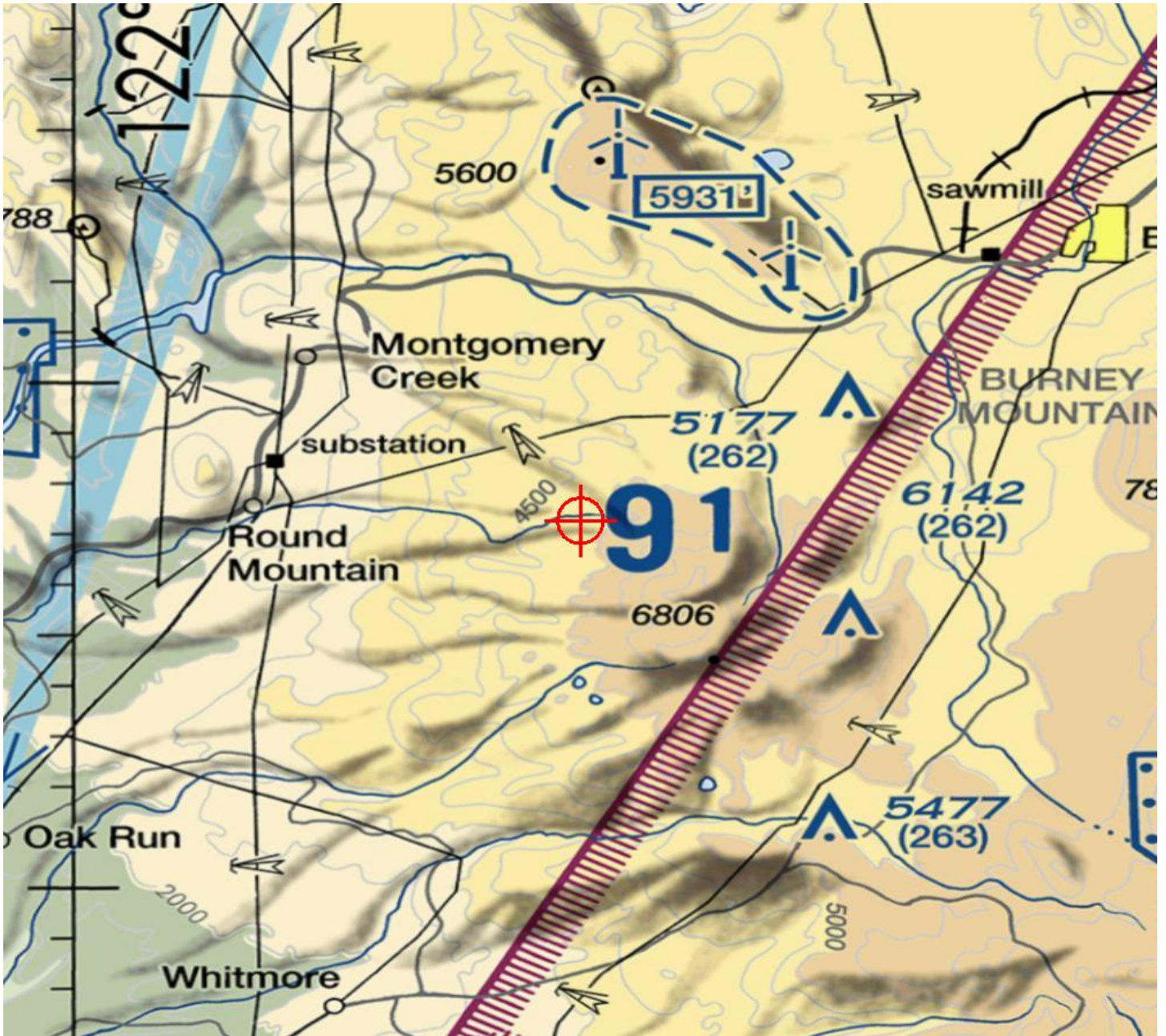
2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.



TOPO Map for ASN 2020-WTW-5313-OE







Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-WTW-5314-OE

Issued Date: 07/01/2021

Parker Lewis  
CG Fountain Wind LLC  
1001 McKinney St.  
Suite 700  
Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Wind Turbine L08
Location:	Burney, CA
Latitude:	40-47-05.06N NAD 83
Longitude:	121-49-33.70W
Heights:	5053 feet site elevation (SE) 679 feet above ground level (AGL) 5732 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5314-OE.

**Signature Control No: 440833111-486755533**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5314-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
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 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
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 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
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 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE



At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

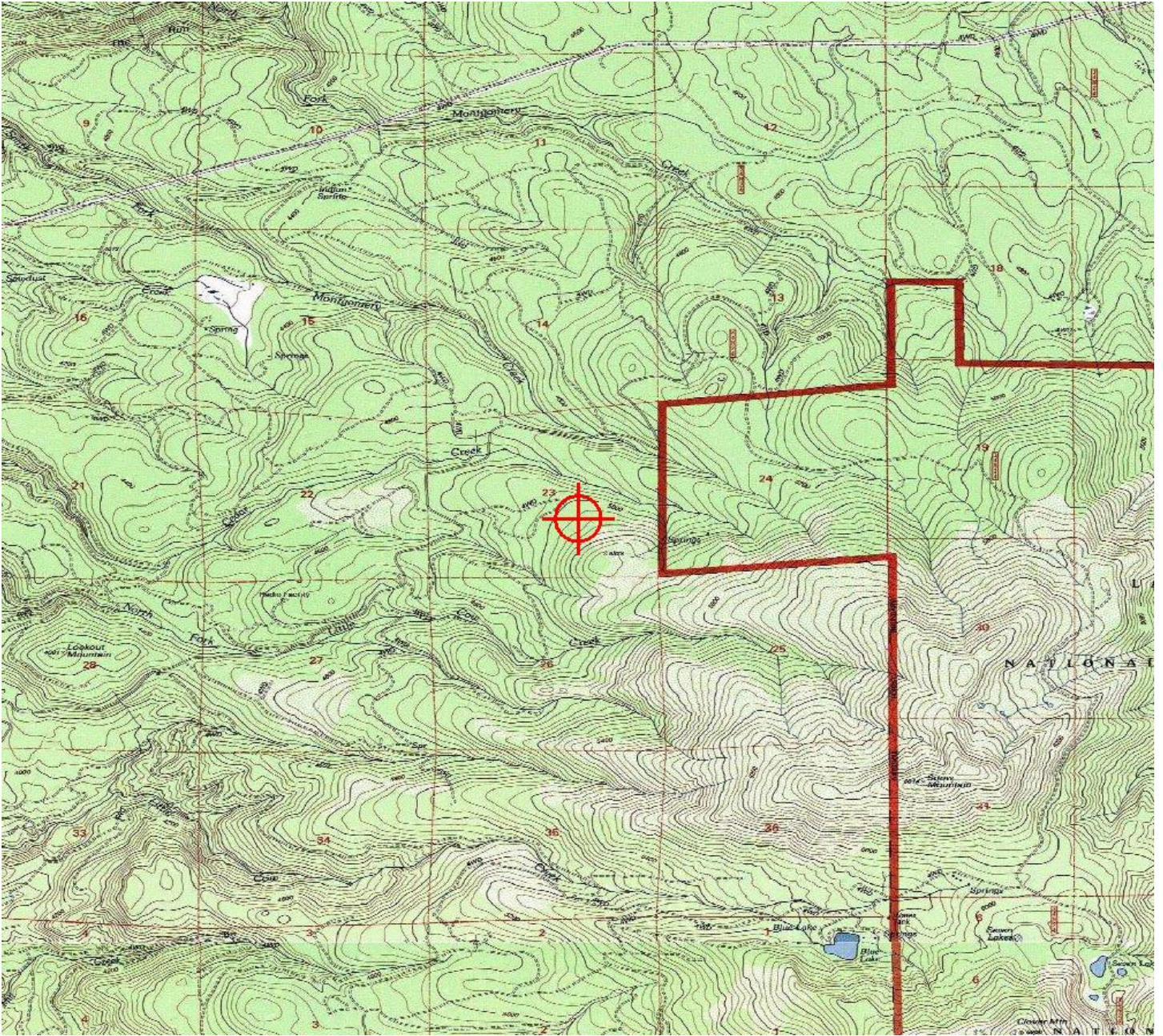
#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.







Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-WTW-5315-OE

Issued Date: 07/01/2021

Parker Lewis  
CG Fountain Wind LLC  
1001 McKinney St.  
Suite 700  
Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine L09  
Location: Burney, CA  
Latitude: 40-46-51.60N NAD 83  
Longitude: 121-49-21.73W  
Heights: 5328 feet site elevation (SE)  
679 feet above ground level (AGL)  
6007 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 60 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5315-OE.

**Signature Control No: 440833112-486752776**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)



## Additional information for ASN 2020-WTW-5315-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
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 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
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2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

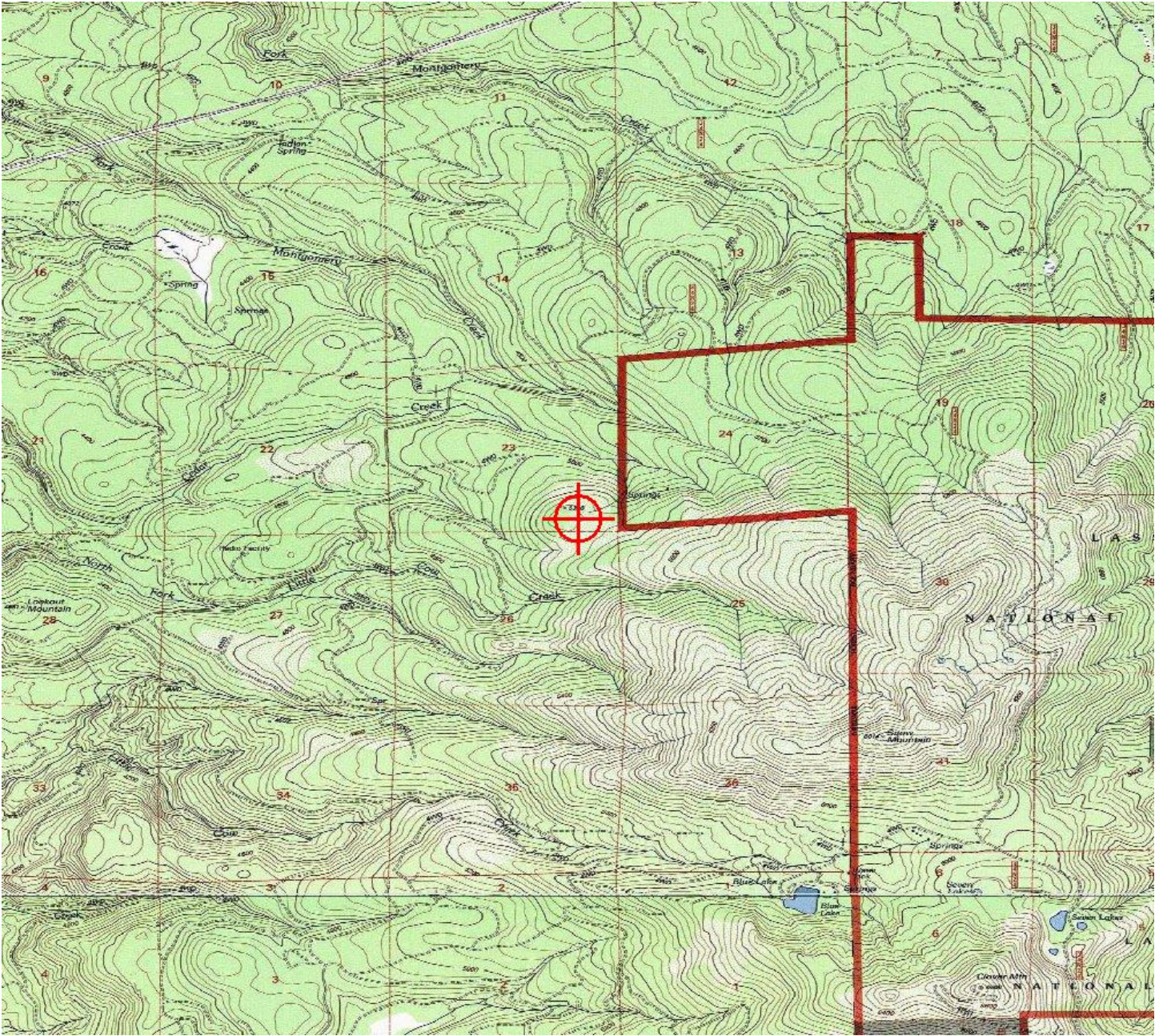
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

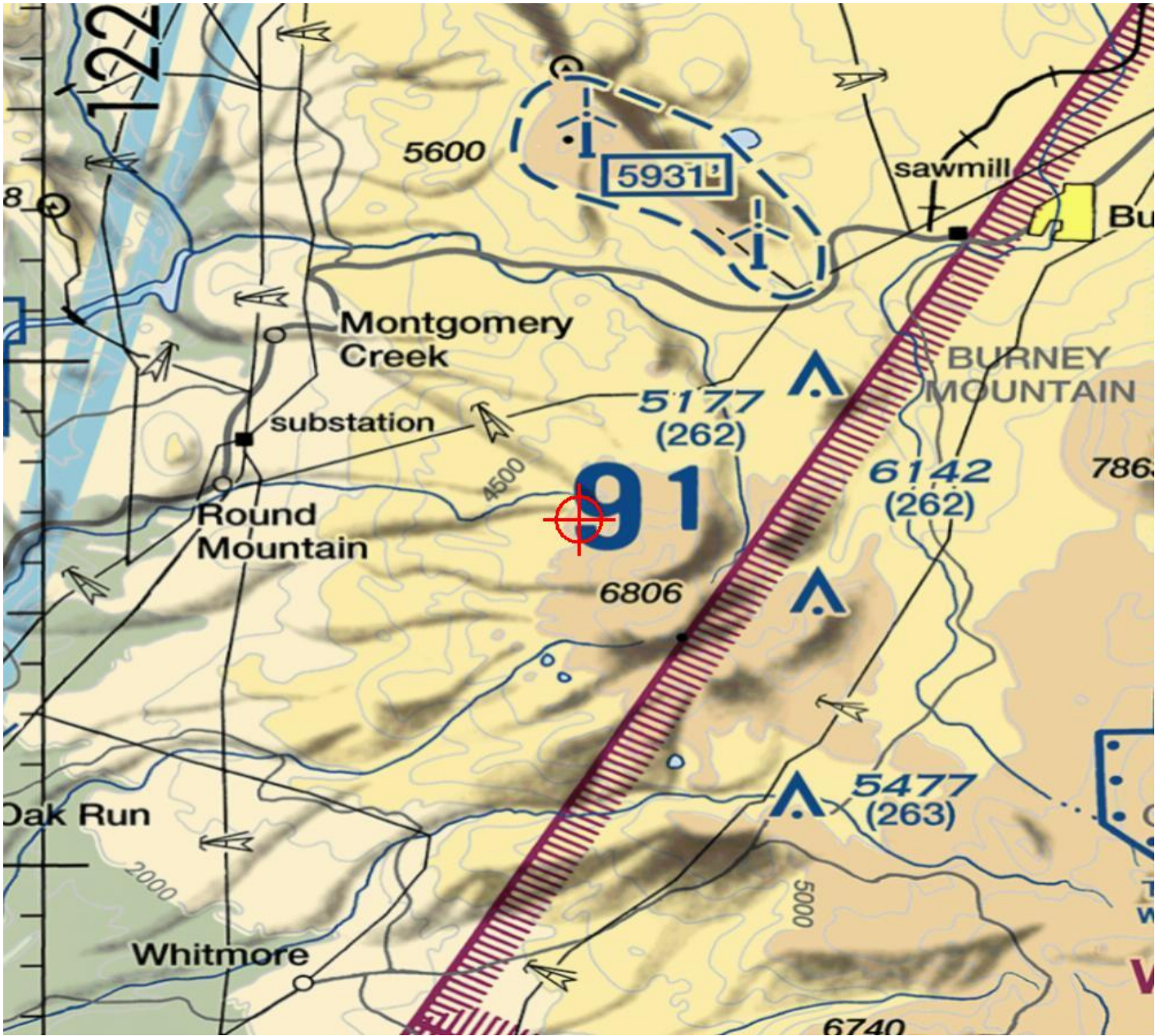
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5315-OE









Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5316-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine M03  
 Location: Burney, CA  
 Latitude: 40-48-01.18N NAD 83  
 Longitude: 121-52-52.21W  
 Heights: 3887 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 4566 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5316-OE.

**Signature Control No: 440833113-486755551**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5316-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
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 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
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 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

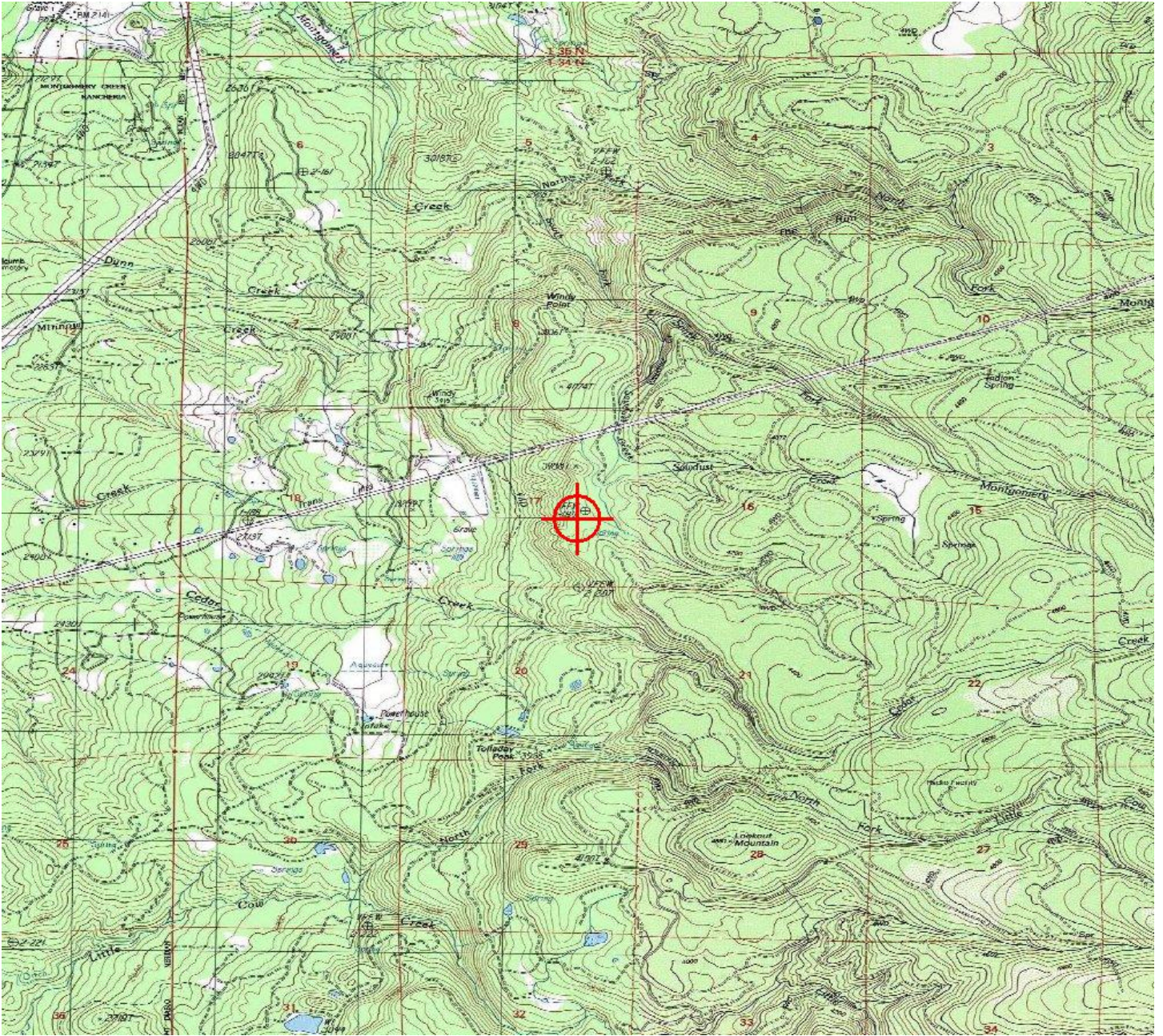
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

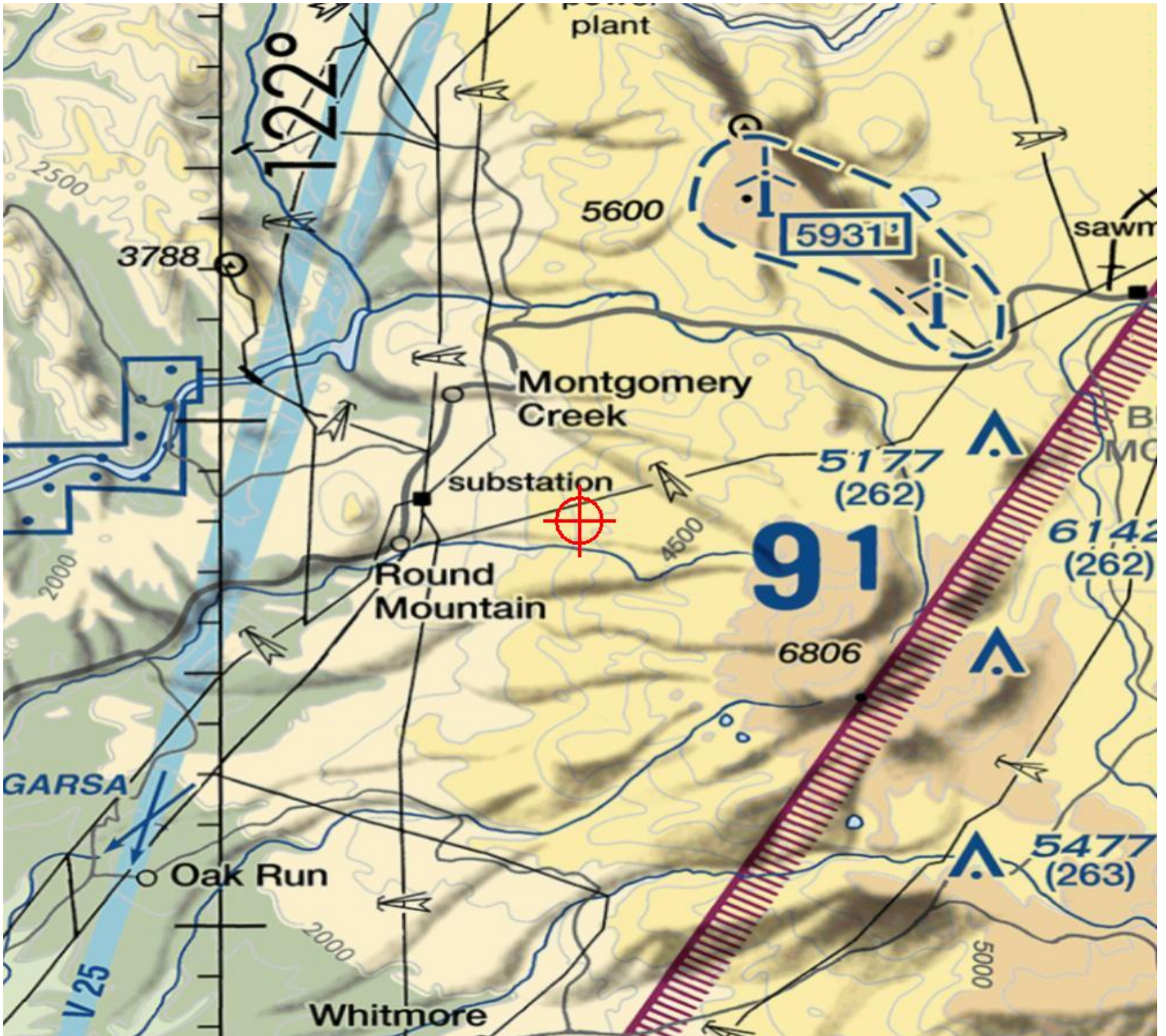


2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5316-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5317-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine M04  
 Location: Burney, CA  
 Latitude: 40-47-48.60N NAD 83  
 Longitude: 121-52-38.39W  
 Heights: 4091 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 4770 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5317-OE.

**Signature Control No: 440833116-486755555**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5317-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /



2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

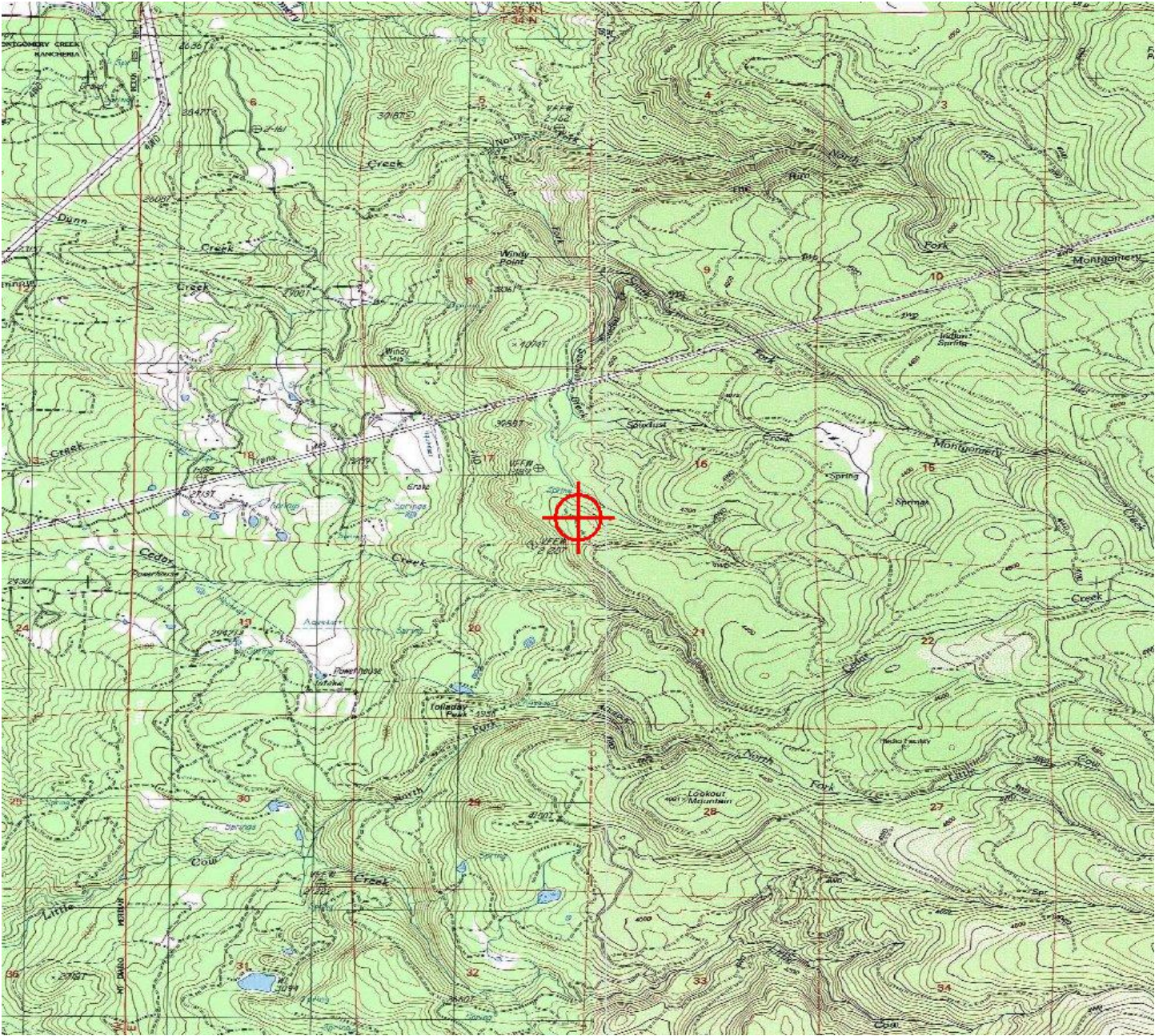
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

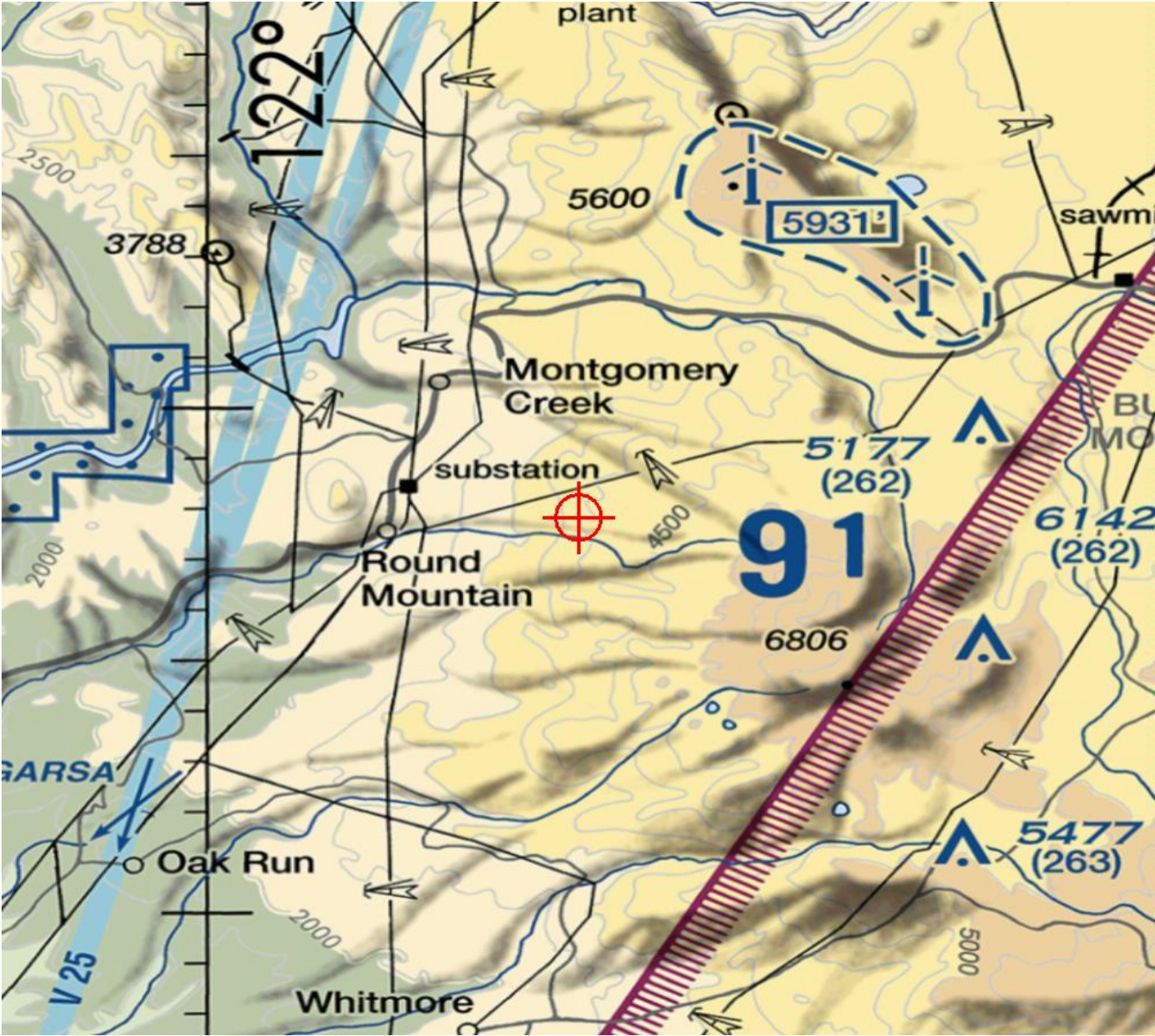
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5317-OE







Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-WTW-5318-OE

Issued Date: 07/01/2021

Parker Lewis  
CG Fountain Wind LLC  
1001 McKinney St.  
Suite 700  
Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine M05  
Location: Burney, CA  
Latitude: 40-47-37.50N NAD 83  
Longitude: 121-52-19.54W  
Heights: 4288 feet site elevation (SE)  
679 feet above ground level (AGL)  
4967 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 60 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be



used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5318-OE.

**Signature Control No: 440833117-486752768**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5318-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

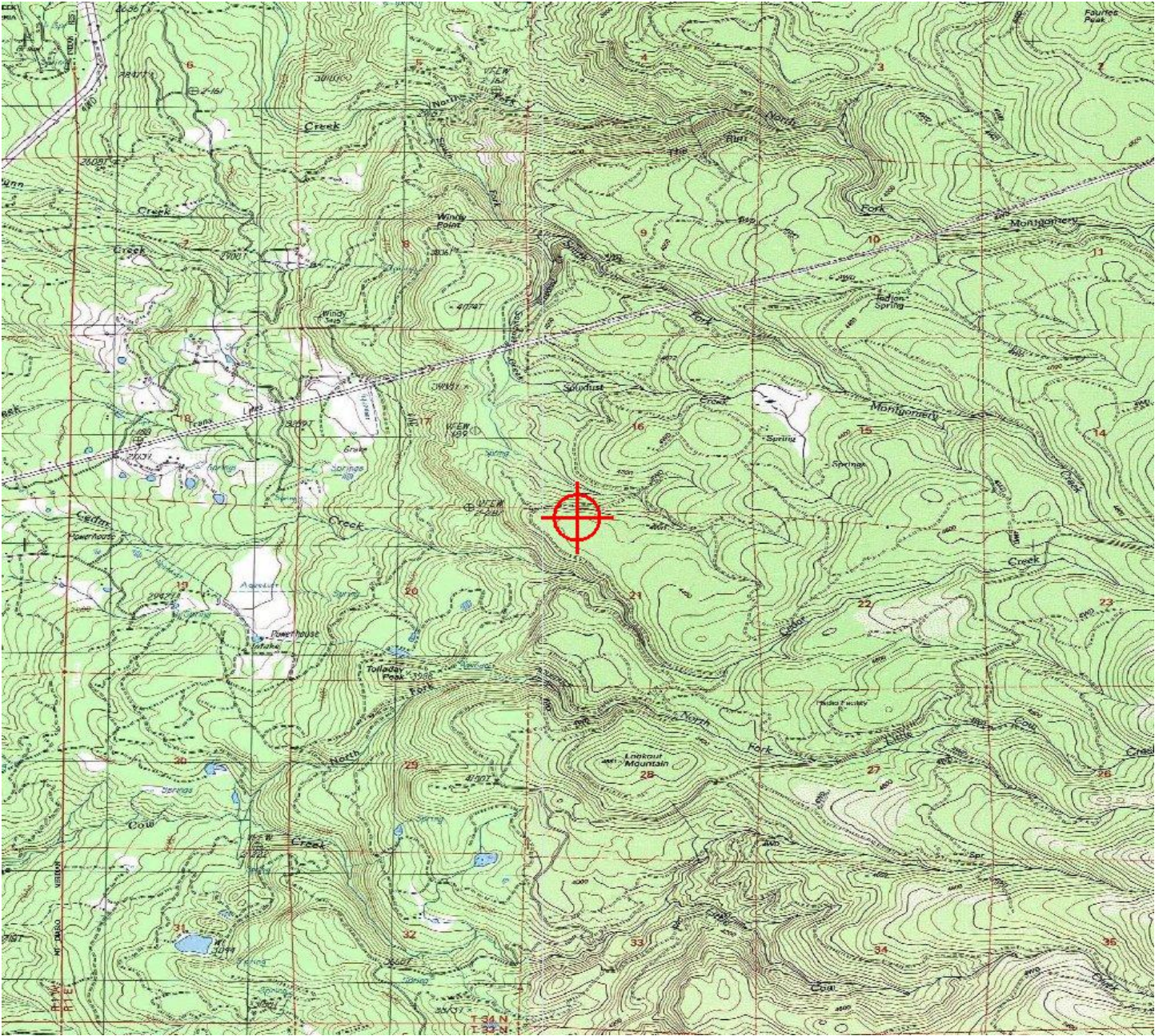
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

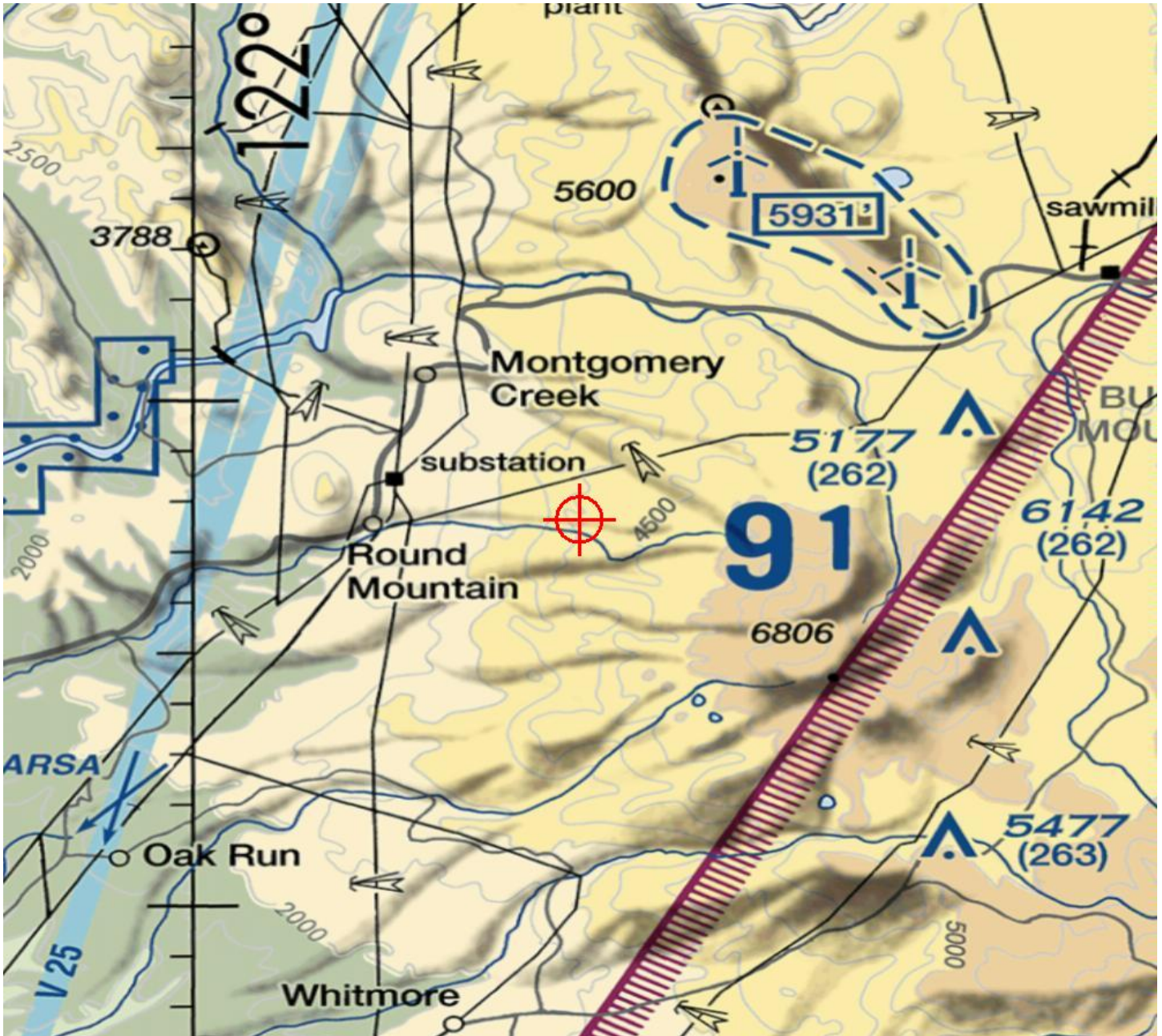
2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5318-OE









Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-WTW-5319-OE

Issued Date: 07/01/2021

Parker Lewis  
CG Fountain Wind LLC  
1001 McKinney St.  
Suite 700  
Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine M06  
Location: Burney, CA  
Latitude: 40-47-29.32N NAD 83  
Longitude: 121-52-10.95W  
Heights: 4302 feet site elevation (SE)  
679 feet above ground level (AGL)  
4981 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 60 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5319-OE.

**Signature Control No: 440833118-486752775**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5319-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.



c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

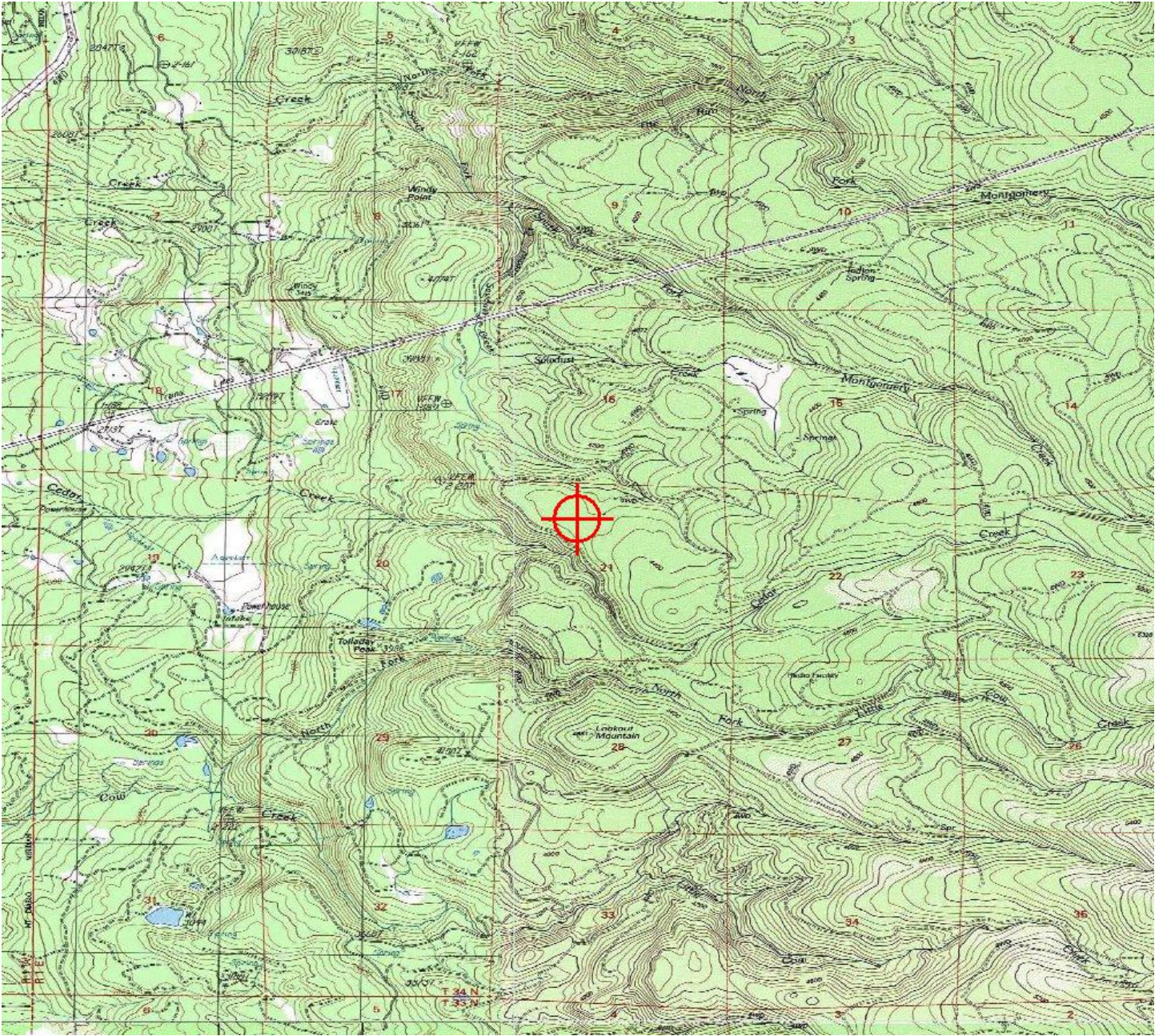
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

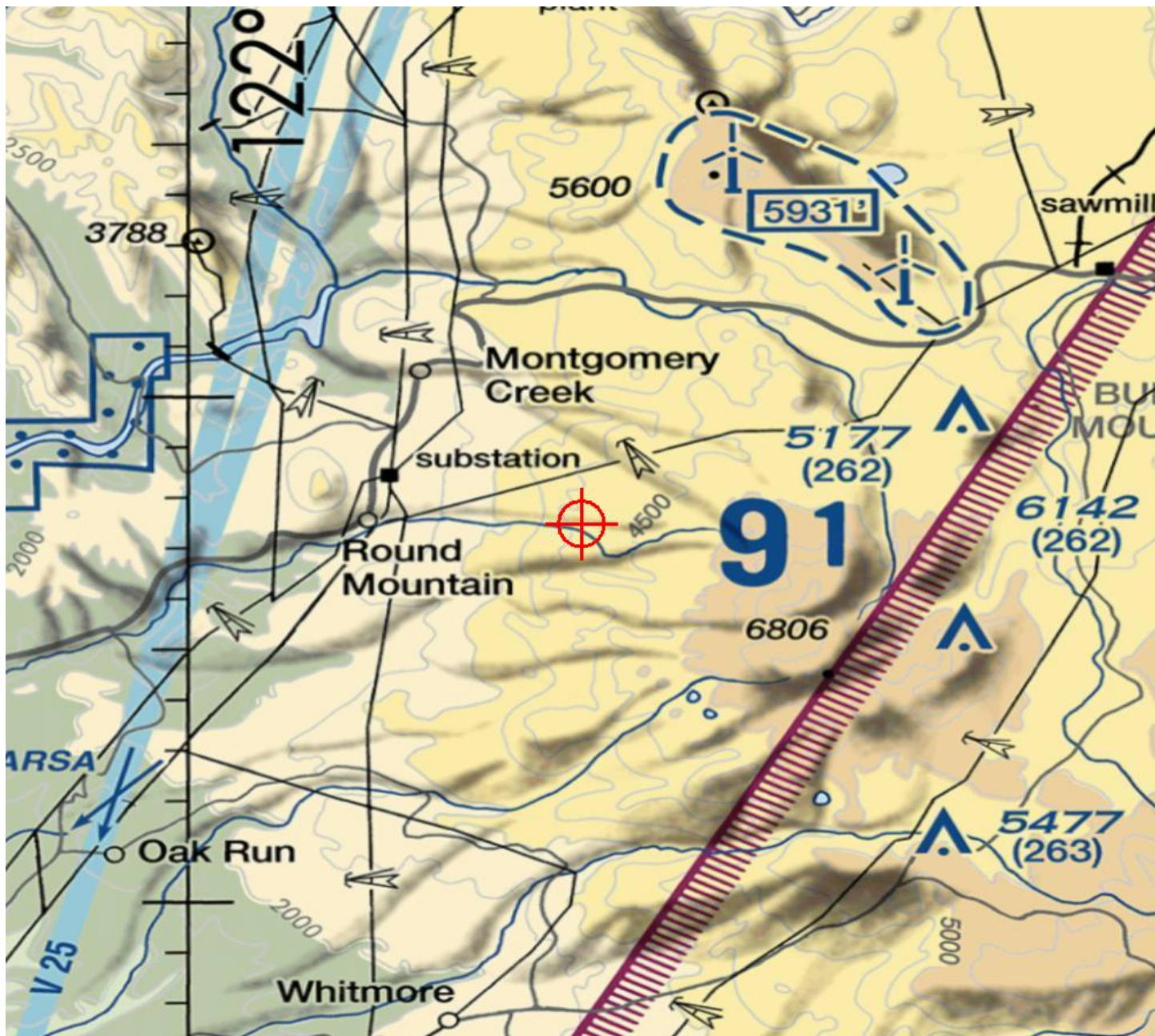
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5319-OE







Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-WTW-5320-OE

Issued Date: 07/01/2021

Parker Lewis  
CG Fountain Wind LLC  
1001 McKinney St.  
Suite 700  
Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine M07  
Location: Burney, CA  
Latitude: 40-47-21.14N NAD 83  
Longitude: 121-51-52.30W  
Heights: 4387 feet site elevation (SE)  
679 feet above ground level (AGL)  
5066 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 60 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5320-OE.

**Signature Control No: 440833120-486752771**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5320-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /



2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

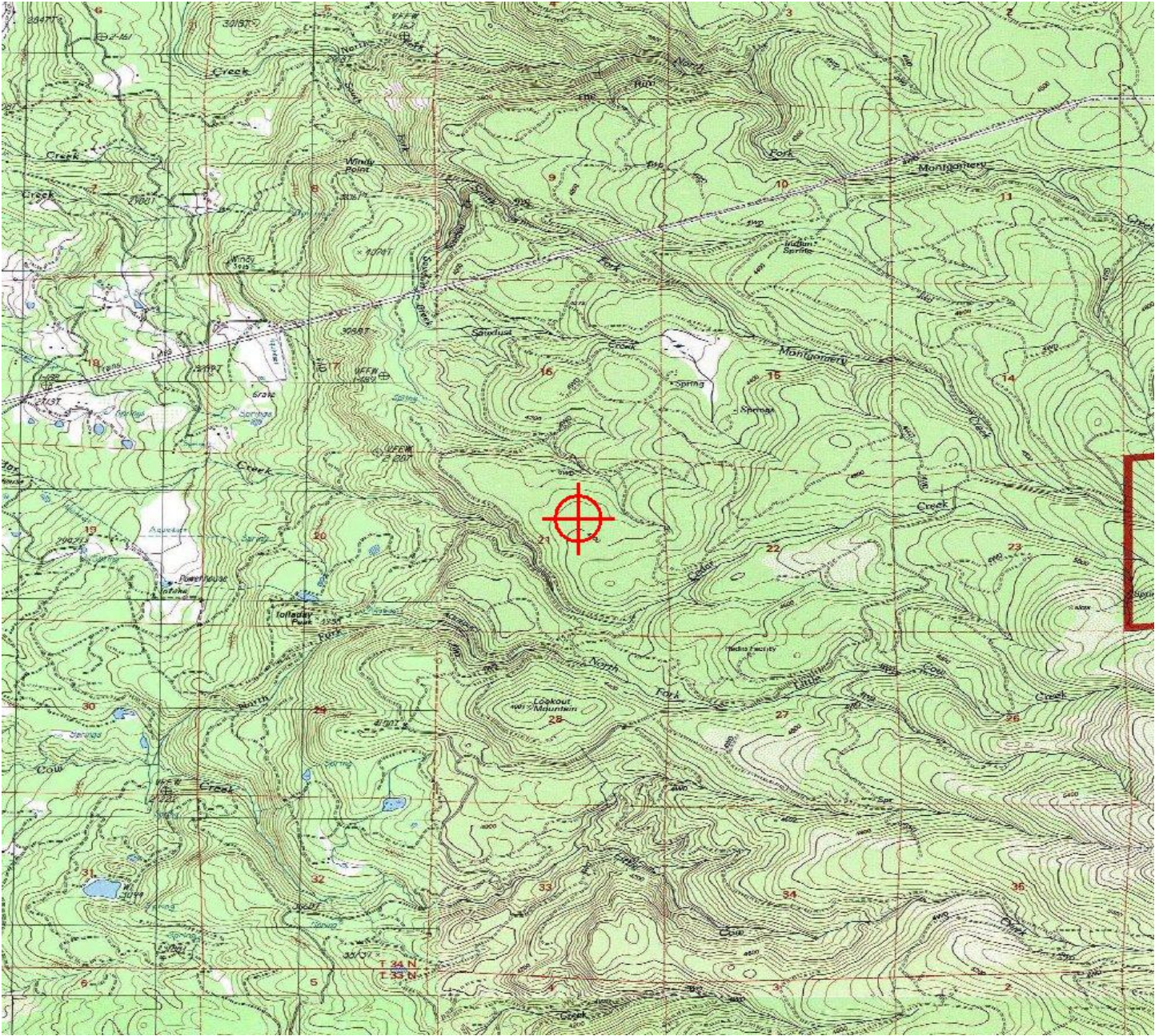
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

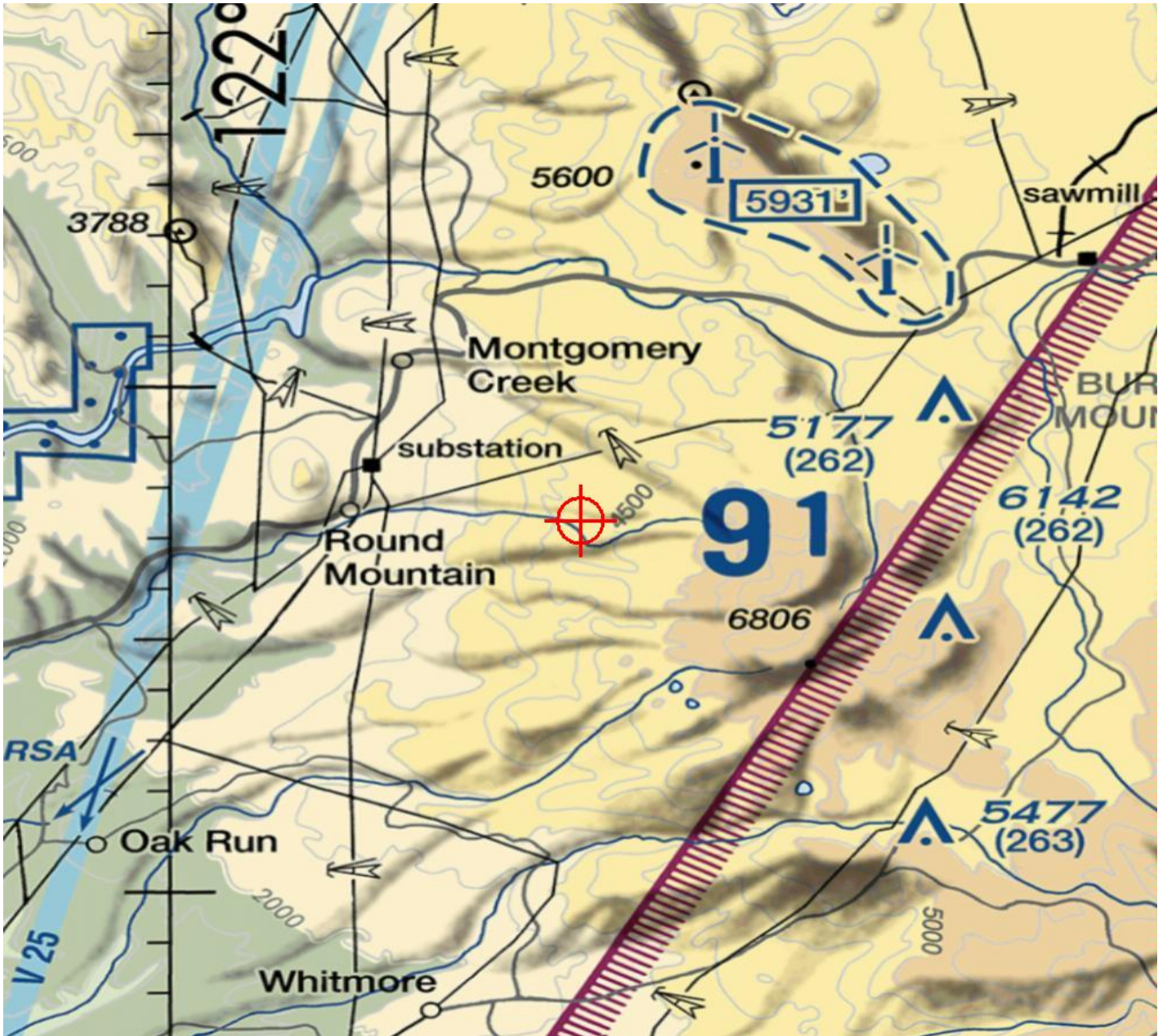
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5320-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5321-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine M08  
 Location: Burney, CA  
 Latitude: 40-46-50.54N NAD 83  
 Longitude: 121-51-23.15W  
 Heights: 4528 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5207 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:



- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5321-OE.

**Signature Control No: 440833122-486755556**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5321-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

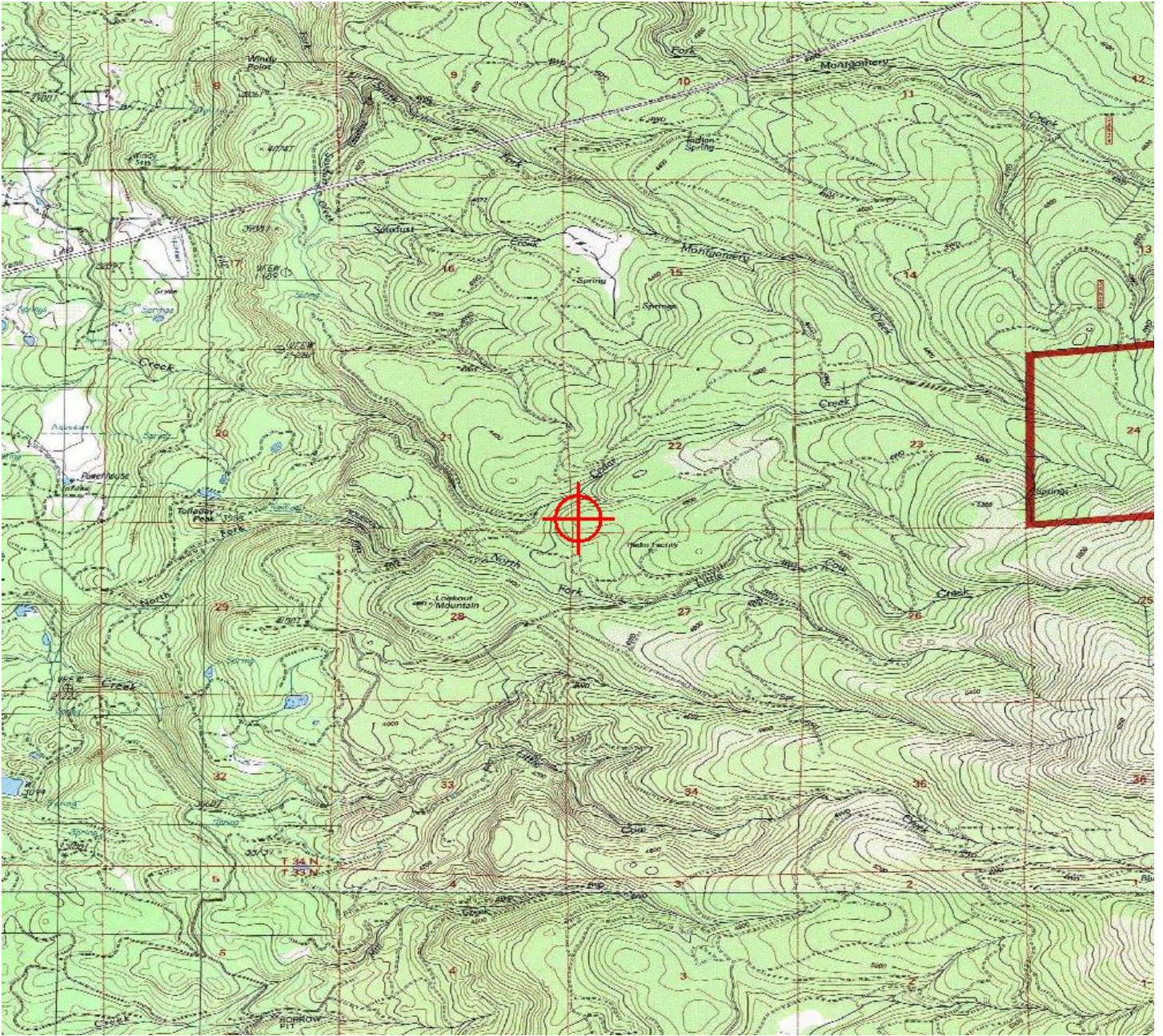
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

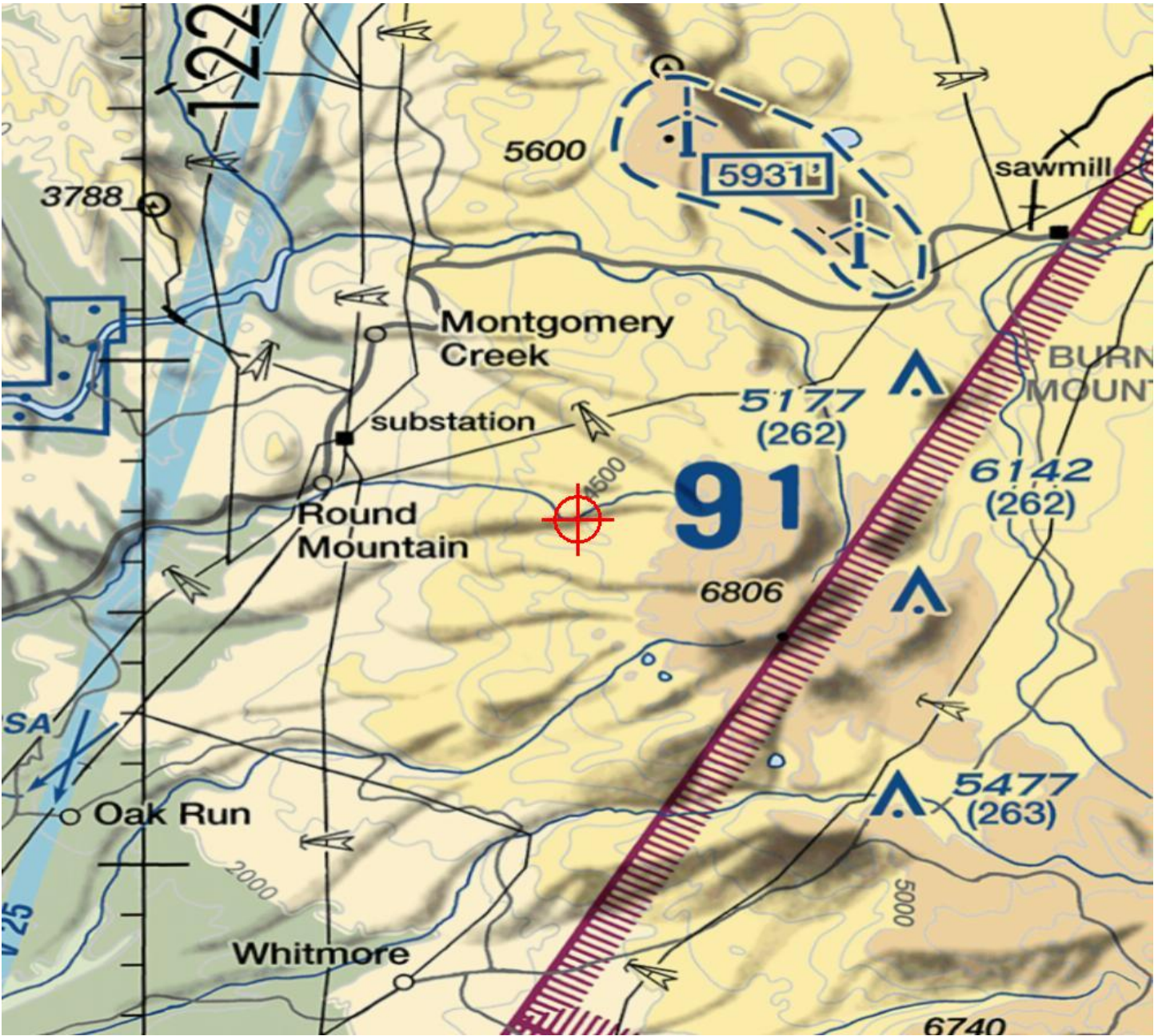
Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.



TOPO Map for ASN 2020-WTW-5321-OE



Sectional Map for ASN 2020-WTW-5321-OE





Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5322-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine M08A  
 Location: Burney, CA  
 Latitude: 40-47-06.45N NAD 83  
 Longitude: 121-51-03.11W  
 Heights: 4587 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5266 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5322-OE.

**Signature Control No: 440833123-486755563**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5322-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE



At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

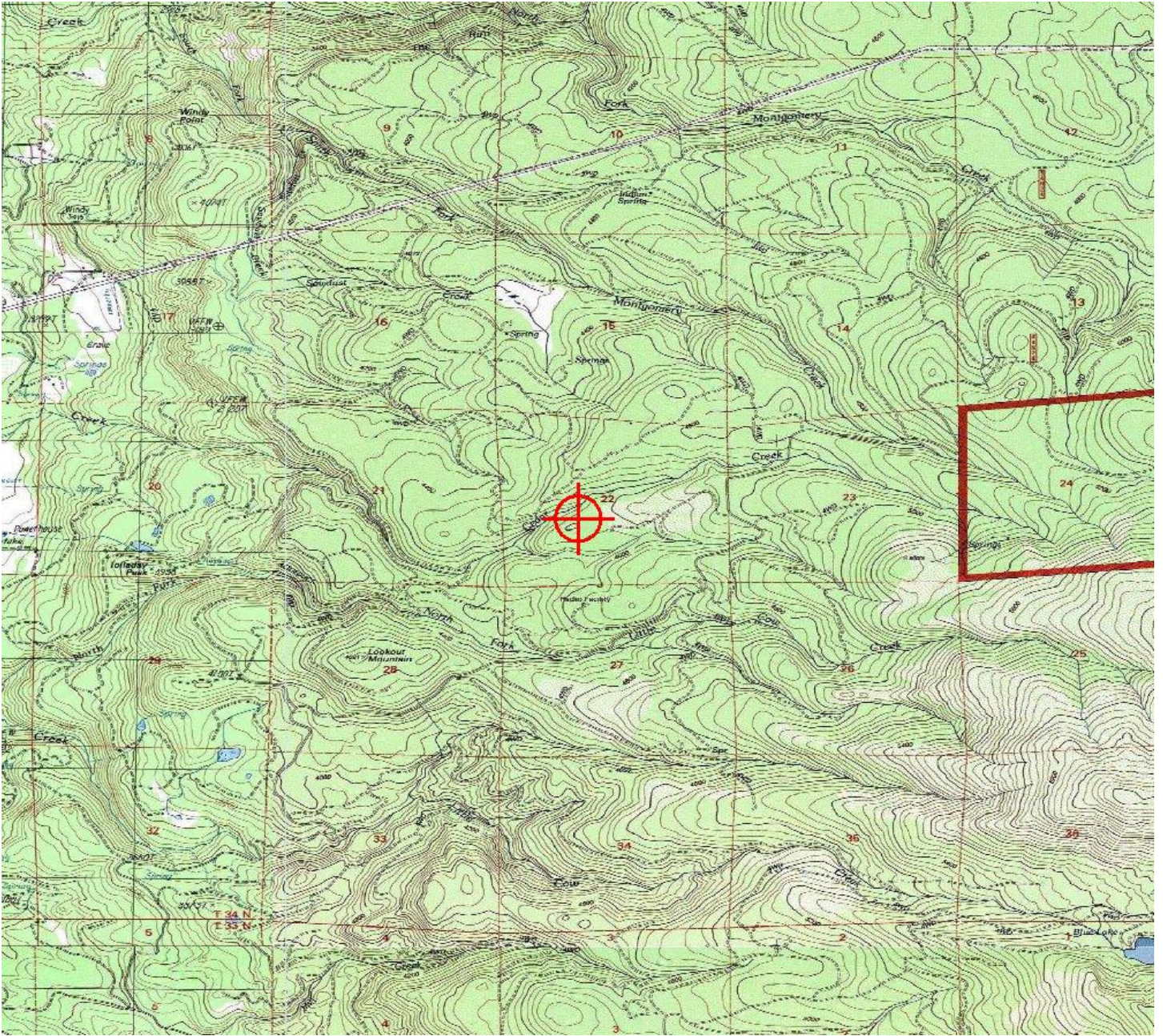
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

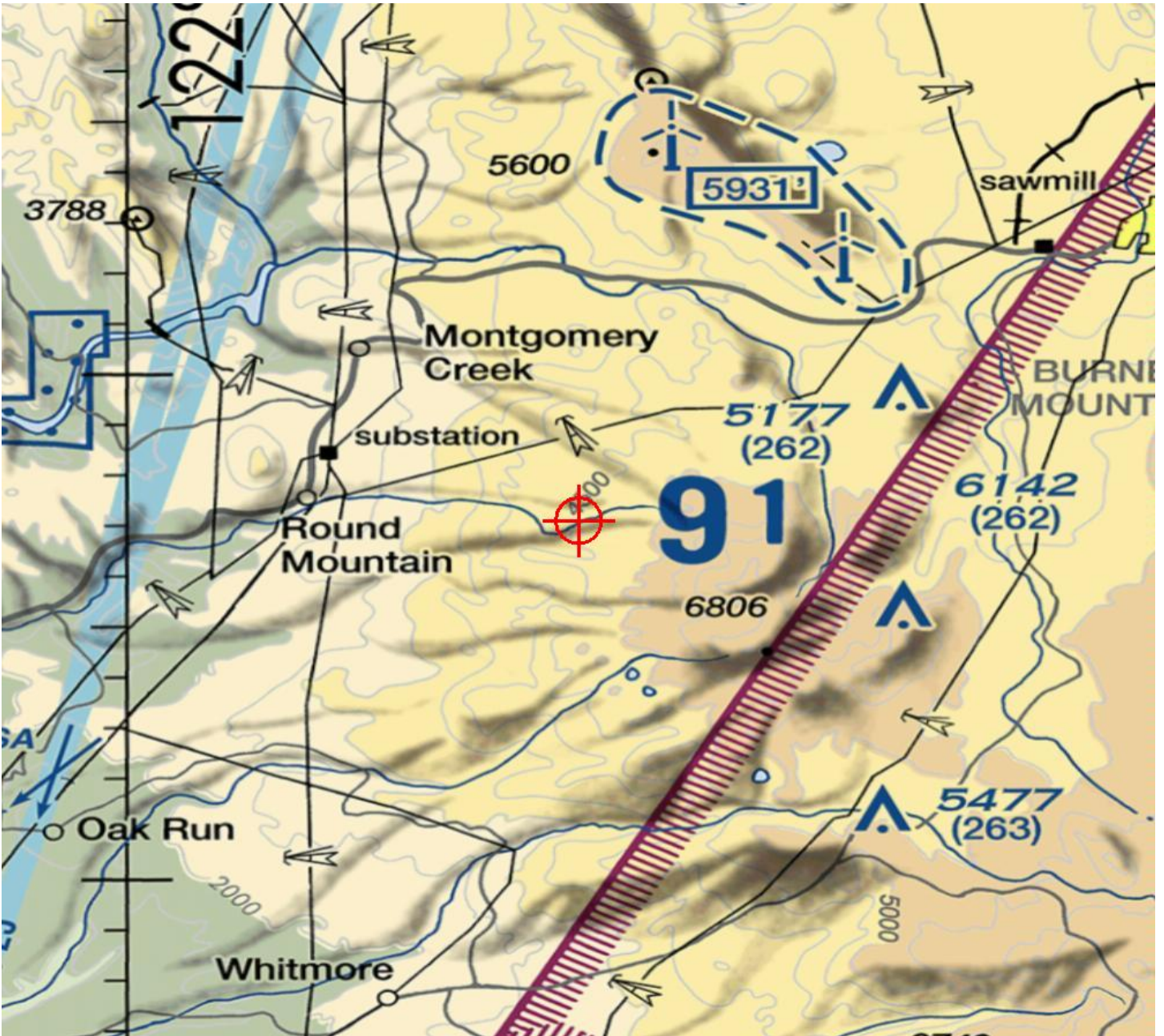
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5322-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5323-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine M09  
 Location: Burney, CA  
 Latitude: 40-46-54.89N NAD 83  
 Longitude: 121-50-35.04W  
 Heights: 4735 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5414 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5323-OE.

**Signature Control No: 440833124-486755566**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)



## Additional information for ASN 2020-WTW-5323-OE

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2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
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 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
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 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
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 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
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 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
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 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
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 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
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 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
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 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
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2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
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2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
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2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

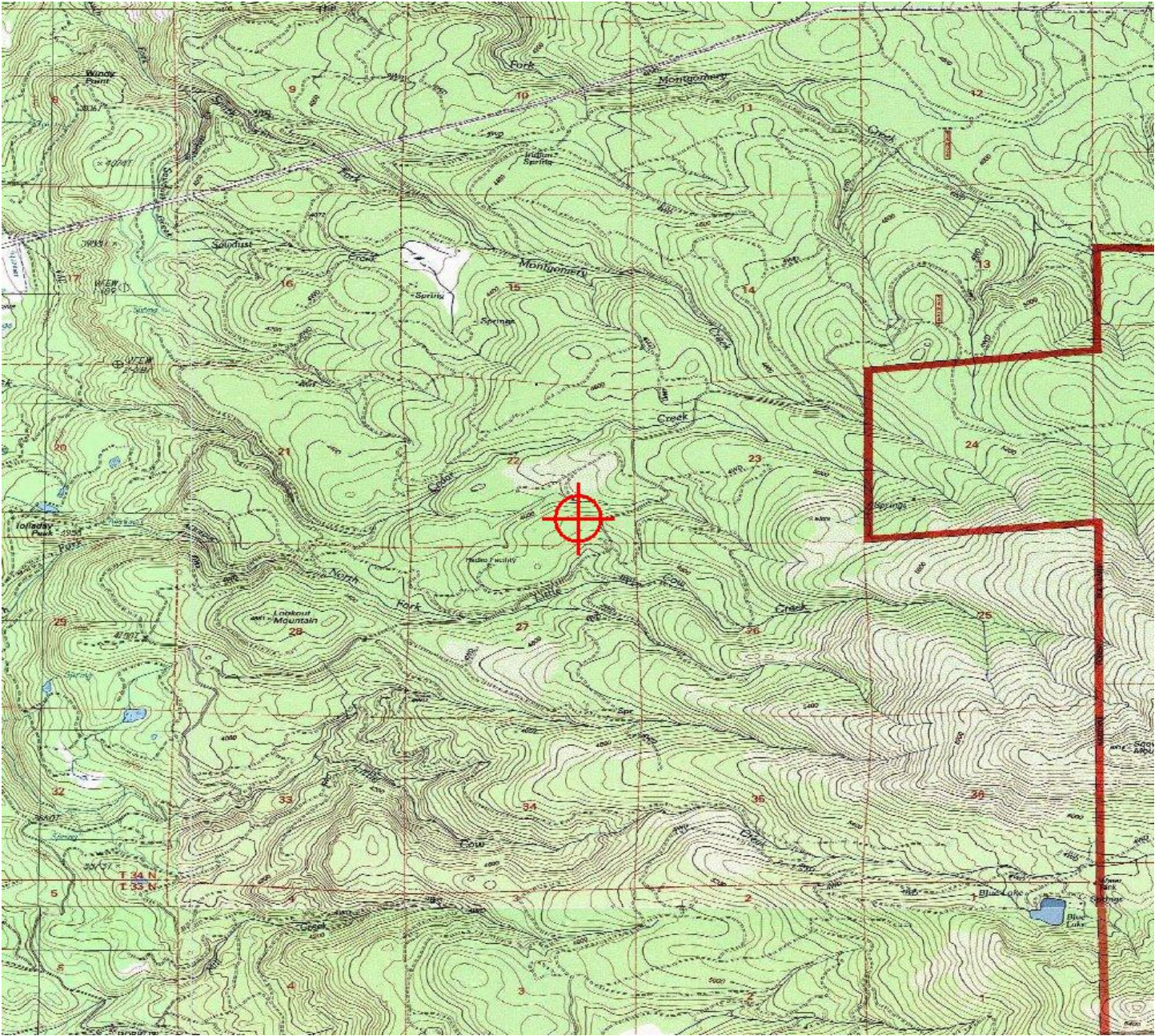
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

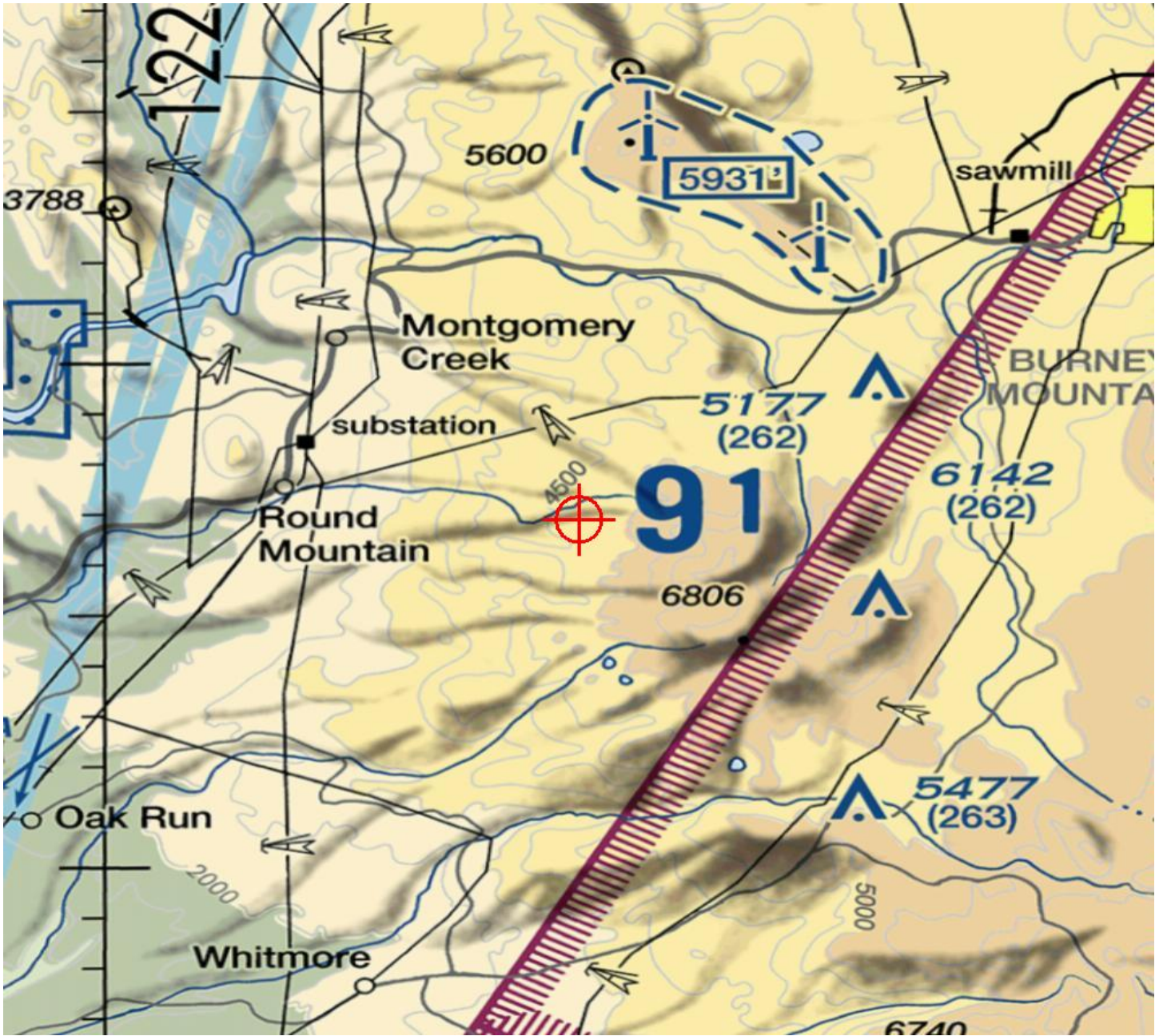
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5323-OE









Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5324-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine M10  
 Location: Burney, CA  
 Latitude: 40-46-51.23N NAD 83  
 Longitude: 121-50-03.01W  
 Heights: 4944 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5623 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5324-OE.

**Signature Control No: 440833125-486755568**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5324-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

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 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
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 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
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 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

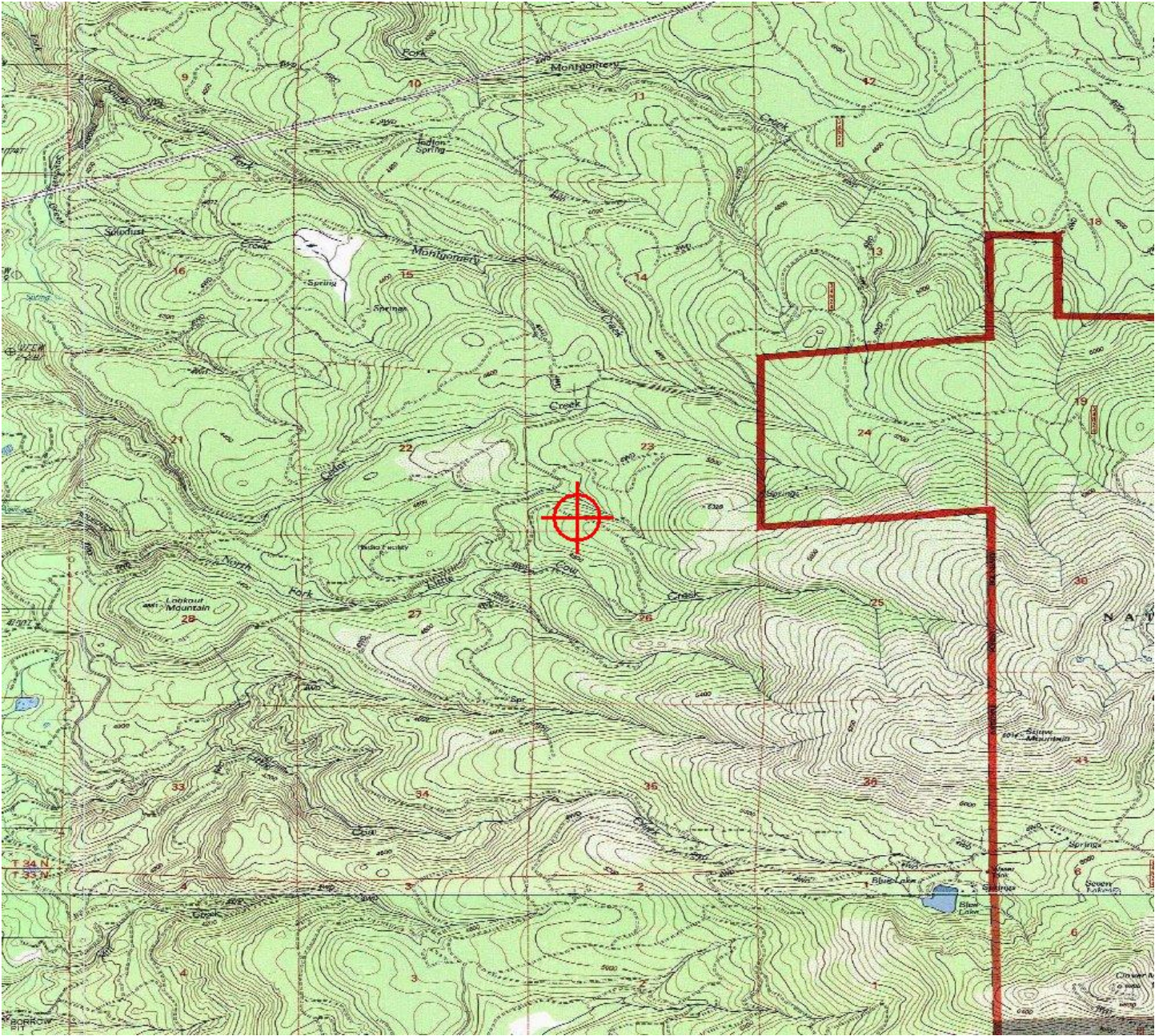
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

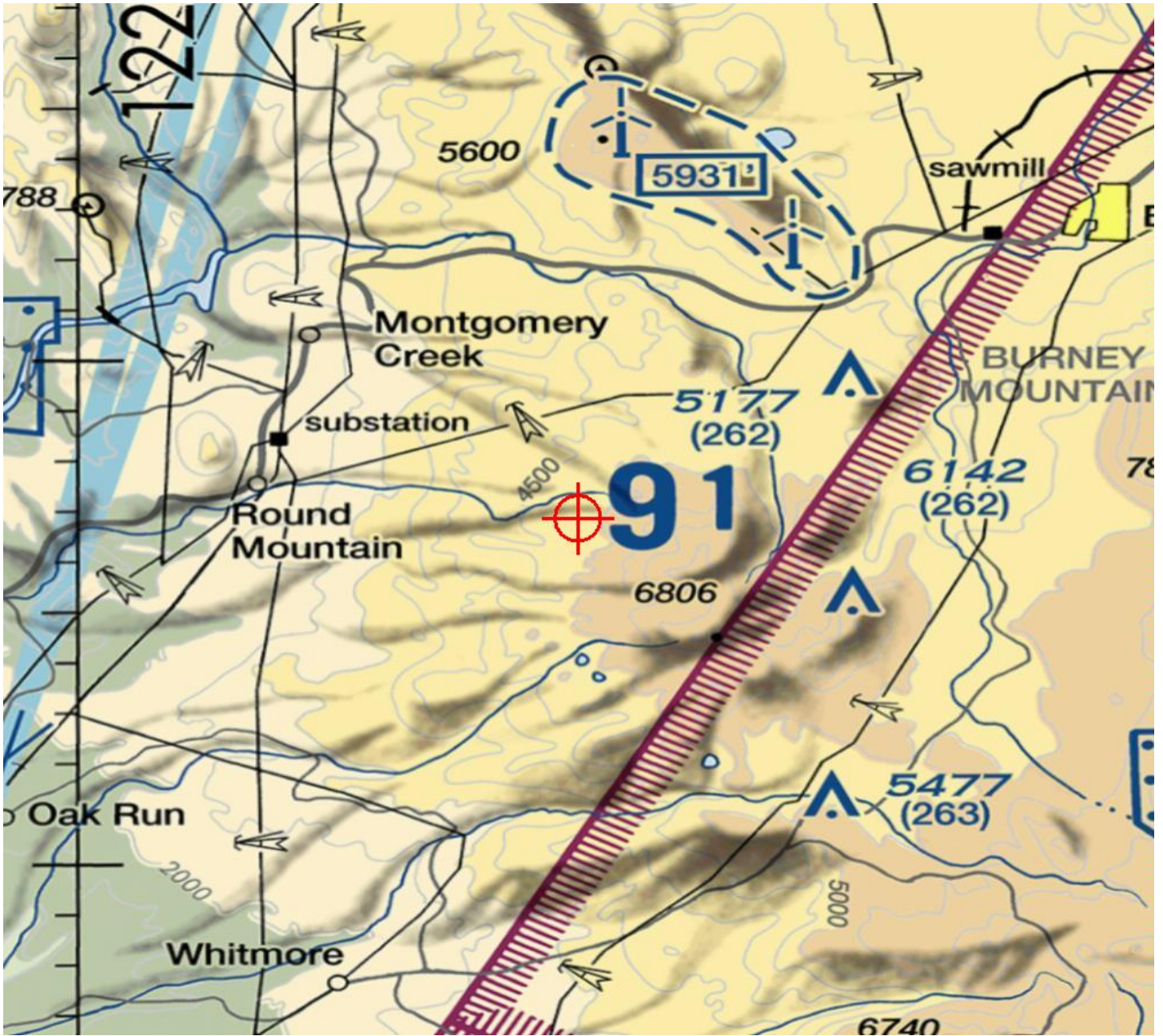


2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5324-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5325-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine N01  
 Location: Burney, CA  
 Latitude: 40-46-59.67N NAD 83  
 Longitude: 121-52-20.21W  
 Heights: 4423 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5102 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 60 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5325-OE.

**Signature Control No: 440833127-486752767**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5325-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
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 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
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 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /



2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

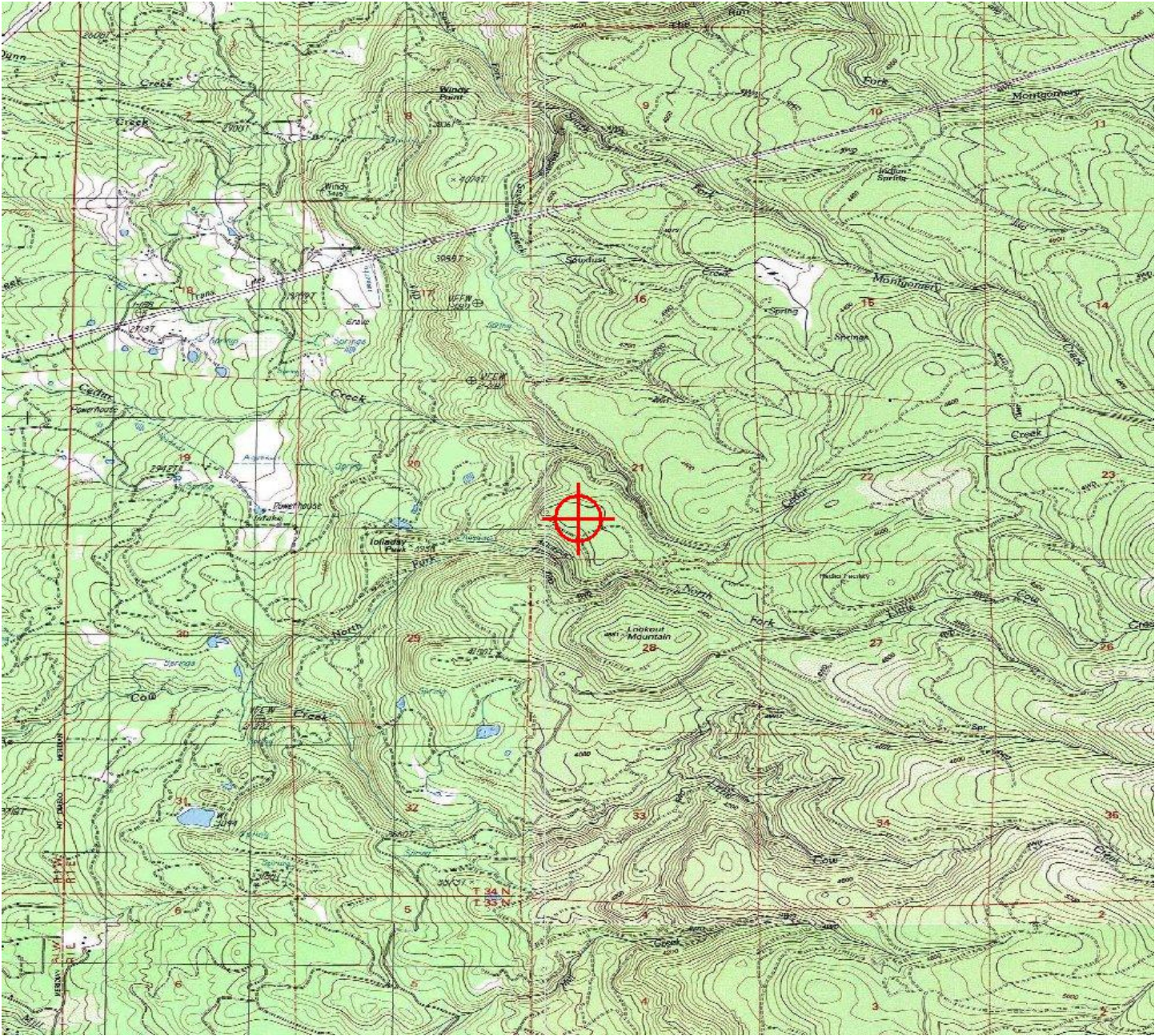
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

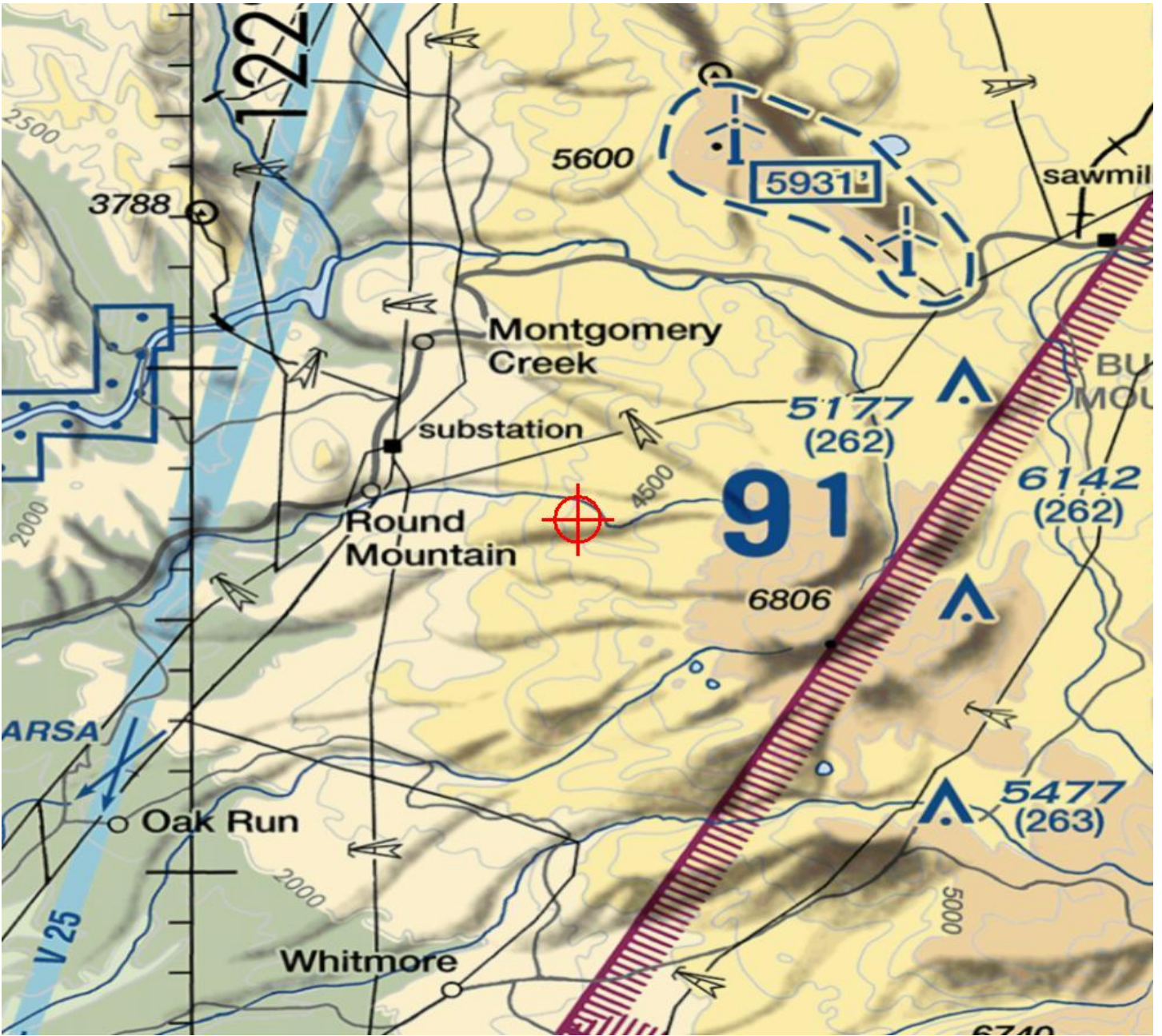
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5325-OE







Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-WTW-5326-OE

Issued Date: 07/01/2021

Parker Lewis  
CG Fountain Wind LLC  
1001 McKinney St.  
Suite 700  
Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine N01A  
Location: Burney, CA  
Latitude: 40-46-50.17N NAD 83  
Longitude: 121-52-10.80W  
Heights: 4416 feet site elevation (SE)  
679 feet above ground level (AGL)  
5095 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 60 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be



used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5326-OE.

**Signature Control No: 440833128-486752773**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5326-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
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 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
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 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
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2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
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2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
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2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

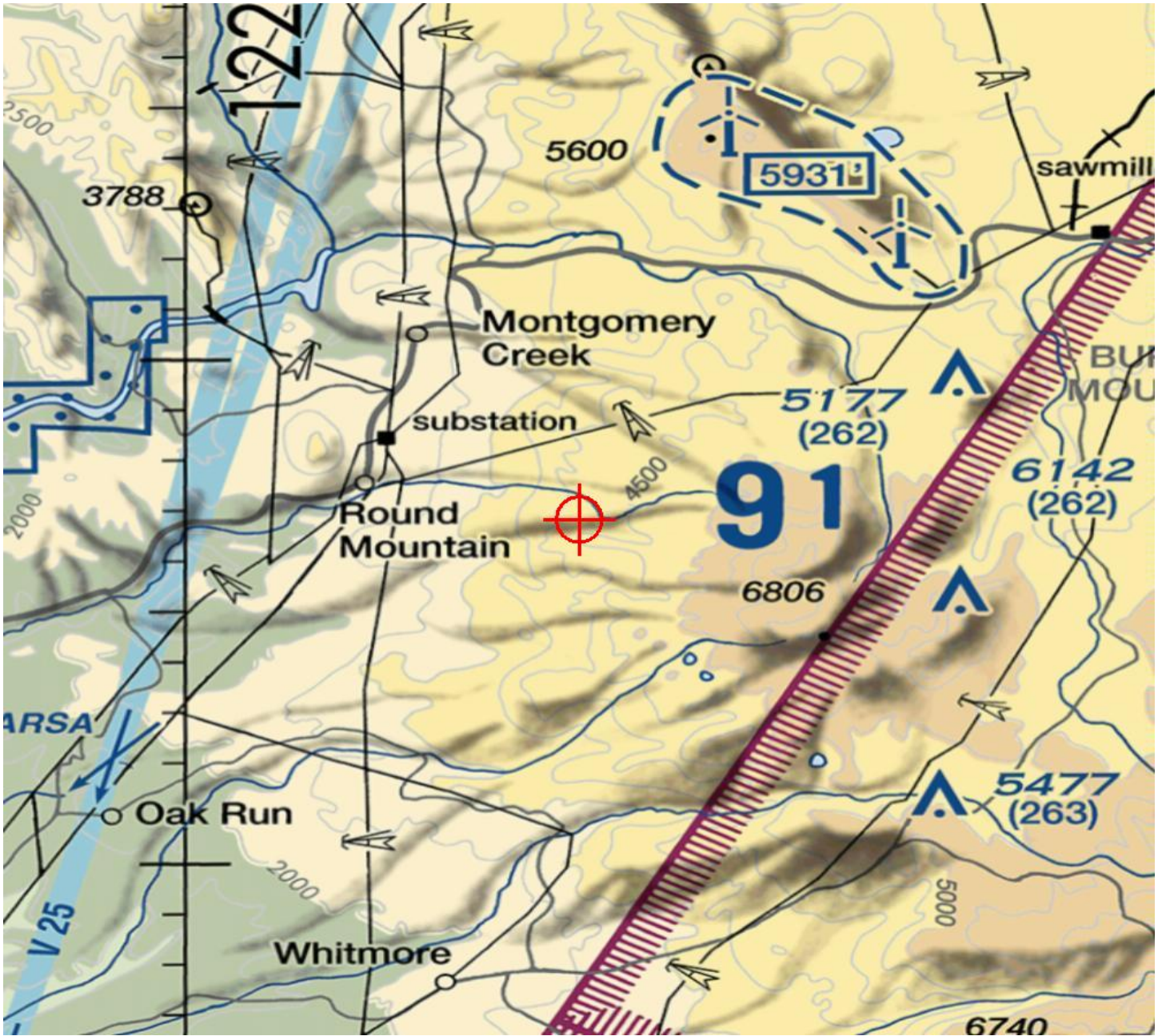
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.









Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5327-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine N02  
 Location: Burney, CA  
 Latitude: 40-46-26.07N NAD 83  
 Longitude: 121-51-48.21W  
 Heights: 4646 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5325 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5327-OE.

**Signature Control No: 440833129-486755586**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5327-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.



c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

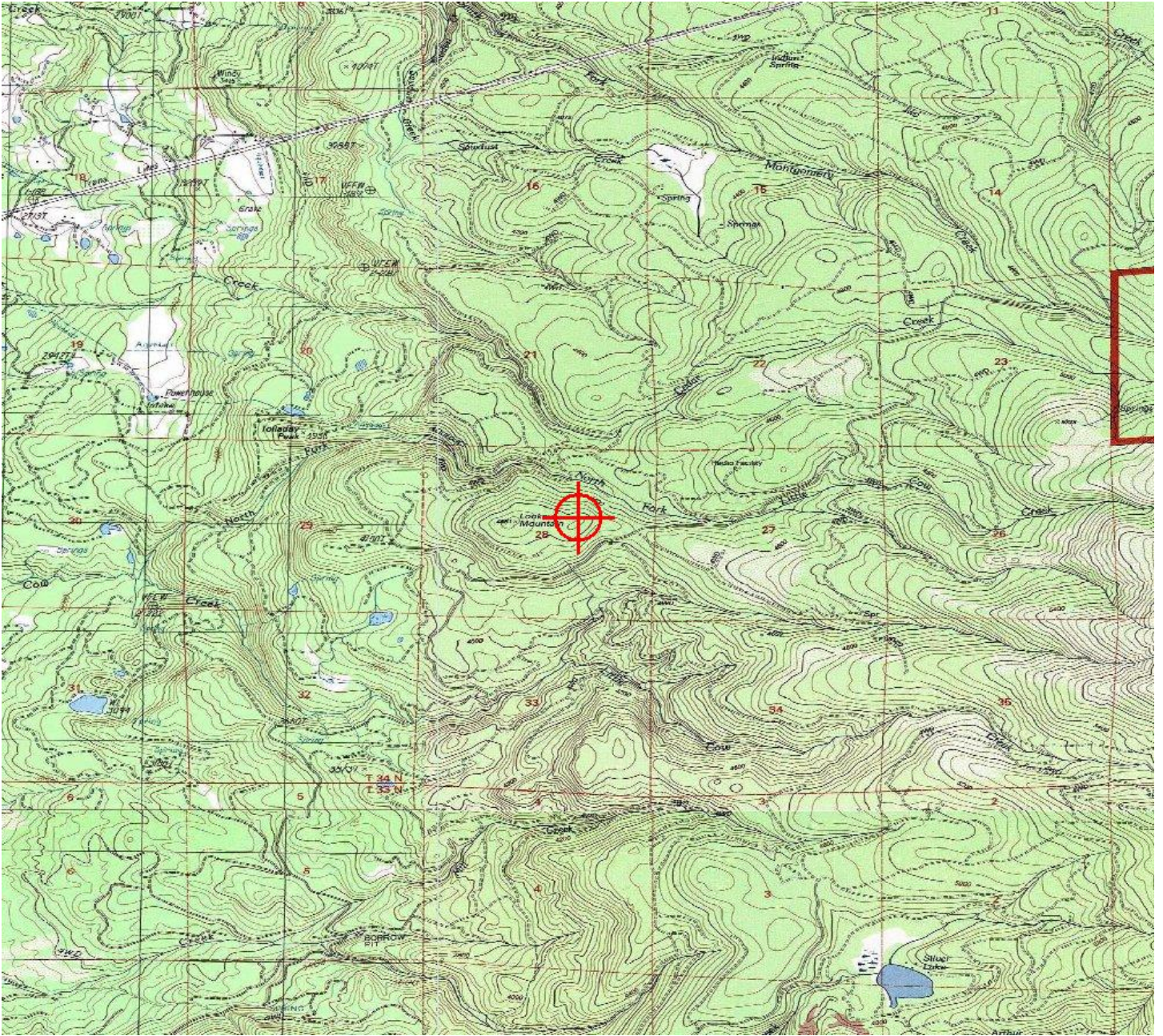
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

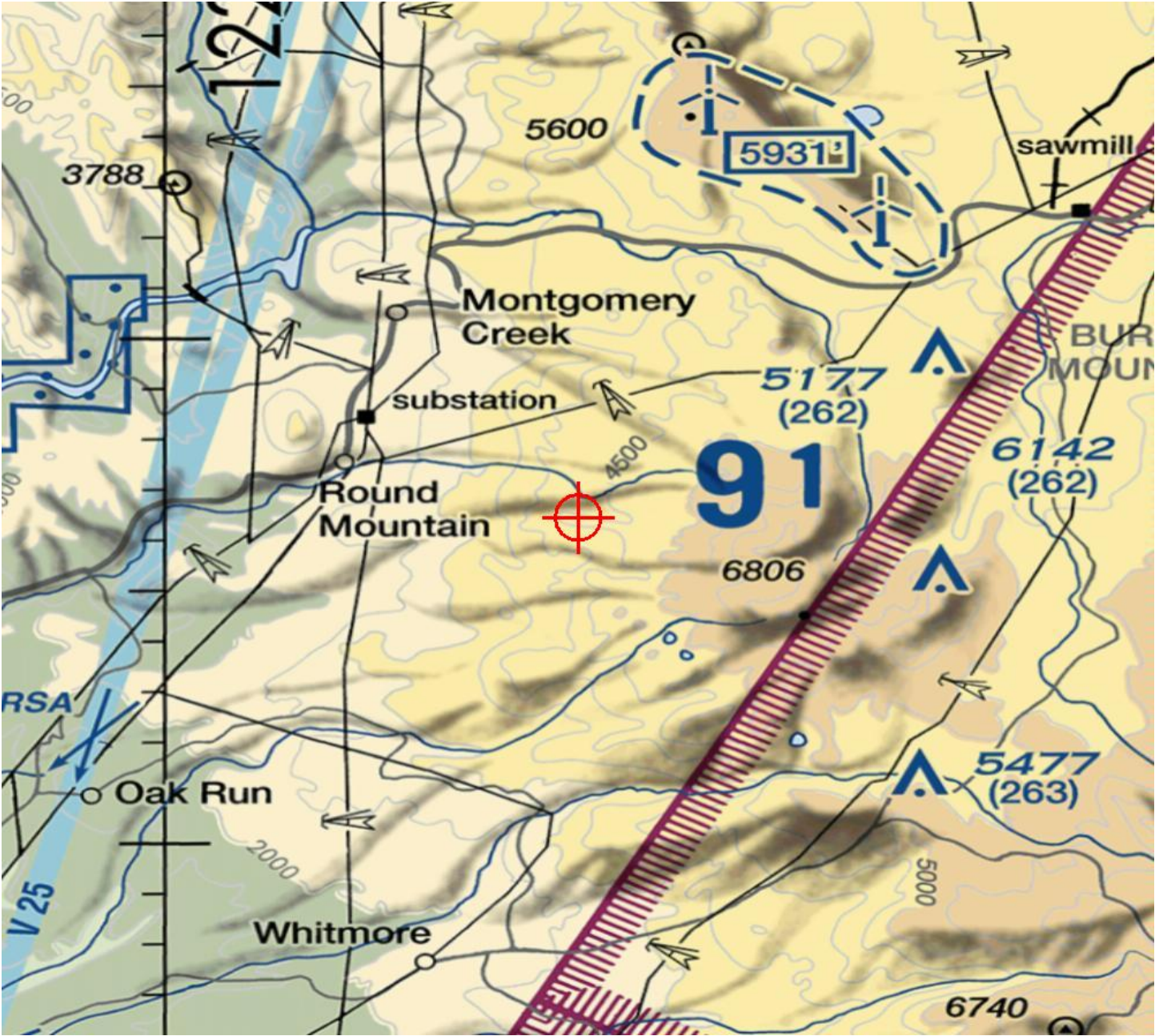
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5327-OE







Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-WTW-5328-OE

Issued Date: 07/01/2021

Parker Lewis  
CG Fountain Wind LLC  
1001 McKinney St.  
Suite 700  
Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine N02A  
Location: Burney, CA  
Latitude: 40-46-25.08N NAD 83  
Longitude: 121-52-08.27W  
Heights: 4692 feet site elevation (SE)  
679 feet above ground level (AGL)  
5371 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 60 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5328-OE.

**Signature Control No: 440833130-486752772**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5328-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /



2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

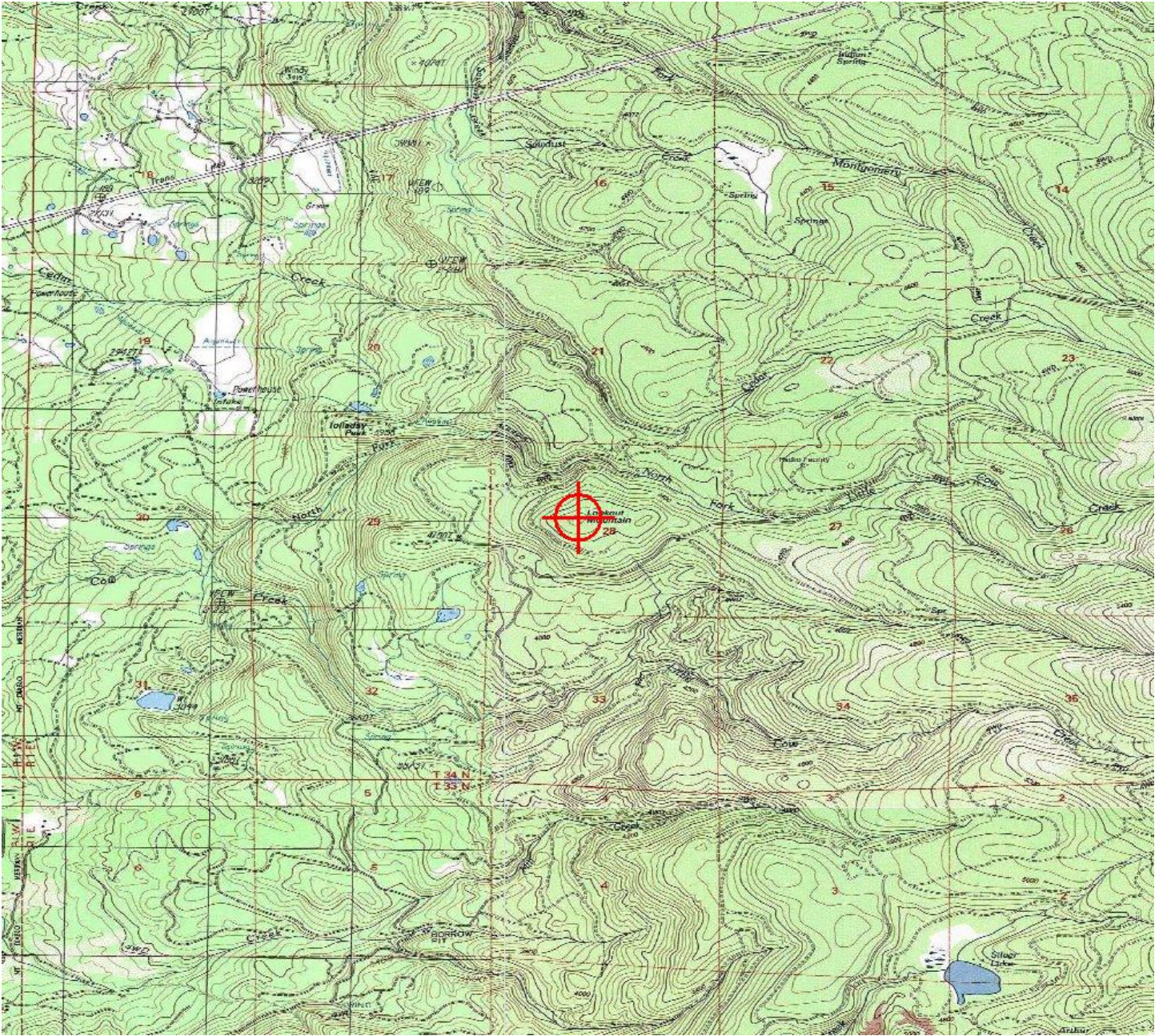
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

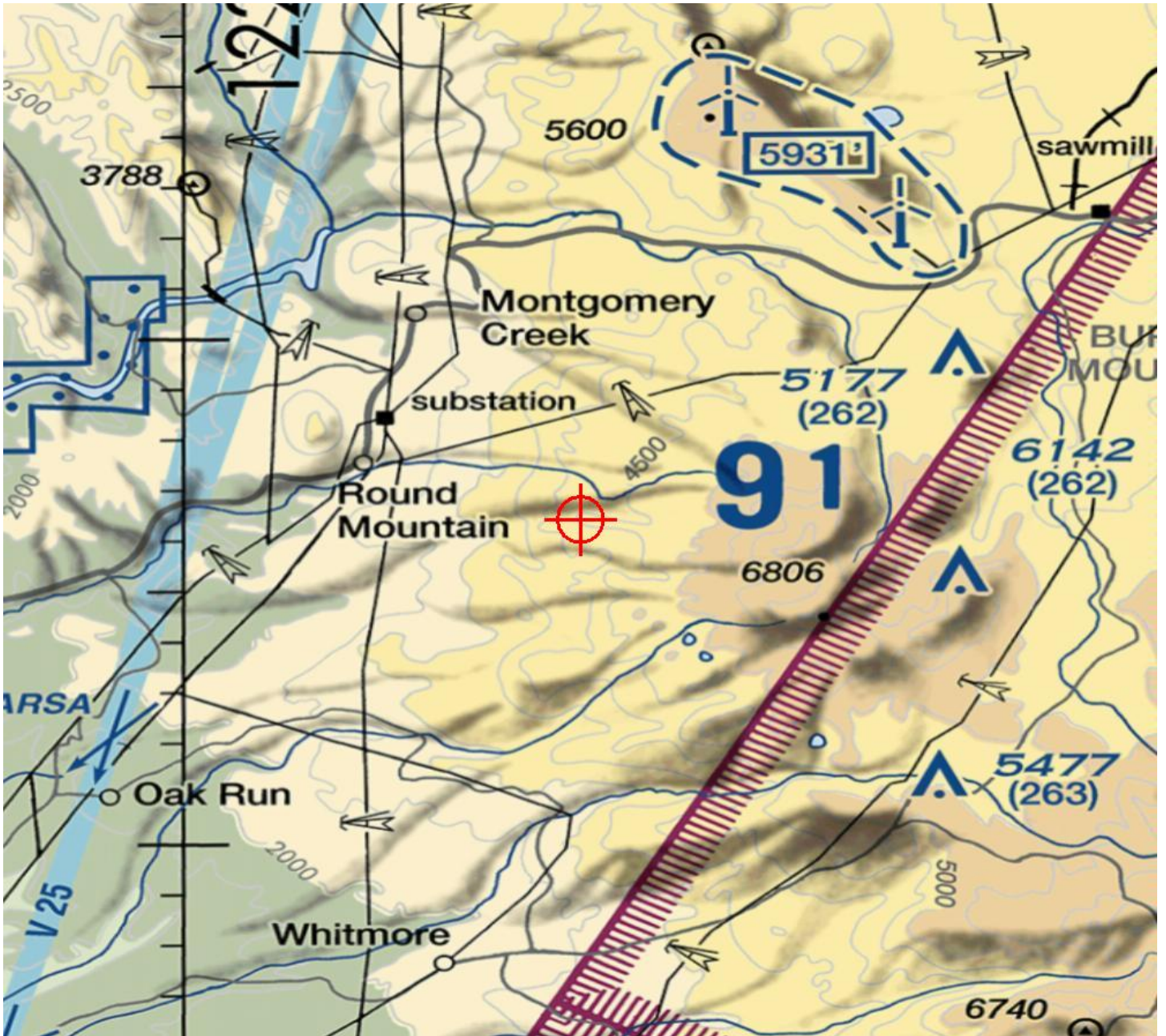
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5328-OE







Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-WTW-5329-OE

Issued Date: 07/01/2021

Parker Lewis  
CG Fountain Wind LLC  
1001 McKinney St.  
Suite 700  
Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Wind Turbine N03
Location:	Burney, CA
Latitude:	40-46-17.46N NAD 83
Longitude:	121-51-10.38W
Heights:	4580 feet site elevation (SE) 679 feet above ground level (AGL) 5259 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:



- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5329-OE.

**Signature Control No: 440833132-486755589**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5329-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
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2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

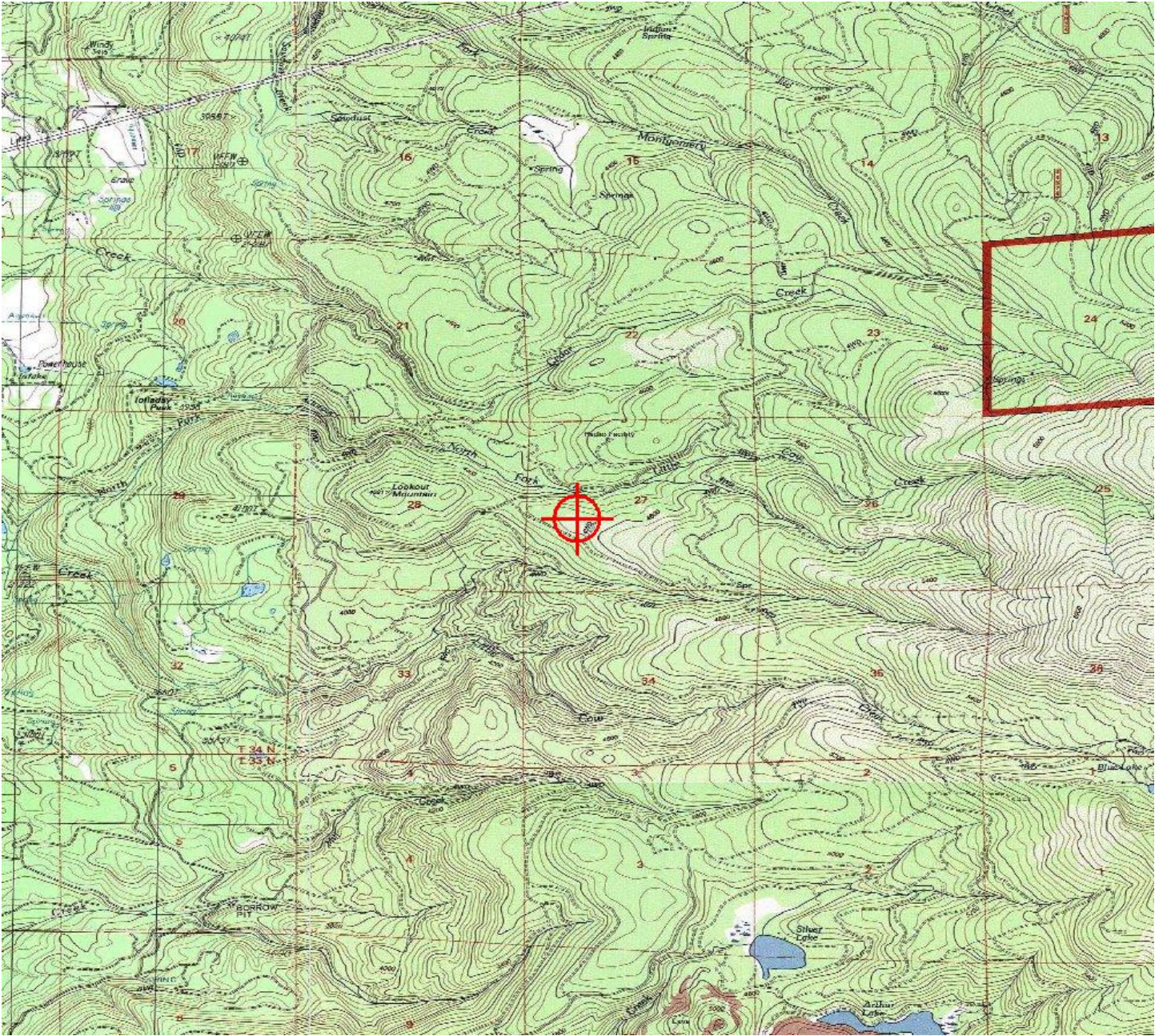
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2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

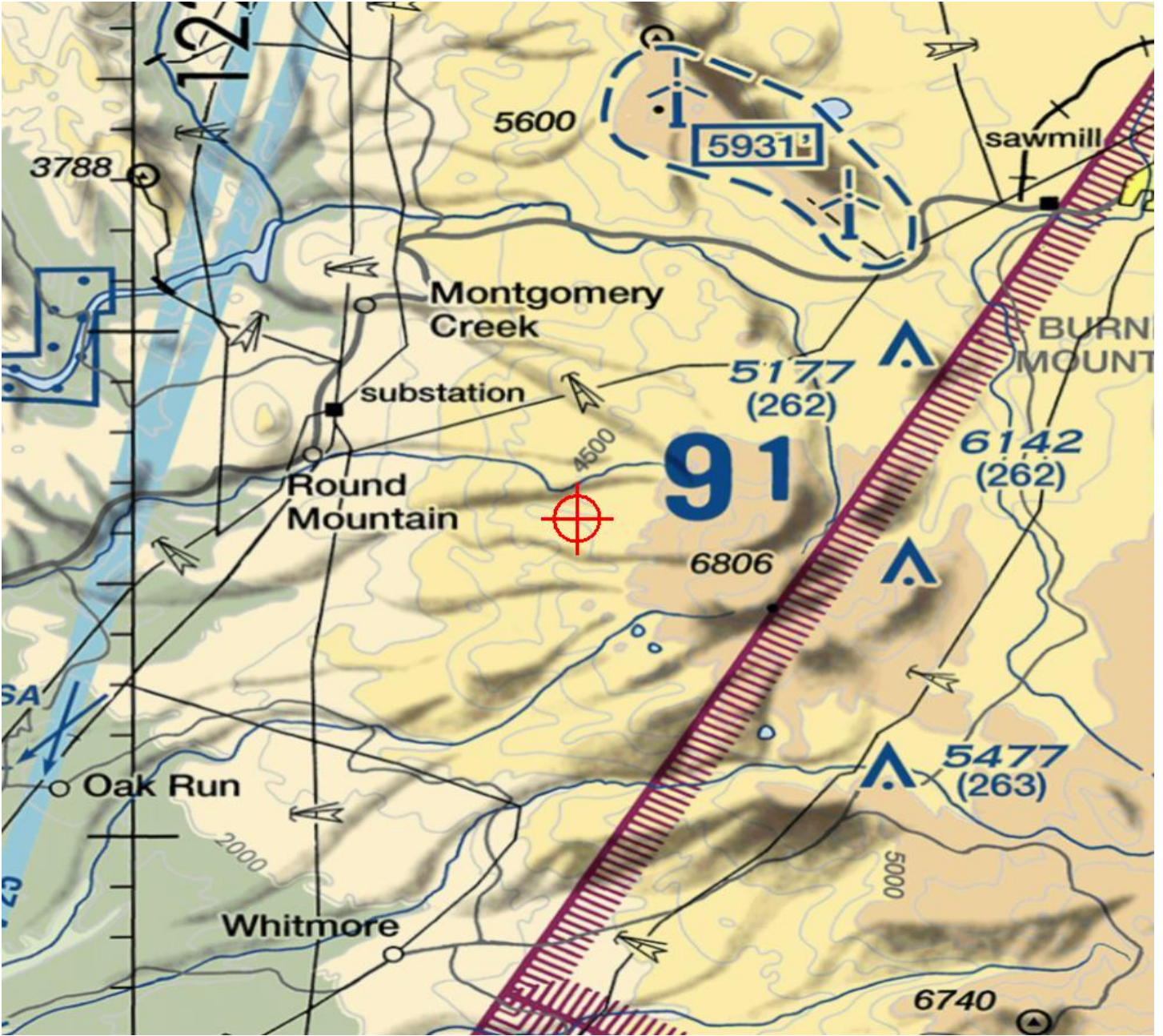
2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.



TOPO Map for ASN 2020-WTW-5329-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5330-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine N04  
 Location: Burney, CA  
 Latitude: 40-46-10.01N NAD 83  
 Longitude: 121-50-42.40W  
 Heights: 4780 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5459 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5330-OE.

**Signature Control No: 440833134-486755590**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2020-WTW-5330-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE



At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

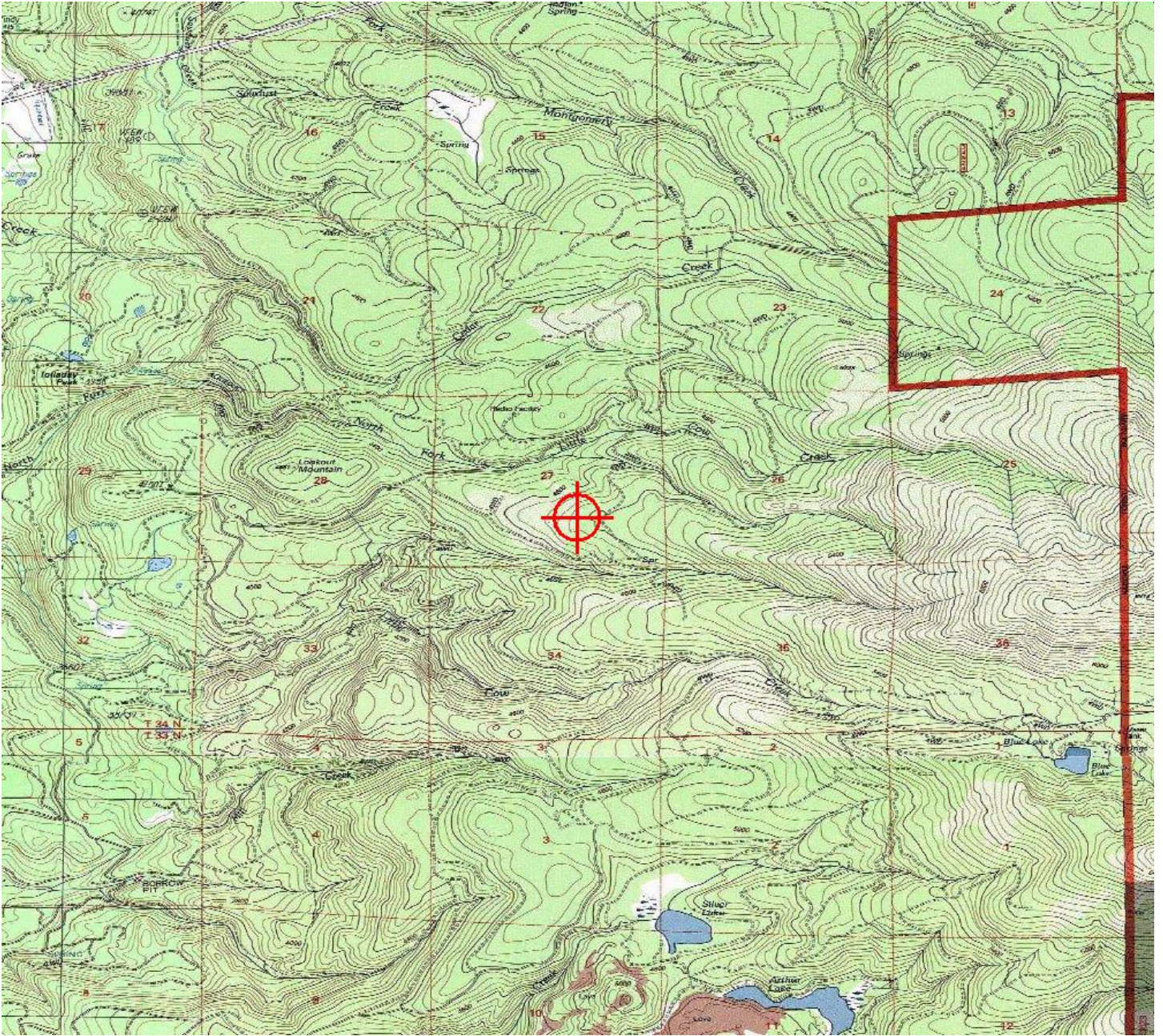
The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

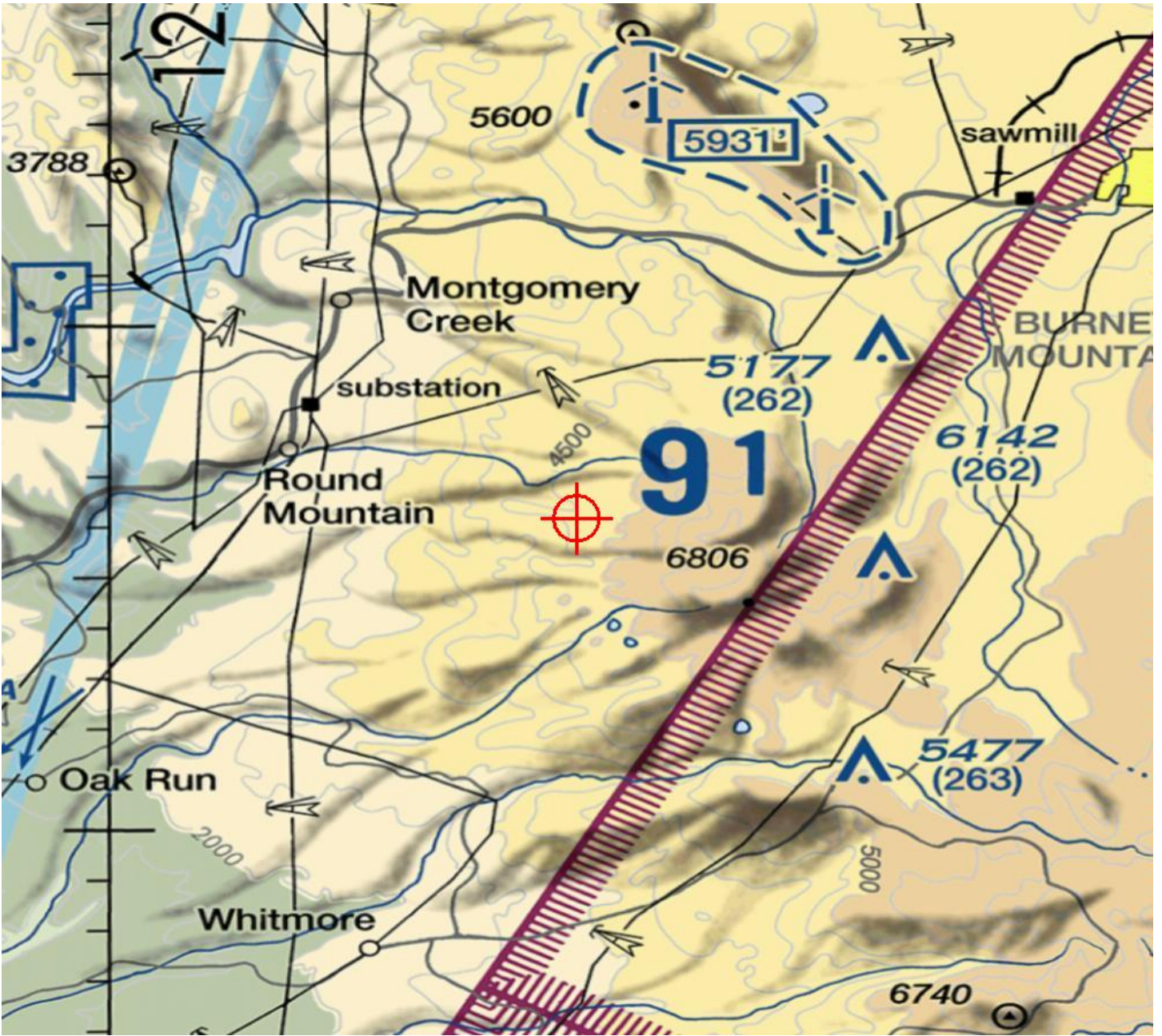
2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5330-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2020-WTW-5331-OE

Issued Date: 07/01/2021

Parker Lewis  
 CG Fountain Wind LLC  
 1001 McKinney St.  
 Suite 700  
 Houston, TX 77002

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine N05  
 Location: Burney, CA  
 Latitude: 40-46-10.02N NAD 83  
 Longitude: 121-50-10.56W  
 Heights: 4951 feet site elevation (SE)  
 679 feet above ground level (AGL)  
 5630 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 31, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 10, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be

used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Bill Ratts, at (816) 329-2544, or [William.M.Ratts@faa.gov](mailto:William.M.Ratts@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-WTW-5331-OE.

**Signature Control No: 440833139-486755592**

( DNH -WT )

Steve Phillips

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)



## Additional information for ASN 2020-WTW-5331-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

### Abbreviations

AGL - above ground level	AMSL - above mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	NM - nautical mile
ASN- Aeronautical Study Number	CAT - category aircraft	MVA- Minimum
Vectoring Altitude		
MDA - minimum descent altitude	DA - decision altitude	MIA- Minimum
IFR Altitude		
SM- Statue Miles		

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Proposed are seventy-two (72) wind turbines near Burney, CA reviewed by the FAA under Aeronautical Study Numbers (ASNs) 2020-WTW-5260-OE sequentially through 2020-WTW-5331-OE, except 2020-WTW-5272-OE (terminated). The project includes an additional proposed structure that was filed under ASN 2020-WTW-5474-OE. The closest public use airport is Falls River Mills Airport (O89), Falls River Mills, CA. The closest proposal to the airport, filed as ASN 2020-WTW-5269-OE would be located 18.83 NM southwest of the Airport Reference Point (ARP). The O89 airport elevation is 3328 feet AMSL.

For the sake of efficiency, the 72 wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative.

### 1. LOCATION OF PROPOSED CONSTRUCTION

The seventy- two wind turbines' described heights and locations are expressed Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	AGL/	AMSL	LAT/LONG
2020-WTW-5260-OE	/ 679 /	5538 /	40-53-44.11N / 121-50-40.93W /
2020-WTW-5261-OE	/ 679 /	5610 /	40-53-32.45N / 121-50-24.28W /
2020-WTW-5262-OE	/ 679 /	5587 /	40-53-23.62N / 121-50-14.66W /
2020-WTW-5263-OE	/ 679 /	5569 /	40-53-15.50N / 121-50-04.95W /
2020-WTW-5264-OE	/ 679 /	5593 /	40-53-06.02N / 121-49-53.76W /
2020-WTW-5265-OE	/ 679 /	5526 /	40-52-55.57N / 121-49-42.09W /
2020-WTW-5266-OE	/ 679 /	5446 /	40-52-46.87N / 121-49-35.37W /
2020-WTW-5267-OE	/ 679 /	5099 /	40-51-25.75N / 121-47-49.78W /
2020-WTW-5268-OE	/ 679 /	5053 /	40-51-12.61N / 121-47-18.63W /

2020-WTW-5269-OE / 679 / 5105 / 40-50-51.13N / 121-46-59.89W /  
 2020-WTW-5270-OE / 679 / 5194 / 40-50-32.31N / 121-46-49.02W /  
 2020-WTW-5271-OE / 679 / 5263 / 40-50-06.94N / 121-46-42.63W /  
 2020-WTW-5273-OE / 679 / 5184 / 40-51-01.97N / 121-49-01.21W /  
 2020-WTW-5274-OE / 679 / 5296 / 40-50-50.53N / 121-48-43.16W /  
 2020-WTW-5275-OE / 679 / 5197 / 40-50-39.05N / 121-48-33.83W /  
 2020-WTW-5276-OE / 679 / 5368 / 40-50-28.68N / 121-48-18.39W /  
 2020-WTW-5277-OE / 679 / 5417 / 40-50-18.03N / 121-48-11.98W /  
 2020-WTW-5278-OE / 679 / 5857 / 40-49-53.93N / 121-47-50.84W /  
 2020-WTW-5279-OE / 679 / 5292 / 40-49-17.95N / 121-47-30.13W /  
 2020-WTW-5280-OE / 679 / 5286 / 40-49-11.50N / 121-47-10.30W /  
  
 2020-WTW-5281-OE / 679 / 5289 / 40-48-55.92N / 121-47-01.52W /  
 2020-WTW-5282-OE / 679 / 4416 / 40-51-54.09N / 121-52-15.87W /  
 2020-WTW-5283-OE / 679 / 4568 / 40-51-38.69N / 121-51-58.64W /  
 2020-WTW-5284-OE / 679 / 4610 / 40-51-27.69N / 121-51-40.82W /  
 2020-WTW-5285-OE / 679 / 4580 / 40-50-58.12N / 121-51-52.01W /  
 2020-WTW-5286-OE / 679 / 4649 / 40-50-45.46N / 121-51-21.92W /  
 2020-WTW-5287-OE / 679 / 4882 / 40-50-04.49N / 121-51-47.80W /  
 2020-WTW-5288-OE / 679 / 4902 / 40-50-00.31N / 121-51-33.80W /  
 2020-WTW-5289-OE / 679 / 4892 / 40-49-57.92N / 121-51-20.17W /  
 2020-WTW-5290-OE / 679 / 4935 / 40-49-54.02N / 121-51-03.40W /  
  
 2020-WTW-5291-OE / 679 / 4829 / 40-49-53.11N / 121-50-44.95W /  
 2020-WTW-5292-OE / 679 / 5459 / 40-50-05.15N / 121-49-49.54W /  
 2020-WTW-5293-OE / 679 / 5302 / 40-49-45.47N / 121-49-45.42W /  
 2020-WTW-5294-OE / 679 / 5325 / 40-49-33.93N / 121-49-41.25W /  
 2020-WTW-5295-OE / 679 / 5384 / 40-49-16.67N / 121-48-34.54W /  
 2020-WTW-5296-OE / 679 / 5403 / 40-49-05.37N / 121-48-27.73W /  
 2020-WTW-5297-OE / 679 / 5335 / 40-48-40.95N / 121-48-25.04W /  
 2020-WTW-5298-OE / 679 / 5207 / 40-48-56.05N / 121-50-04.92W /  
 2020-WTW-5299-OE / 679 / 5244 / 40-48-50.84N / 121-49-49.27W /  
 2020-WTW-5300-OE / 679 / 5377 / 40-48-39.72N / 121-49-30.66W /  
  
 2020-WTW-5301-OE / 679 / 5801 / 40-47-59.69N / 121-48-48.88W /  
 2020-WTW-5302-OE / 679 / 5817 / 40-47-52.25N / 121-48-18.54W /  
 2020-WTW-5303-OE / 679 / 4944 / 40-49-01.38N / 121-51-11.92W /  
 2020-WTW-5304-OE / 679 / 5097 / 40-48-40.25N / 121-50-50.32W /  
 2020-WTW-5305-OE / 679 / 5197 / 40-48-30.86N / 121-50-39.37W /  
 2020-WTW-5306-OE / 679 / 5217 / 40-48-22.89N / 121-50-27.78W /  
 2020-WTW-5307-OE / 679 / 5249 / 40-48-12.64N / 121-50-18.85W /  
 2020-WTW-5308-OE / 679 / 5469 / 40-48-12.69N / 121-49-46.55W /  
 2020-WTW-5309-OE / 679 / 5538 / 40-48-08.05N / 121-49-33.30W /  
 2020-WTW-5310-OE / 679 / 5486 / 40-47-44.06N / 121-50-33.35W /  
  
 2020-WTW-5311-OE / 679 / 5487 / 40-47-33.46N / 121-50-27.03W /  
 2020-WTW-5312-OE / 679 / 5496 / 40-47-31.39N / 121-50-04.72W /  
 2020-WTW-5313-OE / 679 / 5587 / 40-47-16.17N / 121-49-57.60W /

2020-WTW-5314-OE / 679 / 5732 / 40-47-05.06N / 121-49-33.70W /  
2020-WTW-5315-OE / 679 / 6007 / 40-46-51.60N / 121-49-21.73W /  
2020-WTW-5316-OE / 679 / 4566 / 40-48-01.18N / 121-52-52.21W /  
2020-WTW-5317-OE / 679 / 4770 / 40-47-48.60N / 121-52-38.39W /  
2020-WTW-5318-OE / 679 / 4967 / 40-47-37.50N / 121-52-19.54W /  
2020-WTW-5319-OE / 679 / 4981 / 40-47-29.32N / 121-52-10.95W /  
2020-WTW-5320-OE / 679 / 5066 / 40-47-21.14N / 121-51-52.30W /

2020-WTW-5321-OE / 679 / 5207 / 40-46-50.54N / 121-51-23.15W /  
2020-WTW-5322-OE / 679 / 5266 / 40-47-06.45N / 121-51-03.11W /  
2020-WTW-5323-OE / 679 / 5414 / 40-46-54.89N / 121-50-35.04W /  
2020-WTW-5324-OE / 679 / 5623 / 40-46-51.23N / 121-50-03.01W /  
2020-WTW-5325-OE / 679 / 5102 / 40-46-59.67N / 121-52-20.21W /  
2020-WTW-5326-OE / 679 / 5095 / 40-46-50.17N / 121-52-10.80W /  
2020-WTW-5327-OE / 679 / 5325 / 40-46-26.07N / 121-51-48.21W /  
2020-WTW-5328-OE / 679 / 5371 / 40-46-25.08N / 121-52-08.27W /  
2020-WTW-5329-OE / 679 / 5259 / 40-46-17.46N / 121-51-10.38W /  
2020-WTW-5330-OE / 679 / 5459 / 40-46-10.01N / 121-50-42.40W /

2020-WTW-5331-OE / 679 / 5630 / 40-46-10.02N / 121-50-10.56W /  
2020-WTW-5474-OE / 679 / 5199 / 40-51-11.55N / 121-49-23.70W /

## 2. OBSTRUCTION STANDARDS EXCEEDED

The 72 proposed wind turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): exceeds a height of 499 feet AGL at the site of the object. All proposed wind turbines would exceed this surface by 180 feet.
- b. Section 77.17(a)(3): A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

2020-WTW-5328-OE

ZOA\_RBL\_MVA\_2018\_v1, Minimum Vectoring Altitude (MVA), increase ZOA sector OR333 MVA from 7200 to 7400 AMSL.

- c. Section 77.17(a)(4) -- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the IFR en route minimum obstacle clearance altitude

The following ASNs are listed with their effect:

2020-WTW-5287-OE

At 4882 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5288-OE

At 4902 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5289-OE

At 4892 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 6900 AMSL.

2020-WTW-5315-OE

At 6007 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS042 from 7900 to 8000 AMSL.

2020-WTW-5318-OE

At 4967 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5319-OE

At 4981 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7000 AMSL.

2020-WTW-5320-OE

At 5066 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5325-OE

At 5102 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_V1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5326-OE

At 5095 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7100 AMSL.

2020-WTW-5328-OE

At 5371 AMSL 4D, Oakland ARTCC (ZOA) Oakland, CA. ZOA\_TAV\_2018\_v1, Minimum IFR Altitude (MIA) increase sector OJOS040 from 6800 to 7400 AMSL.

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR or effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes: No substantial adverse effect due to an internal FAA evaluation and no objections were received from the public.

There are no effects on the VFR traffic pattern airspace

There are no effects on any airspace and routes used by the military.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: No substantial adverse effect due to an internal FAA evaluation.

c. The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

VFR Route: The FAA found that 60 out of 73 proposed wind turbines would lie within 2SM of a VFR Route. No substantial adverse effect due to internal FAA evaluation.

Radar: The FAA found that 61 out of 72 proposed wind turbines in this project would have a physical and/or electromagnetic radiation effect upon the Common Air Route Surveillance Radar (CARSR) at Red Bluff, CA, however, Air Traffic has determined this would not create a substantial adverse impact on their operations at this time.

#### 4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment under ASN 2020-WTW-5260-OE on 10 February 2021. No comments were received by 19 March 2021.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

#### 6. BASIS FOR DECISION

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposed wind turbines in in this project exceed the Part 77 Section 77.17(a)(1) obstruction standard by 180 feet, however, no substantial adverse effect was found and no issues were raised during the public comment period. At 679 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with JO 7400.2N, the proposed wind farm would not affect a significant volume of aircraft and therefore, it is determined they will not have a substantial adverse effect on en route VFR flight operations. Air Traffic Control has confirmed that the increase to the MVA and the MIA would not adversely impact their operations. There are no substantial physical or electromagnetic effects on the operation of air navigation and communications facilities and there are no effects on any airspace and routes used by the military.

#### 7. CONDITIONS

The proponent is required to file FAA form 7460-2, part 1, Notice of Actual Construction or Alteration, sixty days prior to beginning construction, at the OE/AAA website (<http://oeaaa.faa.gov>) for the following wind turbines reviewed as ASNs:

2020-WTW-5287-OE  
2020-WTW-5288-OE  
2020-WTW-5289-OE  
2020-WTW-5315-OE

2020-WTW-5318-OE  
2020-WTW-5319-OE  
2020-WTW-5320-OE  
2020-WTW-5325-OE  
2020-WTW-5326-OE  
2020-WTW-5328-OE

Additionally, within five days after each project structure reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

TOPO Map for ASN 2020-WTW-5331-OE

